

Calendar No. 543112TH CONGRESS
2^D SESSION**S. 1950****[Report No. 112-238]**

To amend title 49, United States Code, to improve commercial motor vehicle safety and reduce commercial motor vehicle-related accidents and fatalities, to authorize the Federal Motor Carrier Safety Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2011

Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, and Mr. PRYOR) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 13, 2012

Reported by Mr. ROCKEFELLER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To amend title 49, United States Code, to improve commercial motor vehicle safety and reduce commercial motor vehicle-related accidents and fatalities, to authorize the Federal Motor Carrier Safety Administration, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Commercial Motor Ve-
3 hicle Safety Enhancement Act of 2011”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definition.
- Sec. 4. References to title 49, United States Code.

TITLE I—COMMERCIAL MOTOR VEHICLE REGISTRATION

- Sec. 101. Registration of motor carriers.
- Sec. 102. Safety fitness of new operators.
- Sec. 103. Reincarnated carriers.
- Sec. 104. Financial responsibility requirements.
- Sec. 105. USDOT number registration requirement.
- Sec. 106. Registration fee system.
- Sec. 107. Registration update.
- Sec. 108. Increased penalties for operating without registration.
- Sec. 109. Revocation of registration for imminent hazard.
- Sec. 110. Revocation of registration and other penalties for failure to respond to subpoena.
- Sec. 111. Fleetwide out of service order for operating without required registration.
- Sec. 112. Motor carrier and officer patterns of safety violations.
- Sec. 113. Federal successor standard.

TITLE II—COMMERCIAL MOTOR VEHICLE SAFETY

- Sec. 201. Repeal of commercial jurisdiction exception for brokers of motor carriers of passengers.
- Sec. 202. Bus rentals and definition of employer.
- Sec. 203. Crashworthiness standards.
- Sec. 204. Canadian safety rating reciprocity.
- Sec. 205. State reporting of foreign commercial driver convictions.
- Sec. 206. Authority to disqualify foreign commercial drivers.
- Sec. 207. Revocation of foreign motor carrier operating authority for failure to pay civil penalties.

TITLE III—DRIVER SAFETY

- Sec. 301. Electronic on-board recording devices.
- Sec. 302. Safety fitness.
- Sec. 303. Driver medical qualifications.
- Sec. 304. Commercial driver’s license notification system.
- Sec. 305. Commercial motor vehicle operator training.
- Sec. 306. Commercial driver’s license program.
- Sec. 307. Commercial driver’s license requirements.
- Sec. 308. Commercial motor vehicle driver information systems.
- Sec. 309. Disqualifications based on non-commercial motor vehicle operations.

- Sec. 310. Federal driver disqualifications.
- Sec. 311. Employer responsibilities.

TITLE IV—SAFE ROADS ACT OF 2011

- Sec. 401. Short title.
- Sec. 402. National clearinghouse for controlled substance and alcohol test results of commercial motor vehicle operators.
- Sec. 403. Drug and alcohol violation sanctions.
- Sec. 404. Authorization of appropriations.

TITLE V—ENFORCEMENT

- Sec. 501. Inspection demand and display of credentials.
- Sec. 502. Out of service penalty for denial of access to records.
- Sec. 503. Penalties for violation of operation out of service orders.
- Sec. 504. Minimum prohibition on operation for unfit carriers.
- Sec. 505. Minimum out of service penalties.
- Sec. 506. Impoundment and immobilization of commercial motor vehicles for imminent hazard.
- Sec. 507. Increased penalties for evasion of regulations.
- Sec. 508. Failure to pay civil penalty as a disqualifying offense.
- Sec. 509. Violations relating to commercial motor vehicle safety regulation and operators.
- Sec. 510. Emergency disqualification for imminent hazard.
- Sec. 511. Intrastate operations of interstate motor carriers.
- Sec. 512. Enforcement of safety laws and regulations.
- Sec. 513. Disclosure to State and local law enforcement agencies.

TITLE VI—COMPLIANCE, SAFETY, ACCOUNTABILITY

- Sec. 601. Compliance, safety, accountability.
- Sec. 602. Performance and registration information systems management program.
- Sec. 603. Commercial motor vehicle defined.
- Sec. 604. Driver safety fitness ratings.
- Sec. 605. Uniform electronic clearance for commercial motor vehicle inspections.
- Sec. 606. Authorization of appropriations.
- Sec. 607. High risk carrier reviews.
- Sec. 608. Data and technology grants.
- Sec. 609. Driver safety grants.
- Sec. 610. Commercial vehicle information systems and networks.

TITLE VII—MOTORCOACH ENHANCED SAFETY ACT OF 2011

- Sec. 701. Short title.
- Sec. 702. Definitions.
- Sec. 703. Regulations for improved occupant protection, passenger evacuation, and crash avoidance.
- Sec. 704. Standards for improved fire safety.
- Sec. 705. Occupant protection, collision avoidance, fire causation, and fire extinguisher research and testing.
- Sec. 706. Motorcoach registration.
- Sec. 707. Improved oversight of motorcoach service providers.
- Sec. 708. Report on feasibility, benefits, and costs of establishing a system of certification of training programs.

- Sec. 709. Report on driver's license requirements for 9- to 15-passenger vans.
- Sec. 710. Event data recorders.
- Sec. 711. Safety inspection program for commercial motor vehicles of passengers.
- Sec. 712. Distracted driving.
- Sec. 713. Regulations.

TITLE VIII—SAFE HIGHWAYS AND INFRASTRUCTURE PRESERVATION

- Sec. 801. Comprehensive truck size and weight limits study.
- Sec. 802. Compilation of existing State truck size and weight limit laws.

TITLE IX—MISCELLANEOUS

- Sec. 901. Detention time study.
- Sec. 902. Prohibition of coercion.
- Sec. 903. Motor carrier safety advisory committee.
- Sec. 904. Waivers, exemptions, and pilot programs.
- Sec. 905. Transportation of horses.

TITLE X—HOUSEHOLD GOODS TRANSPORTATION

- Sec. 1001. Additional registration requirements for household goods motor carriers.
- Sec. 1002. Failure to give up possession of household goods.
- Sec. 1003. Settlement authority.
- Sec. 1004. Household goods transportation assistance program.
- Sec. 1005. Household goods consumer education program.

TITLE XI—TECHNICAL AMENDMENTS

- Sec. 1101. Update of obsolete text.
- Sec. 1102. Correction of interstate commerce commission references.
- Sec. 1103. Technical and conforming amendments.

1 **SEC. 3. DEFINITION.**

2 In this Act, the term “Secretary” means the Sec-
3 retary of Transportation.

4 **SEC. 4. REFERENCES TO TITLE 49, UNITED STATES CODE.**

5 Except as otherwise expressly provided, whenever in
6 this Act an amendment or repeal is expressed in terms
7 of an amendment to, or a repeal of, a section or other
8 provision, the reference shall be considered to be made to
9 a section or other provision of title 49, United States
10 Code.

1 **TITLE I—COMMERCIAL MOTOR**
 2 **VEHICLE REGISTRATION**

3 **SEC. 101. REGISTRATION OF MOTOR CARRIERS.**

4 (a) REGISTRATION REQUIREMENTS.—Section
 5 13902(a)(1) is amended to read as follows:

6 “(1) IN GENERAL.—Except as otherwise pro-
 7 vided in this section, the Secretary of Transportation
 8 may not register a person to provide transportation
 9 subject to jurisdiction under subchapter I of chapter
 10 135 as a motor carrier unless the Secretary deter-
 11 mines that the person—

12 “(A) is willing and able to comply with—

13 “(i) this part and the applicable regu-
 14 lations of the Secretary and the Board;

15 “(ii) any safety regulations imposed
 16 by the Secretary;

17 “(iii) the duties of employers and em-
 18 ployees established by the Secretary under
 19 section 31135;

20 “(iv) the safety fitness requirements
 21 established by the Secretary under section
 22 31144;

23 “(v) the accessibility requirements es-
 24 tablished by the Secretary under subpart
 25 H of part 37 of title 49, Code of Federal

1 Regulations (or successor regulations), for
2 transportation provided by an over-the-
3 road bus; and

4 “(vi) the minimum financial responsi-
5 bility requirements established by the Sec-
6 retary under sections 13906, 31138, and
7 31139;

8 “(B) has submitted a comprehensive man-
9 agement plan documenting that the person has
10 management systems in place to ensure compli-
11 ance with safety regulations imposed by the
12 Secretary;

13 “(C) has disclosed any relationship involv-
14 ing common ownership, common management,
15 common control, or common familial relation-
16 ship between that person and any other motor
17 carrier, freight forwarder, or broker, or any
18 other applicant for motor carrier, freight for-
19 warder, or broker registration, or a successor
20 (as that term is defined under section 31153),
21 if the relationship occurred in the 5-year period
22 preceding the date of the filing of the applica-
23 tion for registration; and

24 “(D) after the Secretary establishes a writ-
25 ten proficiency examination pursuant to section

1 101(b) of the Commercial Motor Vehicle Safety
2 Enhancement Act of 2011, has passed the writ-
3 ten proficiency examination.”.

4 (b) WRITTEN PROFICIENCY EXAMINATION.—

5 (1) ESTABLISHMENT.—Not later than 18
6 months after the date of enactment of this Act, the
7 Secretary shall establish a written proficiency exam-
8 ination for applicant motor carriers pursuant to sec-
9 tion 13902(a)(1)(D). The written proficiency exam-
10 ination shall test a person’s knowledge of applicable
11 safety regulations, standards, and orders of the Fed-
12 eral government and State government.

13 (2) ADDITIONAL FEE.—The Secretary may as-
14 sess a fee to cover the expenses incurred by the De-
15 partment of Transportation in—

16 (A) developing and administering the writ-
17 ten proficiency examination; and

18 (B) reviewing the comprehensive manage-
19 ment plan required under section
20 13902(a)(1)(B) of title 49, United States Code.

21 (c) CONFORMING AMENDMENT.—Section 210(b) of
22 the Motor Carrier Safety Improvement Act of 1999 (49
23 U.S.C. 31144 note) is amended—

24 (1) by inserting “, commercial regulations, and
25 provisions of subpart H of part 37 of title 49, Code

1 of Federal Regulations, or successor regulations”
 2 after “applicable safety regulations”; and

3 (2) by striking “consider the establishment of”
 4 and inserting “establish”.

5 **SEC. 102. SAFETY FITNESS OF NEW OPERATORS.**

6 (a) SAFETY REVIEWS OF NEW OPERATORS.—Section
 7 31144(g)(1) is amended to read as follows:

8 “(1) SAFETY REVIEW.—

9 “(A) IN GENERAL.—The Secretary shall
 10 require, by regulation, each owner and each op-
 11 erator granted new registration under section
 12 13902 or 31134 to undergo a safety review not
 13 later than 12 months after the owner or oper-
 14 ator, as the case may be, begins operations
 15 under such registration.

16 “(B) PROVIDERS OF MOTORCOACH SERV-
 17 ICES.—The Secretary may register a person to
 18 provide motorcoach services under section
 19 13902 or 31134 after the person undergoes a
 20 pre-authorization safety audit, including
 21 verification, in a manner sufficient to dem-
 22 onstrate the ability to comply with Federal
 23 rules and regulations, as described in section
 24 13902. The Secretary shall continue to monitor
 25 the safety performance of each owner and each

1 operator subject to this section for 12 months
 2 after the owner or operator is granted registra-
 3 tion under section 13902 or 31134. The reg-
 4 istration of each owner and each operator sub-
 5 ject to this section shall become permanent
 6 after the motorcoach service provider is granted
 7 registration following a pre-authorization safety
 8 audit and the expiration of the 12 month moni-
 9 toring period.

10 “(C) PRE-AUTHORIZATION SAFETY
 11 AUDIT.—The Secretary may require, by regula-
 12 tion, that the pre-authorization safety audit
 13 under subparagraph (B) be completed on-site
 14 not later than 90 days after the submission of
 15 an application for operating authority.”

16 (b) EFFECTIVE DATE.—The amendments made by
 17 subsection (a) shall take effect 1 year after the date of
 18 enactment of this Act.

19 **SEC. 103. REINCARNATED CARRIERS.**

20 (a) EFFECTIVE PERIODS OF REGISTRATION.—

21 (1) SUSPENSIONS, AMENDMENTS, AND REVOCATIONS.—Section 13905(d) is amended—

22 (A) by redesignating paragraph (2) as
 23 paragraph (4);
 24

1 (B) by striking paragraph (1) and insert-
2 ing the following:

3 “(1) APPLICATIONS.—On application of the
4 registrant, the Secretary may amend or revoke a
5 registration.

6 “(2) COMPLAINTS AND ACTIONS ON SEC-
7 RETARY’S OWN INITIATIVE.—On complaint or on the
8 Secretary’s own initiative and after notice and an
9 opportunity for a proceeding, the Secretary may—

10 “(A) suspend, amend, or revoke any part
11 of the registration of a motor carrier, broker, or
12 freight forwarder for willful failure to comply
13 with—

14 “(i) this part;

15 “(ii) an applicable regulation or order
16 of the Secretary or the Board, including
17 the accessibility requirements established
18 by the Secretary under subpart H of part
19 37 of title 49, Code of Federal Regulations
20 (or successor regulations), for transpor-
21 tation provided by an over-the-road bus; or

22 “(iii) a condition of its registration;

23 “(B) withhold, suspend, amend, or revoke
24 any part of the registration of a motor carrier,
25 broker, or freight forwarder for failure—

1 “(i) to pay a civil penalty imposed
2 under chapter 5, 51, 149, or 311;

3 “(ii) to arrange and abide by an ac-
4 ceptable payment plan for such civil pen-
5 alty, not later than 90 days after the date
6 specified by order of the Secretary for the
7 payment of such penalty; or

8 “(iii) for failure to obey a subpoena
9 issued by the Secretary”;

10 “(C) withhold, suspend, amend, or revoke
11 any part of a registration of a motor carrier,
12 broker, or freight forwarder following a deter-
13 mination by the Secretary that the motor car-
14 rier, broker, or freight forwarder failed to dis-
15 close, in its application for registration, a mate-
16 rial fact relevant to its willingness and ability to
17 comply with—

18 “(i) this part;

19 “(ii) an applicable regulation or order
20 of the Secretary or the Board; or

21 “(iii) a condition of its registration; or

22 “(D) withhold, suspend, amend, or revoke
23 any part of a registration of a motor carrier,
24 broker, or freight forwarder if the Secretary
25 finds that—

1 “(i) the motor carrier, broker, or
2 freight forwarder is or was related through
3 common ownership, common management,
4 common control, or common familial rela-
5 tionship to any other motor carrier, broker,
6 or freight forwarder, or any other appli-
7 cant for motor carrier, broker, or freight
8 forwarder registration that the Secretary
9 determines is or was unwilling or unable to
10 comply with the relevant requirements list-
11 ed in section 13902, 13903, or 13904; or

12 “(ii) the person is the successor, as
13 defined in section 31153, to a person who
14 is or was unwilling or unable to comply
15 with the relevant requirements of section
16 13902, 13903, or 13904.

17 “(3) LIMITATION.—Paragraph (2)(B) shall not
18 apply to a person who is unable to pay a civil pen-
19 alty because the person is a debtor in a case under
20 chapter 11 of title 11.”; and

21 (C) in paragraph (4), as redesignated by
22 section 103(a)(1)(A) of this Act, by striking
23 “paragraph (1)(B)” and inserting “paragraph
24 (2)(B)”.

1 (2) **PROCEDURE.**—Section 13905(e) is amended
 2 by inserting “or if the Secretary determines that the
 3 registrant failed to disclose a material fact in an ap-
 4 plication for registration in accordance with sub-
 5 section (d)(2)(C),” after “registrant,”.

6 (b) **INFORMATION SYSTEMS.**—Section 31106(a)(3) is
 7 amended—

8 (1) in subparagraph (F), by striking “and” at
 9 the end;

10 (2) in subparagraph (G), by striking the period
 11 at the end and inserting “; and”; and

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

13 “(H) determine whether a person or em-
 14 ployer is or was related, through common own-
 15 ership, common management, common control,
 16 or common familial relationship, to any other
 17 person, employer, or any other applicant for
 18 registration under section 13902 or 31134.”.

19 **SEC. 104. FINANCIAL RESPONSIBILITY REQUIREMENTS.**

20 (a) **REPORT.**—Not later than 6 months after the date
 21 of enactment of this Act, the Secretary shall—

22 (1) issue a report on the appropriateness of—

23 (A) the current minimum financial respon-
 24 sibility requirements under sections 31138 and
 25 31139 of title 49, United States Code; and

1 ~~(B)~~ the current bond and insurance re-
2 quirements under section ~~13904~~(d) of title 49,
3 United States Code; and

4 ~~(2)~~ submit the report under paragraph ~~(1)~~ to
5 the Committee on Commerce, Science, and Trans-
6 portation of the Senate and the Committee on
7 Transportation and Infrastructure of the House of
8 Representatives.

9 ~~(b)~~ RULEMAKING.—Not later than 6 months after
10 the publication of the report under subsection (a), the Sec-
11 retary shall initiate a rulemaking to increase the minimum
12 financial responsibility requirements under sections
13 ~~31138~~, and ~~31139~~ of title 49, United States Code and
14 to revise the bond and insurance requirements under sec-
15 tion ~~13904~~(d) of title 49, United States Code. As part of
16 the rulemaking, the Secretary shall consider—

17 ~~(1)~~ the findings of the report under subsection
18 ~~(a)~~;

19 ~~(2)~~ the appropriateness of the amount of the fi-
20 nancial responsibility to pay for each final judgment
21 against a motor carrier for bodily injury to, or death
22 of, each individual resulting from negligent oper-
23 ation, maintenance, or use of the motor vehicle, or
24 for loss or damage to property, or both; and

1 ~~(3)~~ other matters the Secretary determines ap-
 2 propriate.

3 ~~(c) DEADLINE.~~—Not later than ~~1~~ year after the start
 4 of the rulemaking under subsection (b), the Secretary
 5 shall—

6 ~~(1)~~ issue a final rule; or

7 ~~(2)~~ if the Secretary determines that a rule-
 8 making is not required following the Secretary’s
 9 analysis, submit a report stating the reason for not
 10 increasing the minimum financial responsibility re-
 11 quirements to the Committee on Commerce, Science,
 12 and Transportation of the Senate and the Com-
 13 mittee on Transportation and Infrastructure of the
 14 House of Representatives.

15 ~~(d) BIENNIAL REVIEWS.~~—Not less than once every
 16 ~~2~~ years, the Secretary shall review the requirements pre-
 17 scribed under subsection (b) and revise the requirements,
 18 as appropriate.

19 **SEC. 105. USDOT NUMBER REGISTRATION REQUIREMENT.**

20 (a) Chapter 311 is amended by inserting after section
 21 ~~31133~~ the following:

22 **“§ 31134. Requirement for registration and USDOT**
 23 **number**

24 “(a) IN GENERAL.—Upon application, and subject to
 25 subsections (b) and (c), the Secretary shall register an em-

1 ployer or person subject to the safety jurisdiction of this
2 subchapter. An employer or person may operate a com-
3 mercial motor vehicle in interstate commerce only if the
4 employer or person is registered by the Secretary under
5 this section and receives a USDOT number. Nothing in
6 this section shall preclude registration by the Secretary
7 of an employer or person not engaged in interstate com-
8 merce. An employer or person subject to jurisdiction under
9 subchapter I of chapter 135 of this title shall apply for
10 commercial registration under section 13902 of this title.

11 “(b) WITHHOLDING REGISTRATION.—The Secretary
12 may withhold registration under subsection (a), after no-
13 tice and an opportunity for a proceeding, if the Secretary
14 determines that—

15 “(1) the employer or person seeking registra-
16 tion is unwilling or unable to comply with the re-
17 quirements of this subchapter and the regulations
18 prescribed thereunder and chapter 51 and the regu-
19 lations prescribed thereunder;

20 “(2) the employer or person is or was related
21 through common ownership, common management,
22 common control, or common familial relationship to
23 any other person or applicant for registration sub-
24 ject to this subchapter who is or was unfit, unwill-

1 ing; or unable to comply with the requirements listed
2 in subsection (b)(1); or

3 “(3) the person is the successor, as defined in
4 section 31153, to a person who is or was unfit, un-
5 willing; or unable to comply with the requirements
6 listed in subsection (b)(1).

7 “(c) REVOCATION OR SUSPENSION OF REGISTRA-
8 TION.—The Secretary shall revoke the registration of an
9 employer or person under subsection (a) after notice and
10 an opportunity for a proceeding; or suspend the registra-
11 tion after giving notice of the suspension to the employer
12 or person, if the Secretary determines that—

13 “(1) the employer’s or person’s authority to op-
14 erate pursuant to chapter 139 of this title would be
15 subject to revocation or suspension under sections
16 13905(d)(1) or 13905(f) of this title;

17 “(2) the employer or person is or was related
18 through common ownership; common management;
19 common control; or common familial relationship to
20 any other person or applicant for registration sub-
21 ject to this subchapter that the Secretary determines
22 is or was unfit, unwilling; or unable to comply with
23 the requirements listed in subsection (b)(1);

24 “(3) the person is the successor, as defined in
25 section 31153, to a person the Secretary determines

1 is or was unfit, unwilling, or unable to comply with
 2 the requirements listed in subsection (b)(1); or

3 “(4) the employer or person failed or refused to
 4 submit to the safety review required by section
 5 31144(g) of this title.

6 “(d) PERIODIC REGISTRATION UPDATE.—The Sec-
 7 retary may require an employer to update a registration
 8 under this section periodically or not later than 30 days
 9 after a change in the employer’s address, other contact
 10 information, officers, process agent, or other essential in-
 11 formation, as determined by the Secretary.”

12 (b) CONFORMING AMENDMENT.—The analysis of
 13 chapter 311 is amended by inserting after the item relat-
 14 ing to section 31133 the following:

“31134. Requirement for registration and USDOT number.”

15 **SEC. 106. REGISTRATION FEE SYSTEM.**

16 Section 13908(d)(1) is amended by striking “but
 17 shall not exceed \$300”.

18 **SEC. 107. REGISTRATION UPDATE.**

19 (a) PERIODIC MOTOR CARRIER UPDATE.—Section
 20 13902 is amended by adding at the end the following:

21 “(h) UPDATE OF REGISTRATION.—The Secretary
 22 may require a registrant to update its registration under
 23 this section periodically or not later than 30 days after
 24 a change in the registrant’s address, other contact infor-

1 mation, officers, process agent, or other essential informa-
 2 tion, as determined by the Secretary.”.

3 (b) PERIODIC FREIGHT FORWARDER UPDATE.—Sec-
 4 tion 13903 is amended by adding at the end the following:

5 “(e) UPDATE OF REGISTRATION.—The Secretary
 6 may require a freight forwarder to update its registration
 7 under this section periodically or not later than 30 days
 8 after a change in the freight forwarder’s address, other
 9 contact information, officers, process agent, or other es-
 10 sential information, as determined by the Secretary.”.

11 (c) PERIODIC BROKER UPDATE.—Section 13904 is
 12 amended by adding at the end the following:

13 “(e) UPDATE OF REGISTRATION.—The Secretary
 14 may require a broker to update its registration under this
 15 section periodically or not later than 30 days after a
 16 change in the broker’s address, other contact information,
 17 officers, process agent, or other essential information, as
 18 determined by the Secretary.”.

19 **SEC. 108. INCREASED PENALTIES FOR OPERATING WITH-**
 20 **OUT REGISTRATION.**

21 (a) PENALTIES.—Section 14901(a) is amended—

22 (1) by striking “\$500” and inserting “\$1,000”;

23 (2) by striking “who is not registered under
 24 this part to provide transportation of passengers,”;

1 (1) by striking subsection (b) and inserting the
2 following:

3 “(b) NONCOMPLIANCE.—

4 “(1) MOTOR CARRIERS.—Two or more motor
5 carriers, employers, or persons shall not use common
6 ownership, common management, common control,
7 or common familial relationship to enable any or all
8 such motor carriers, employers, or persons to avoid
9 compliance, or mask or otherwise conceal non-com-
10 pliance, or a history of non-compliance, with regula-
11 tions prescribed under this subchapter or an order
12 of the Secretary issued under this subchapter.

13 “(2) PATTERN.—If the Secretary finds that a
14 motor carrier, employer, or person engaged in a pat-
15 tern or practice of avoiding compliance, or masking
16 or otherwise concealing noncompliance, with regula-
17 tions prescribed under this subchapter, the Sec-
18 retary—

19 “(A) may withhold, suspend, amend, or re-
20 voke any part of the motor carrier’s, employ-
21 er’s, or person’s registration in accordance with
22 section 13905 or 31134; and

23 “(B) shall take into account such non-com-
24 pliance for purposes of determining civil penalty
25 amounts under section 521(b)(2)(D).

1 “(3) OFFICERS.—If the Secretary finds, after
2 notice and an opportunity for proceeding, that an of-
3 ficer of a motor carrier, employer, or owner or oper-
4 ator engaged in a pattern or practice of violating
5 regulations prescribed under this subchapter, or as-
6 sisted a motor carrier, employer, or owner or oper-
7 ator in avoiding compliance, or masking or otherwise
8 concealing noncompliance, the Secretary may impose
9 appropriate sanctions, subject to the limitations in
10 paragraph (4), including—

11 “(A) suspension or revocation of registra-
12 tion granted to the officer individually under
13 section 13902 or 31134;

14 “(B) temporary or permanent suspension
15 or bar from association with any motor carrier,
16 employer, or owner or operator registered under
17 section 13902 or 31134; or

18 “(C) any appropriate sanction approved by
19 the Secretary.

20 “(4) LIMITATIONS.—The sanctions described in
21 subparagraphs (A) through (C) of subsection (b)(3)
22 shall apply to—

23 “(A) intentional or knowing conduct, in-
24 cluding reckless conduct that violates applicable
25 laws (including regulations); and

1 “(B) repeated instances of negligent con-
2 duct that violates applicable laws (including
3 regulations).”;

4 (2) by striking subsection (c) and inserting the
5 following:

6 “(c) AVOIDING COMPLIANCE.—For purposes of this
7 section, ‘avoiding compliance’ or ‘masking or otherwise
8 concealing noncompliance’ includes serving as an officer
9 or otherwise exercising controlling influence over 2 or
10 more motor carriers where—

11 “(1) one of the carriers was placed out of serv-
12 ice, or received notice from the Secretary that it will
13 be placed out of service, following—

14 “(A) a determination of unfitness under
15 section 31144(b);

16 “(B) a suspension or revocation of reg-
17 istration under section 13902, 13905, or
18 31144(g);

19 “(C) issuance of an imminent hazard out
20 of service order under section 521(b)(5) or sec-
21 tion 5121(d); or

22 “(D) notice of failure to pay a civil penalty
23 or abide by a penalty payment plan; and

24 “(2) one or more of the carriers is the ‘suc-
25 cessor,’ as that term is defined in section 31153, to

1 the carrier that is the subject of the action in para-
 2 graph (1).”.

3 **SEC. 113. FEDERAL SUCCESSOR STANDARD.**

4 (a) IN GENERAL.—Chapter 311 is amended by add-
 5 ing after section 31152, as added by section 508 of this
 6 Act, the following:

7 **“§ 31153. Federal successor standard**

8 “(a) FEDERAL SUCCESSOR STANDARD.—Notwith-
 9 standing any other provision of Federal or State law, the
 10 Secretary may take an action authorized under chapters
 11 5, 51, 131 through 149, subchapter III of chapter 311
 12 (except sections 31138 and 31139), or sections 31302,
 13 31303, 31304, 31305(b), 31310(g)(1)(A), or 31502 of
 14 this title, or a regulation issued under any of those provi-
 15 sions, against a successor of a motor carrier (as defined
 16 in section 13102), a successor of an employer (as defined
 17 in section 31132), or a successor of an owner or operator
 18 (as that term is used in subchapter III of chapter 311),
 19 to the same extent and on the same basis as the Secretary
 20 may take the action against the motor carrier, employer,
 21 or owner or operator.

22 “(b) SUCCESSOR DEFINED.—For purposes of this
 23 section, the term ‘successor’ means a motor carrier, em-
 24 ployer, or owner or operator that the Secretary deter-
 25 mines, after notice and an opportunity for a proceeding;

1 has ~~1~~ or more features that correspond closely with the
2 features of another existing or former motor carrier, em-
3 ployer, or owner or operator, such as—

4 ~~“(1) consideration paid for assets purchased or~~
5 ~~transferred;~~

6 ~~“(2) dates of corporate creation and dissolution~~
7 ~~or termination of operations;~~

8 ~~“(3) commonality of ownership;~~

9 ~~“(4) commonality of officers and management~~
10 ~~personnel and their functions;~~

11 ~~“(5) commonality of drivers and other employ-~~
12 ~~ees;~~

13 ~~“(6) identity of physical or mailing addresses,~~
14 ~~telephone, fax numbers, or e-mail addresses;~~

15 ~~“(7) identity of motor vehicle equipment;~~

16 ~~“(8) continuity of liability insurance policies;~~

17 ~~“(9) commonality of coverage under liability in-~~
18 ~~surance policies;~~

19 ~~“(10) continuation of carrier facilities and other~~
20 ~~physical assets;~~

21 ~~“(11) continuity of the nature and scope of op-~~
22 ~~erations, including customers;~~

23 ~~“(12) commonality of the nature and scope of~~
24 ~~operations, including customers;~~

1 “(13) advertising, corporate name, or other acts
2 through which the motor carrier, employer, or owner
3 or operator holds itself out to the public;

4 “(14) history of safety violations and pending
5 orders or enforcement actions of the Secretary; and

6 “(15) additional factors that the Secretary con-
7 siders appropriate.

8 “(e) EFFECTIVE DATE.—Notwithstanding any other
9 provision of law, this section shall apply to any action com-
10 menced on or after the date of enactment of the Commer-
11 cial Motor Vehicle Safety Enhancement Act of 2011 with-
12 out regard to whether the violation that is the subject of
13 the action, or the conduct that caused the violation, oc-
14 curred before the date of enactment.

15 “(d) RIGHTS NOT AFFECTED.—Nothing in this sec-
16 tion shall affect the rights, functions, or responsibilities
17 under law of any other Department, Agency, or instru-
18 mentality of the United States, the laws of any State, or
19 any rights between a private party and a motor carrier,
20 employer, or owner or operator.”.

21 (b) CONFORMING AMENDMENT.—The analysis of
22 chapter 311 is amended by inserting after the item related
23 to section 31152, as added by section 508 of this Act, the
24 following:

“31153. Federal successor standard.”.

1 **TITLE II—COMMERCIAL MOTOR**
 2 **VEHICLE SAFETY**

3 **SEC. 201. REPEAL OF COMMERCIAL JURISDICTION EXCEP-**
 4 **TION FOR BROKERS OF MOTOR CARRIERS OF**
 5 **PASSENGERS.**

6 (a) IN GENERAL.—Section 13506(a) is amended—

7 (1) by inserting “or” at the end of paragraph
 8 (13);

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

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

12 (b) CONFORMING AMENDMENT.—Section 13904(a)
 13 is amended by striking “of property” in the first sentence.

14 **SEC. 202. BUS RENTALS AND DEFINITION OF EMPLOYER.**

15 Paragraph (3) of section 31132 is amended to read
 16 as follows:

17 “(3) ‘employer’—

18 “(A) means a person engaged in a business
 19 affecting interstate commerce that—

20 “(i) owns or leases a commercial
 21 motor vehicle in connection with that busi-
 22 ness, or assigns an employee to operate the
 23 commercial motor vehicle; or

24 “(ii) offers for rent or lease a motor
 25 vehicle designed or used to transport more

1 than 8 passengers, including the driver,
2 and from the same location or as part of
3 the same business provides names or con-
4 tact information of drivers, or holds itself
5 out to the public as a charter bus com-
6 pany; but

7 “(B) does not include the Government, a
8 State, or a political subdivision of a State.”.

9 **SEC. 203. CRASHWORTHINESS STANDARDS.**

10 (a) **IN GENERAL.**—Not later than 18 months after
11 the date of enactment of this Act, the Secretary shall con-
12 duct a comprehensive analysis on the need for crash-
13 worthiness standards on property-carrying commercial
14 motor vehicles with a gross vehicle weight rating or gross
15 vehicle weight of at least 26,001 pounds involved in inter-
16 state commerce, including an evaluation of the need for
17 roof strength, pillar strength, air bags, and frontal and
18 back wall standards.

19 (b) **REPORT.**—Not later than 90 days after com-
20 pleting the comprehensive analysis under subsection (a),
21 the Secretary shall report the results of the analysis and
22 any recommendations to the Committee on Commerce,
23 Science, and Transportation of the Senate and the Com-
24 mittee on Transportation and Infrastructure of the House
25 of Representatives.

1 **SEC. 204. CANADIAN SAFETY RATING RECIPROcity.**

2 Section 31144 is amended by adding at the end the
3 following:

4 “(h) RECOGNITION OF CANADIAN MOTOR CARRIER
5 SAFETY FITNESS DETERMINATIONS.—

6 “(1) If an authorized agency of the Canadian
7 federal government or a Canadian Territorial or
8 Provincial government determines, by applying the
9 procedure and standards prescribed by the Secretary
10 under subsection (b) or pursuant to an agreement
11 under paragraph (2), that a Canadian employer is
12 unfit and prohibits the employer from operating a
13 commercial motor vehicle in Canada or any Cana-
14 dian Province, the Secretary may prohibit the em-
15 ployer from operating such vehicle in interstate and
16 foreign commerce until the authorized Canadian
17 agency determines that the employer is fit.

18 “(2) The Secretary may consult and participate
19 in negotiations with authorized officials of the Cana-
20 dian federal government or a Canadian Territorial
21 or Provincial government, as necessary, to provide
22 reciprocal recognition of each country’s motor ear-
23 nier safety fitness determinations. An agreement
24 shall provide, to the maximum extent practicable,
25 that each country will follow the procedure and
26 standards prescribed by the Secretary under sub-

1 section (b) in making motor carrier safety fitness de-
 2 terminations.”.

3 **SEC. 205. STATE REPORTING OF FOREIGN COMMERCIAL**
 4 **DRIVER CONVICTIONS.**

5 (a) DEFINITION OF FOREIGN COMMERCIAL DRIV-
 6 ER.—Section 31301 is amended—

7 (1) by redesignating paragraphs (10) through
 8 (14) as paragraphs (11) through (15), respectively;
 9 and

10 (2) by inserting after paragraph (9) the fol-
 11 lowing:

12 “(10) ‘foreign commercial driver’ means an in-
 13 dividual licensed to operate a commercial motor ve-
 14 hicle by an authority outside the United States, or
 15 a citizen of a foreign country who operates a com-
 16 mercial motor vehicle in the United States.”.

17 (b) STATE REPORTING OF CONVICTIONS.—Section
 18 31311(a) is amended by adding after paragraph (21) the
 19 following:

20 “(22) The State shall report a conviction of a
 21 foreign commercial driver by that State to the Fed-
 22 eral Convictions and Withdrawal Database, or an-
 23 other information system designated by the Sec-
 24 retary to record the convictions. A report shall in-
 25 clude—

1 “(A) for a driver holding a foreign com-
2 mercial driver’s license—

3 “(i) each conviction relating to the op-
4 eration of a commercial motor vehicle; and

5 “(ii) a non-commercial motor vehicle;
6 and

7 “(B) for an unlicensed driver or a driver
8 holding a foreign non-commercial driver’s li-
9 cense; each conviction for operating a commer-
10 cial motor vehicle.”.

11 **SEC. 206. AUTHORITY TO DISQUALIFY FOREIGN COMMER-**
12 **CIAL DRIVERS.**

13 Section 31310 is amended by adding at the end the
14 following:

15 “(k) FOREIGN COMMERCIAL DRIVERS.—A foreign
16 commercial driver shall be subject to disqualification
17 under this section.”.

18 **SEC. 207. REVOCATION OF FOREIGN MOTOR CARRIER OP-**
19 **ERATING AUTHORITY FOR FAILURE TO PAY**
20 **CIVIL PENALTIES.**

21 Section 13905(d)(1) is amended by inserting “foreign
22 motor carrier, foreign motor private carrier,” after “reg-
23 istration of a motor carrier,” each place it appears.

1 **TITLE III—DRIVER SAFETY**

2 **SEC. 301. ELECTRONIC ON-BOARD RECORDING DEVICES.**

3 (a) GENERAL AUTHORITY.—Section 31137 is amend-
4 ed—

5 (1) by amending the section heading to read as
6 follows:

7 **“§ 31137. Electronic on-board recording devices and**
8 **brake maintenance regulations”;**

9 (2) by redesignating subsection (b) as sub-
10 section (e); and

11 (3) by amending (a) to read as follows:

12 “(a) ELECTRONIC ON-BOARD RECORDING DE-
13 VICES.—Not later than 1 year after the date of enactment
14 of the Commercial Motor Vehicle Safety Enhancement Act
15 of 2011, the Secretary of Transportation shall prescribe
16 regulations—

17 “(1) requiring a commercial motor vehicle in-
18 volved in interstate commerce and operated by a
19 driver subject to the hours of service and the record
20 of duty status requirements under part 395 of title
21 49, Code of Federal Regulations, be equipped with
22 an electronic on-board recording device to improve
23 compliance by an operator of a vehicle with hours of
24 service regulations prescribed by the Secretary; and

1 “(2) ensuring that an electronic on-board re-
2 cording device is not used to harass a vehicle oper-
3 ator.

4 “(b) ELECTRONIC ON-BOARD RECORDING DEVICE
5 REQUIREMENTS.—

6 “(1) IN GENERAL.—The regulations prescribed
7 under subsection (a) shall—

8 “(A) require an electronic on-board record-
9 ing device—

10 “(i) to accurately record commercial
11 driver hours of service;

12 “(ii) to record the location of a com-
13 mercial motor vehicle;

14 “(iii) to be tamper resistant; and

15 “(iv) to be integrally synchronized
16 with an engine’s control module;

17 “(B) allow law enforcement to access the
18 data contained in the device during a roadside
19 inspection; and

20 “(C) apply to a commercial motor vehicle
21 beginning on the date that is 2 years after the
22 date that the regulations are published as a
23 final rule.

1 “(2) PERFORMANCE AND DESIGN STAND-
2 ARDS.—The regulations prescribed under subsection
3 (a) shall establish performance standards—

4 “(A) defining a standardized user interface
5 to aid vehicle operator compliance and law en-
6 forcement review;

7 “(B) establishing a secure process for
8 standardized—

9 “(i) and unique vehicle operator iden-
10 tification;

11 “(ii) data access;

12 “(iii) data transfer for vehicle opera-
13 tors between motor vehicles;

14 “(iv) data storage for a motor carrier;

15 and

16 “(v) data transfer and transportability
17 for law enforcement officials;

18 “(C) establishing a standard security level
19 for an electronic on-board recording device and
20 related components to be tamper resistant by
21 using a methodology endorsed by a nationally
22 recognized standards organization; and

23 “(D) identifying each driver subject to the
24 hours of service and record of duty status re-

1 requirements under part 395 of title 49, Code of
2 Federal Regulations.

3 “(e) CERTIFICATION CRITERIA.—

4 “(1) IN GENERAL.—The regulations prescribed
5 by the Secretary under this section shall establish
6 the criteria and a process for the certification of an
7 electronic on-board recording device to ensure that
8 the device meets the performance requirements
9 under this section.

10 “(2) EFFECT OF NONCERTIFICATION.—An elec-
11 tronic on-board recording device that is not certified
12 in accordance with the certification process referred
13 to in paragraph (1) shall not be acceptable evidence
14 of hours of service and record of duty status require-
15 ments under part 395 of title 49, Code of Federal
16 Regulations.

17 “(d) ELECTRONIC ON-BOARD RECORDING DEVICE
18 DEFINED.—In this section, the term ‘electronic on-board
19 recording device’ means an electronic device that—

20 “(1) is capable of recording a driver’s hours of
21 service and duty status accurately and automatically;
22 and

23 “(2) meets the requirements established by the
24 Secretary through regulation.”.

1 (b) CIVIL PENALTIES.—Section 30165(a)(1) is
 2 amended by striking “or 30141 through 30147” and in-
 3 serting “30141 through 30147, or 31137”.

4 (c) CONFORMING AMENDMENT.—The analysis for
 5 chapter 311 is amended by striking the item relating to
 6 section 31137 and inserting the following:

“31137. Electronic on-board recording devices and brake maintenance regula-
 tions.”.

7 **SEC. 302. SAFETY FITNESS.**

8 (a) SAFETY FITNESS RATING METHODOLOGY.—The
 9 Secretary shall—

10 (1) incorporate into its Compliance, Safety, Ac-
 11 countability program a safety fitness rating method-
 12 ology that assigns sufficient weight to adverse vehi-
 13 cle and driver performance based data that elevate
 14 crash risks to warrant an unsatisfactory rating for
 15 a carrier; and

16 (2) ensure that the data to support such assess-
 17 ments is accurate.

18 (b) INTERIM MEASURES.—Not later than March 31,
 19 2011, the Secretary shall take interim measures to imple-
 20 ment a similar safety fitness rating methodology in its cur-
 21 rent safety rating system if the Compliance, Safety, Ac-
 22 countability program is not fully implemented.

1 **SEC. 303. DRIVER MEDICAL QUALIFICATIONS.**

2 (a) DEADLINE FOR ESTABLISHMENT OF NATIONAL
 3 REGISTRY OF MEDICAL EXAMINERS.—Not later than 1
 4 year after the date of enactment of this Act, the Secretary
 5 shall establish a national registry of medical examiners in
 6 accordance with section 31149(d)(1) of title 49, United
 7 States Code.

8 (b) EXAMINATION REQUIREMENT FOR NATIONAL
 9 REGISTRY OF MEDICAL EXAMINERS.—Section
 10 31149(e)(1)(D) is amended to read as follows:

11 “(D) not later than 1 year after enactment
 12 of the Commercial Motor Vehicle Safety En-
 13 hancement Act of 2011, develop requirements
 14 for a medical examiner to be listed in the na-
 15 tional registry under this section, including—

16 “(i) the completion of specific courses
 17 and materials;

18 “(ii) certification, including self-cer-
 19 tification, if the Secretary determines that
 20 self-certification is necessary for sufficient
 21 participation in the national registry, to
 22 verify that a medical examiner completed
 23 specific training, including refresher
 24 courses, that the Secretary determines nec-
 25 essary to be listed in the national registry;

1 “(iii) an examination that requires a
2 passing grade; and

3 “(iv) demonstration of a medical ex-
4 aminer’s willingness to meet the reporting
5 requirements established by the Sec-
6 retary.”.

7 (c) **ADDITIONAL OVERSIGHT OF LICENSING AU-**
8 **THORITIES.—**

9 (1) **IN GENERAL.—**Section 31149(c)(1) is
10 amended—

11 (A) in subparagraph (E), by striking
12 “and” after the semicolon;

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

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

16 “(G) annually review the implementation
17 of commercial driver’s license requirements by
18 not fewer than 10 States to assess the accu-
19 racy, validity, and timeliness of—

20 “(i) the submission of physical exam-
21 ination reports and medical certificates to
22 State licensing agencies; and

23 “(ii) the processing of the submissions
24 by State licensing agencies.”.

25 (2) **INTERNAL OVERSIGHT POLICY.—**

1 (A) IN GENERAL.—Not later than 2 years
 2 after the date of enactment of this Act, the Sec-
 3 retary shall establish an oversight policy and
 4 procedure to carry out section 31149(e)(1)(G)
 5 of title 49, United States Code, as added by
 6 section 303(e)(1) of this Act.

7 (B) EFFECTIVE DATE.—The amendments
 8 made by section 303(e)(1) of this Act shall take
 9 effect on the date the oversight policies and
 10 procedures are established pursuant to subpara-
 11 graph (A).

12 (d) ELECTRONIC FILING OF MEDICAL EXAMINATION
 13 CERTIFICATES.—Section 31311(a), as amended by sec-
 14 tions 205(b) and 306(b) of this Act, is amended by adding
 15 at the end the following:

16 “(24) Not later than 1 year after the date of
 17 enactment of the Commercial Motor Vehicle Safety
 18 Enhancement Act of 2011, the State shall establish
 19 and maintain, as part of its driver information sys-
 20 tem, the capability to receive an electronic copy of
 21 a medical examiner’s certificate, from a certified
 22 medical examiner, for each holder of a commercial
 23 driver’s license issued by the State who operates or
 24 intends to operate in interstate commerce.”.

25 (e) FUNDING.—

1 (1) **AUTHORIZATION OF APPROPRIATIONS.**—Of
 2 the funds provided for Data and Technology Grants
 3 under section 31104(a) of title 49, United States
 4 Code, there are authorized to be appropriated from
 5 the Highway Trust Fund (other than the Mass
 6 Transit Account) for the Secretary to make grants
 7 to States or an organization representing agencies
 8 and officials of the States to support development
 9 costs of the information technology needed to carry
 10 out section 31311(a)(24) of title 49, United States
 11 Code, up to \$1 million for fiscal year 2012 and up
 12 to \$1 million for fiscal year 2013.

13 (2) **PERIOD OF AVAILABILITY.**—The amounts
 14 made available under this subsection shall remain
 15 available until expended.

16 **SEC. 304. COMMERCIAL DRIVER'S LICENSE NOTIFICATION**
 17 **SYSTEM.**

18 (a) **IN GENERAL.**—Section 31304 is amended—

19 (1) by striking “An employer” and inserting the
 20 following:

21 “(a) **IN GENERAL.**—An employer”; and

22 (2) by adding at the end the following:

23 “(b) **DRIVER VIOLATION RECORDS.**—

1 “(1) PERIODIC REVIEW.—Except as provided in
2 paragraph (3), an employer shall ascertain the driv-
3 ing record of each driver it employs—

4 “(A) by making an inquiry at least once
5 every 12 months to the appropriate State agen-
6 ey in which the driver held or holds a commer-
7 cial driver’s license or permit during such time
8 period;

9 “(B) by receiving occurrence-based reports
10 of changes in the status of a driver’s record
11 from 1 or more driver record notification sys-
12 tems that meet minimum standards issued by
13 the Secretary; or

14 “(C) by a combination of inquiries to
15 States and reports from driver record notifica-
16 tion systems.

17 “(2) RECORD KEEPING.—A copy of the reports
18 received under paragraph (1) shall be maintained in
19 the driver’s qualification file.

20 “(3) EXCEPTIONS TO RECORD REVIEW RE-
21 QUIREMENT.—Paragraph (1) shall not apply to a
22 driver employed by an employer who, in any 7-day
23 period, is employed or used as a driver by more than
24 1 employer—

1 “(A) if the employer obtains the driver’s
2 identification number, type, and issuing State
3 of the driver’s commercial motor vehicle license;
4 or

5 “(B) if the information described in sub-
6 paragraph (A) is furnished by another employer
7 and the employer that regularly employs the
8 driver meets the other requirements under this
9 section.

10 “(4) DRIVER RECORD NOTIFICATION SYSTEM
11 DEFINED.—In this section, the term ‘driver record
12 notification system’ means a system that automati-
13 cally furnishes an employer with a report, generated
14 by the appropriate agency of a State, on the change
15 in the status of an employee’s driver’s license due to
16 a conviction for a moving violation, a failure to ap-
17 pear, an accident, driver’s license suspension, driv-
18 er’s license revocation, or any other action taken
19 against the driving privilege.”.

20 (b) STANDARDS FOR DRIVER RECORD NOTIFICATION
21 SYSTEMS.—Not later than 1 year after the date of enact-
22 ment of this Act, the Secretary shall issue minimum
23 standards for driver notification systems, including stand-
24 ards for the accuracy, consistency, and completeness of the
25 information provided.

1 (c) PLAN FOR NATIONAL NOTIFICATION SYSTEM.—

2 (1) DEVELOPMENT.—Not later than 2 years
3 after the date of enactment of this Act, the Sec-
4 retary shall develop recommendations and a plan for
5 the development and implementation of a national
6 driver record notification system, including—

7 (A) an assessment of the merits of achiev-
8 ing a national system by expanding the Com-
9 mercial Driver's License Information System;
10 and

11 (B) an estimate of the fees that an em-
12 ployer will be charged to offset the operating
13 costs of the national system.

14 (2) SUBMISSION TO CONGRESS.—Not later than
15 90 days after the recommendations and plan are de-
16 veloped under paragraph (1), the Secretary shall
17 submit a report on the recommendations and plan to
18 the Committee on Commerce, Science, and Trans-
19 portation of the Senate and the Committee on
20 Transportation and Infrastructure of the House of
21 Representatives.

22 **SEC. 305. COMMERCIAL MOTOR VEHICLE OPERATOR**
23 **TRAINING.**

24 (a) IN GENERAL.—Section 31305 is amended by
25 adding at the end the following:

1 “(c) STANDARDS FOR TRAINING.—Not later than 6
2 months after the date of enactment of the Commercial
3 Motor Vehicle Safety Enhancement Act of 2011, the Sec-
4 retary shall issue final regulations establishing minimum
5 entry-level training requirements for an individual oper-
6 ating a commercial motor vehicle—

7 “(1) addressing the knowledge and skills that—

8 “(A) are necessary for an individual oper-
9 ating a commercial motor vehicle to safely oper-
10 ate a commercial motor vehicle; and

11 “(B) must be acquired before obtaining a
12 commercial driver’s license for the first time or
13 upgrading from one class of commercial driver’s
14 license to another class;

15 “(2) addressing the specific training needs of a
16 commercial motor vehicle operator seeking passenger
17 or hazardous materials endorsements, including for
18 an operator seeking a passenger endorsement train-
19 ing—

20 “(A) to suppress motorcoach fires; and

21 “(B) to evacuate passengers from
22 motorcoaches safely;

23 “(3) requiring effective instruction to acquire
24 the knowledge, skills, and training referred to in

1 paragraphs (1) and (2); including classroom and be-
2 hind-the-wheel instruction;

3 “(4) requiring certification that an individual
4 operating a commercial motor vehicle meets the re-
5 quirements established by the Secretary; and

6 “(5) requiring a training provider (including a
7 public or private driving school, motor carrier, or
8 owner or operator of a commercial motor vehicle)
9 that offers training that results in the issuance of a
10 certification to an individual under paragraph (4) to
11 demonstrate that the training meets the require-
12 ments of the regulations, through a process estab-
13 lished by the Secretary.”

14 (b) COMMERCIAL DRIVER’S LICENSE UNIFORM
15 STANDARDS.—Section 31308(1) is amended to read as
16 follows:

17 “(1) an individual issued a commercial driver’s
18 license—

19 “(A) pass written and driving tests for the
20 operation of a commercial motor vehicle that
21 comply with the minimum standards prescribed
22 by the Secretary under section 31305(a); and

23 “(B) present certification of completion of
24 driver training that meets the requirements es-

1 established by the Secretary under section
2 31305(e);”.

3 (c) CONFORMING AMENDMENT.—The section head-
4 ing for section 31305 is amended to read as follows:

5 **“§ 31305. General driver fitness, testing, and train-**
6 **ing”.**

7 (d) CONFORMING AMENDMENT.—The analysis for
8 chapter 313 is amended by striking the item relating to
9 section 31305 and inserting the following:

 “31305. General driver fitness, testing, and training.”.

10 **SEC. 306. COMMERCIAL DRIVER’S LICENSE PROGRAM.**

11 (a) IN GENERAL.—Section 31309 is amended—

12 (1) in subsection (e)(4), by amending subpara-
13 graph (A) to read as follows:

14 “(A) IN GENERAL.—The plan shall speci-
15 fy—

16 “(i) a date by which all States shall
17 be operating commercial driver’s license in-
18 formation systems that are compatible with
19 the modernized information system under
20 this section; and

21 “(ii) that States must use the systems
22 to receive and submit conviction and dis-
23 qualification data.”; and

24 (2) in subsection (f), by striking “use” and in-
25 serting “use, subject to section 31313(a);”.

1 (b) REQUIREMENTS FOR STATE PARTICIPATION.—

2 Section 31311 is amended—

3 (1) in subsection (a), as amended by section
4 205(b) of this Act—

5 (A) in paragraph (5), by striking “At
6 least” and all that follows through “regula-
7 tion),” and inserting: “Not later than the time
8 period prescribed by the Secretary by regula-
9 tion,”; and

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

11 “(23) Not later than 1 year after the date of
12 enactment of the Commercial Motor Vehicle Safety
13 Enhancement Act of 2011, the State shall imple-
14 ment a system and practices for the exclusive elec-
15 tronic exchange of driver history record information
16 on the system the Secretary maintains under section
17 31309, including the posting of convictions, with-
18 draws, and disqualifications.”; and

19 (2) by adding at the end the following:

20 “(d) CRITICAL REQUIREMENTS.—

21 “(1) IDENTIFICATION OF CRITICAL REQUIRE-
22 MENTS.—After reviewing the requirements under
23 subsection (a), including the regulations issued pur-
24 suant to subsection (a) and section 31309(e)(4), the
25 Secretary shall identify the requirements that are

1 critical to an effective State commercial driver's li-
2 cense program.

3 “(2) GUIDANCE.—Not later than 180 days
4 after the date of enactment of the Commercial
5 Motor Vehicle Safety Enhancement Act of 2011, the
6 Secretary shall issue guidance to assist States in
7 complying with the critical requirements identified
8 under paragraph (1). The guidance shall include a
9 description of the actions that each State must take
10 to collect and share accurate and complete data in
11 a timely manner.

12 “(e) STATE COMMERCIAL DRIVER'S LICENSE PRO-
13 GRAM PLAN.—

14 “(1) IN GENERAL.—Not later than 180 days
15 after the Secretary issues guidance under subsection
16 (d)(2), a State shall submit a plan to the Secretary
17 for complying with the requirements under this sec-
18 tion during the period beginning on the date the
19 plan is submitted and ending on September 30,
20 2016.

21 “(2) CONTENTS.—A plan submitted by a State
22 under paragraph (1) shall identify—

23 “(A) the actions that the State will take to
24 comply with the critical requirements identified
25 under subsection (d)(1);

1 “(B) the actions that the State will take to
2 address any deficiencies in the State’s commer-
3 cial driver’s license program, as identified by
4 the Secretary in the most recent audit of the
5 program; and

6 “(C) other actions that the State will take
7 to comply with the requirements under sub-
8 section (a).

9 “(3) PRIORITY.—

10 “(A) IMPLEMENTATION SCHEDULE.—A
11 plan submitted by a State under paragraph (1)
12 shall include a schedule for the implementation
13 of the actions identified under paragraph (2).
14 In establishing the schedule, the State shall
15 prioritize the actions identified under para-
16 graphs (2)(A) and (2)(B).

17 “(B) DEADLINE FOR COMPLIANCE WITH
18 CRITICAL REQUIREMENTS.—A plan submitted
19 by a State under paragraph (1) shall include
20 assurances that the State will take the nec-
21 essary actions to comply with the critical re-
22 quirements pursuant to subsection (d) not later
23 than September 30, 2015.

24 “(4) APPROVAL AND DISAPPROVAL.—The Sec-
25 retary shall—

1 “(A) review each plan submitted under
2 paragraph (1);

3 “(B) approve a plan that the Secretary de-
4 termines meets the requirements under this
5 subsection and promotes the goals of this chap-
6 ter; and

7 “(C) disapprove a plan that the Secretary
8 determines does not meet the requirements or
9 does not promote the goals.

10 “(5) MODIFICATION OF DISAPPROVED PLANS.—

11 If the Secretary disapproves a plan under paragraph
12 (4)(C), the Secretary shall—

13 “(A) provide a written explanation of the
14 disapproval to the State; and

15 “(B) allow the State to modify the plan
16 and resubmit it for approval.

17 “(6) PLAN UPDATES.—The Secretary may re-
18 quire a State to review and update a plan, as appro-
19 priate.

20 “(f) ANNUAL COMPARISON OF STATE LEVELS OF
21 COMPLIANCE.—The Secretary shall annually—

22 “(1) compare the relative levels of compliance
23 by States with the requirements under subsection
24 (a); and

1 “(2) make the results of the comparison avail-
2 able to the public.”.

3 (c) DECERTIFICATION AUTHORITY.—Section 31312
4 is amended—

5 (1) by redesignating subsections (b) and (c) as
6 subsections (c) and (d), respectively; and

7 (2) by inserting after subsection (a) the fol-
8 lowing:

9 “(b) DEADLINE FOR COMPLIANCE WITH CRITICAL
10 REQUIREMENTS.—Beginning on October 1, 2016, in mak-
11 ing a determination under subsection (a), the Secretary
12 shall consider a State to be in substantial noncompliance
13 with this chapter if the Secretary determines that—

14 “(1) the State is not complying with a critical
15 requirement under section 31311(d)(1); and

16 “(2) sufficient grant funding was made avail-
17 able to the State under section 31313(a) to comply
18 with the requirement.”.

19 **SEC. 307. COMMERCIAL DRIVER’S LICENSE REQUIRE-**
20 **MENTS.**

21 (a) LICENSING STANDARDS.—Section 31305(a)(7) is
22 amended by inserting “would not be subject to a disquali-
23 fication under section 31310(g) of this title and” after
24 “taking the tests”.

1 (b) DISQUALIFICATIONS.—Section 31310(g)(1) is
 2 amended by deleting “who holds a commercial driver’s li-
 3 cense and”.

4 **SEC. 308. COMMERCIAL MOTOR VEHICLE DRIVER INFOR-**
 5 **MATION SYSTEMS.**

6 Section 31106(e) is amended—

7 (1) by striking the subsection heading and in-
 8 serting “(1) IN GENERAL.—”;

9 (2) by redesignating paragraphs (1) through
 10 (4) as subparagraphs (A) through (D); and

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

12 “(2) ACCESS TO RECORDS.—The Secretary may
 13 require a State, as a condition of an award of grant
 14 money under this section, to provide the Secretary
 15 access to all State licensing status and driver history
 16 records via an electronic information system, subject
 17 to section 2721 of title 18.”

18 **SEC. 309. DISQUALIFICATIONS BASED ON NON-COMMER-**
 19 **CIAL MOTOR VEHICLE OPERATIONS.**

20 (a) FIRST OFFENSE.—Section 31310(b)(1)(D) is
 21 amended by deleting “commercial” after “revoked, sus-
 22 pended, or canceled based on the individual’s operation of
 23 a,” and before “motor vehicle”.

24 (b) SECOND OFFENSE.—Section 31310(c)(1)(D) is
 25 amended by deleting “commercial” after “revoked, sus-

1 pended, or canceled based on the individual's operation of
 2 a," and before "motor vehicle".

3 **SEC. 310. FEDERAL DRIVER DISQUALIFICATIONS.**

4 (a) **DISQUALIFICATION DEFINED.**—Section 31301,
 5 as amended by section 205 of this Act, is amended—

6 (1) by redesignating paragraphs (6) through
 7 (15) as paragraphs (7) through (16), respectively;
 8 and

9 (2) by inserting after paragraph (5) the fol-
 10 lowing:

11 “(6) ‘Disqualification’ means—

12 “(A) the suspension, revocation, or can-
 13 cellation of a commercial driver's license by the
 14 State of issuance;

15 “(B) a withdrawal of an individual's privi-
 16 lege to drive a commercial motor vehicle by a
 17 State or other jurisdiction as the result of a vio-
 18 lation of State or local law relating to motor ve-
 19 hicle traffic control, except for a parking, vehi-
 20 cle weight, or vehicle defect violation;

21 “(C) a determination by the Secretary that
 22 an individual is not qualified to operate a com-
 23 mercial motor vehicle; or

1 “(D) a determination by the Secretary that
2 a commercial motor vehicle driver is unfit under
3 section 31144(g).”.

4 (b) **COMMERCIAL DRIVER’S LICENSE INFORMATION**
5 **SYSTEM CONTENTS.**—Section 31309(b)(1)(F) is amended
6 by inserting after “disqualified” the following: “by the
7 State that issued the individual a commercial driver’s li-
8 cense, or by the Secretary,”.

9 (c) **STATE ACTION ON FEDERAL DISQUALIFICA-**
10 **TION.**—Section 31310(h) is amended by inserting after
11 the first sentence the following:

12 “If the State has not disqualified the individual from
13 operating a commercial vehicle under subsections (b)
14 through (g), the State shall disqualify the individual if the
15 Secretary determines under 31144(g) that the individual
16 is disqualified from operating a commercial motor vehi-
17 cle.”.

18 **SEC. 311. EMPLOYER RESPONSIBILITIES.**

19 Section 31304, as amended by section 304 of this
20 Act, is amended in subsection (a)—

21 (1) by striking “knowingly”; and

22 (2) by striking “in which” and inserting “that
23 the employer knows or should reasonably know
24 that”.

1 **TITLE IV—SAFE ROADS ACT OF**
 2 **2011**

3 **SEC. 401. SHORT TITLE.**

4 This title may be cited as the “Safe Roads Act of
 5 2011”.

6 **SEC. 402. NATIONAL CLEARINGHOUSE FOR CONTROLLED**
 7 **SUBSTANCE AND ALCOHOL TEST RESULTS OF**
 8 **COMMERCIAL MOTOR VEHICLE OPERATORS.**

9 (a) IN GENERAL.—Chapter 313 is amended—

10 (1) in section 31306(a), by inserting “and sec-
 11 tion 31306a” after “this section”; and

12 (2) by inserting after section 31306 the fol-
 13 lowing:

14 **“§ 31306a. National clearinghouse for controlled sub-**
 15 **stance and alcohol test results of com-**
 16 **mercial motor vehicle operators**

17 **“(a) ESTABLISHMENT.—**

18 **“(1) IN GENERAL.—**Not later than 2 years
 19 after the date of enactment of the Safe Roads Act
 20 of 2011, the Secretary of Transportation shall estab-
 21 lish a national clearinghouse for records relating to
 22 alcohol and controlled substances testing of commer-
 23 cial motor vehicle operators.

24 **“(2) PURPOSES.—**The purposes of the clearing-
 25 house shall be—

1 “(A) to improve compliance with the De-
2 partment of Transportation’s alcohol and con-
3 trolled substances testing program applicable to
4 commercial motor vehicle operators;

5 “(B) to facilitate access to information
6 about an individual before employing the indi-
7 vidual as a commercial motor vehicle operator;

8 “(C) to enhance the safety of our United
9 States roadways by reducing accident fatalities
10 involving commercial motor vehicles; and

11 “(D) to reduce the number of impaired
12 commercial motor vehicle operators.

13 “(3) CONTENTS.—The clearinghouse shall func-
14 tion as a repository for records relating to the posi-
15 tive test results and test refusals of commercial
16 motor vehicle operators and violations by such oper-
17 ators of prohibitions set forth in subpart B of part
18 382 of title 49, Code of Federal Regulations (or any
19 subsequent corresponding regulations).

20 “(4) ELECTRONIC EXCHANGE OF RECORDS.—
21 The Secretary shall ensure that records can be elec-
22 tronically submitted to, and requested from, the
23 clearinghouse by authorized users.

24 “(5) AUTHORIZED OPERATOR.—The Secretary
25 may authorize a qualified and experienced private

1 entity to operate and maintain the clearinghouse and
2 to collect fees on behalf of the Secretary under sub-
3 section (e). The entity shall establish, operate, main-
4 tain and expand the clearinghouse and permit access
5 to driver information and records from the clearing-
6 house in accordance with this section.

7 “(b) DESIGN OF CLEARINGHOUSE.—

8 “(1) USE OF FEDERAL MOTOR CARRIER SAFETY
9 ADMINISTRATION RECOMMENDATIONS.—In estab-
10 lishing the clearinghouse, the Secretary shall con-
11 sider—

12 “(A) the findings and recommendations
13 contained in the Federal Motor Carrier Safety
14 Administration’s March 2004 report to Con-
15 gress required under section 226 of the Motor
16 Carrier Safety Improvement Act of 1999 (49
17 U.S.C. 31306 note); and

18 “(B) the findings and recommendations
19 contained in the Government Accountability Of-
20 fice’s May 2008 report to Congress entitled
21 ‘Motor Carrier Safety: Improvements to Drug
22 Testing Programs Could Better Identify Illegal
23 Drug Users and Keep Them off the Road.’

1 “(2) DEVELOPMENT OF SECURE PROCESSES.—

2 In establishing the clearinghouse, the Secretary shall
3 develop a secure process for—

4 “(A) administering and managing the
5 clearinghouse in compliance with applicable
6 Federal security standards;

7 “(B) registering and authenticating au-
8 thorized users of the clearinghouse;

9 “(C) registering and authenticating per-
10 sons required to report to the clearinghouse
11 under subsection (g);

12 “(D) preventing the unauthorized access of
13 information from the clearinghouse;

14 “(E) storing and transmitting data;

15 “(F) persons required to report to the
16 clearinghouse under subsection (g) to timely
17 and accurately submit electronic data to the
18 clearinghouse;

19 “(G) generating timely and accurate re-
20 ports from the clearinghouse in response to re-
21 quests for information by authorized users; and

22 “(H) updating an individual’s record upon
23 completion of the return-to-duty process de-
24 scribed in title 49, Code of Federal Regulations.

1 “(3) EMPLOYER ALERT OF POSITIVE TEST RE-
2 SULT.—In establishing the clearinghouse, the Sec-
3 retary shall develop a secure method for electroni-
4 cally notifying an employer of each additional posi-
5 tive test result or other noncompliance—

6 “(A) for an employee, that is entered into
7 the clearinghouse during the 7-day period im-
8 mediately following an employer’s inquiry about
9 the employee; and

10 “(B) for an employee who is listed as hav-
11 ing multiple employers.

12 “(4) ARCHIVE CAPABILITY.—In establishing the
13 clearinghouse, the Secretary shall develop a process
14 for archiving all clearinghouse records, including the
15 depositing of personal records, records relating to
16 each individual in the database, and access requests
17 for personal records, for the purposes of—

18 “(A) auditing and evaluating the timeli-
19 ness, accuracy, and completeness of data in the
20 clearinghouse; and

21 “(B) auditing to monitor compliance and
22 enforce penalties for noncompliance.

23 “(5) FUTURE NEEDS.—

1 “(A) INTEROPERABILITY WITH OTHER
2 DATA SYSTEMS.—In establishing the clearing-
3 house, the Secretary shall consider—

4 “(i) the existing data systems con-
5 taining regulatory and safety data for com-
6 mercial motor vehicle operators;

7 “(ii) the efficacy of using or com-
8 bining clearinghouse data with 1 or more
9 of such systems; and

10 “(iii) the potential interoperability of
11 the clearinghouse with such systems.

12 “(B) SPECIFIC CONSIDERATIONS.—In ear-
13 rying out subparagraph (A), the Secretary shall
14 determine—

15 “(i) the clearinghouse’s capability for
16 interoperability with—

17 “(I) the National Driver Register
18 established under section 30302;

19 “(II) the Commercial Driver’s Li-
20 cense Information System established
21 under section 31309;

22 “(III) the Motor Carrier Manage-
23 ment Information System for pre-
24 employment screening services under
25 section 31150; and

1 “(IV) other data systems, as ap-
2 propriate; and

3 “(ii) any change to the administration
4 of the current testing program, such as
5 forms, that is necessary to collect data for
6 the clearinghouse.

7 “(c) STANDARD FORMATS.—The Secretary shall de-
8 velop standard formats to be used—

9 “(1) by an authorized user of the clearinghouse
10 to—

11 “(A) request a record from the clearing-
12 house; and

13 “(B) obtain the consent of an individual
14 who is the subject of a request from the clear-
15 inghouse, if applicable; and

16 “(2) to notify an individual that a positive alco-
17 hol or controlled substances test result, refusing to
18 test, and a violation of any of the prohibitions under
19 subpart B of part 382 of title 49, Code of Federal
20 Regulations (or any subsequent corresponding regu-
21 lations), will be reported to the clearinghouse.

22 “(d) PRIVACY.—A release of information from the
23 clearinghouse shall—

1 “(1) comply with applicable Federal privacy
2 laws, including the fair information practices under
3 the Privacy Act of 1974 (5 U.S.C. 552a);

4 “(2) comply with applicable sections of the Fair
5 Credit Reporting Act (15 U.S.C. 1681 et seq.); and

6 “(3) not be made to any person or entity unless
7 expressly authorized or required by law.

8 “(e) FEES.—

9 “(1) AUTHORITY TO COLLECT FEES.—Except
10 as provided under paragraph (3), the Secretary may
11 collect a reasonable, customary, and nominal fee
12 from an authorized user of the clearinghouse for a
13 request for information from the clearinghouse.

14 “(2) USE OF FEES.—Fees collected under this
15 subsection shall be used for the operation and main-
16 tenance of the clearinghouse.

17 “(3) LIMITATION.—The Secretary may not col-
18 lect a fee from an individual requesting information
19 from the clearinghouse that pertains to the record of
20 that individual.

21 “(f) EMPLOYER REQUIREMENTS.—

22 “(1) DETERMINATION CONCERNING USE OF
23 CLEARINGHOUSE.—The Secretary shall determine if
24 an employer is authorized to use the clearinghouse
25 to meet the alcohol and controlled substances testing

1 requirements under title 49, Code of Federal Regu-
2 lations.

3 ~~“(2) APPLICABILITY OF EXISTING REQUIRE-~~
4 ~~MENTS.—~~Each employer and service agent shall
5 comply with the alcohol and controlled substances
6 testing requirements under title 49, Code of Federal
7 Regulations.

8 ~~“(3) EMPLOYMENT PROHIBITIONS.—~~Beginning
9 30 days after the date that the clearinghouse is es-
10 tablished under subsection (a), an employer shall not
11 hire an individual to operate a commercial motor ve-
12 hicle unless the employer determines that the indi-
13 vidual, during the preceding 3-year period—

14 ~~“(A) if tested for the use of alcohol and~~
15 ~~controlled substances, as required under title~~
16 ~~49, Code of Federal Regulations—~~

17 ~~“(i) did not test positive for the use of~~
18 ~~alcohol or controlled substances in violation~~
19 ~~of the regulations; or~~

20 ~~“(ii) tested positive for the use of al-~~
21 ~~cohol or controlled substances and com-~~
22 ~~pleted the required return-to-duty process~~
23 ~~under title 49, Code of Federal Regula-~~
24 ~~tions;~~

1 “(B)(i) did not refuse to take an alcohol or
2 controlled substance test under title 49, Code of
3 Federal Regulations; or

4 “(ii) refused to take an alcohol or con-
5 trolled substance test and completed the
6 required return-to-duty process under title
7 49, Code of Federal Regulations; and

8 “(C) did not violate any other provision of
9 subpart B of part 382 of title 49, Code of Fed-
10 eral Regulations (or any subsequent cor-
11 responding regulations).

12 “(4) ANNUAL REVIEW.—Beginning 30 days
13 after the date that the clearinghouse is established
14 under subsection (a), an employer shall request and
15 review a commercial motor vehicle operator’s record
16 from the clearinghouse annually for as long as the
17 commercial motor vehicle operator is under the em-
18 ploy of the employer.

19 “(g) REPORTING OF RECORDS.—

20 “(1) IN GENERAL.—Beginning 30 days after
21 the date that the clearinghouse is established under
22 subsection (a), a medical review officer, employer,
23 service agent, and other appropriate person, as de-
24 termined by the Secretary, shall promptly submit to

1 the Secretary, if in possession of, the record of an
2 individual who—

3 “(A) refuses to take an alcohol or con-
4 trolled substances test required under title 49,
5 Code of Federal Regulations;

6 “(B) tests positive for alcohol or a con-
7 trolled substance in violation of the regulations;
8 or

9 “(C) violates any other provision of sub-
10 part B of part 382 of title 49, Code of Federal
11 Regulations (or any subsequent corresponding
12 regulations).

13 “(2) INCLUSION OF RECORDS IN CLEARING-
14 HOUSE.—The Secretary shall include in the clearing-
15 house the records of positive test results and test re-
16 fusals received under paragraph (1).

17 “(3) MODIFICATIONS AND DELETIONS.—If the
18 Secretary determines that a record contained in the
19 clearinghouse is not accurate, the Secretary shall
20 modify or delete the record, as appropriate.

21 “(4) NOTIFICATION.—The Secretary shall expe-
22 ditiously notify an individual, unless such notifica-
23 tion would be duplicative, when—

24 “(A) a record relating to the individual is
25 received by the clearinghouse;

1 “(B) a record in the clearinghouse relating
2 to the individual is modified or deleted, and in-
3 clude in the notification the reason for the
4 modification or deletion; or

5 “(C) a record in the clearinghouse relating
6 to the individual is released to an employer and
7 specify the reason for the release.

8 “(5) DATA QUALITY AND SECURITY STANDARDS
9 FOR REPORTING AND RELEASING.—The Secretary
10 may establish additional requirements, as appro-
11 priate, to ensure that—

12 “(A) the submission of records to the
13 clearinghouse is timely and accurate;

14 “(B) the release of data from the clearing-
15 house is timely, accurate, and released to the
16 appropriate authorized user under this section;
17 and

18 “(C) an individual with a record in the
19 clearinghouse has a cause of action for any in-
20 appropriate use of information included in the
21 clearinghouse.

22 “(6) RETENTION OF RECORDS.—The Secretary
23 shall—

1 “(A) retain a record submitted to the
2 clearinghouse for a 5-year period beginning on
3 the date the record is submitted;

4 “(B) remove the record from the clearing-
5 house at the end of the 5-year period; unless
6 the individual fails to meet a return-to-duty or
7 follow-up requirement under title 49, Code of
8 Federal Regulations; and

9 “(C) retain a record after the end of the
10 5-year period in a separate location for
11 archiving and auditing purposes.

12 ~~“(h) AUTHORIZED USERS.—~~

13 ~~“(1) EMPLOYERS.—The Secretary shall estab-~~
14 ~~lish a process for an employer to request and receive~~
15 ~~an individual’s record from the clearinghouse.~~

16 ~~“(A) CONSENT.—An employer may not ac-~~
17 ~~cess an individual’s record from the clearing-~~
18 ~~house unless the employer—~~

19 ~~“(i) obtains the prior written or elec-~~
20 ~~tronic consent of the individual for access~~
21 ~~to the record; and~~

22 ~~“(ii) submits proof of the individual’s~~
23 ~~consent to the Secretary.~~

24 ~~“(B) ACCESS TO RECORDS.—After receiv-~~
25 ~~ing a request from an employer for an individ-~~

1 ual's record under subparagraph (A), the Sec-
2 retary shall grant access to the individual's
3 record to the employer as expeditiously as prac-
4 ticable.

5 “(C) RETENTION OF RECORD RE-
6 QUESTS.—The Secretary shall require an em-
7 ployer to retain for a 3-year period—

8 “(i) a record of each request made by
9 the employer for records from the clearing-
10 house; and

11 “(ii) the information received pursu-
12 ant to the request.

13 “(D) USE OF RECORDS.—An employer
14 may use an individual's record received from
15 the clearinghouse only to assess and evaluate
16 the qualifications of the individual to operate a
17 commercial motor vehicle for the employer.

18 “(E) PROTECTION OF PRIVACY OF INDI-
19 VIDUALS.—An employer that receives an indi-
20 vidual's record from the clearinghouse under
21 subparagraph (B) shall—

22 “(i) protect the privacy of the indi-
23 vidual and the confidentiality of the record;
24 and

1 “(ii) ensure that information con-
2 tained in the record is not divulged to a
3 person or entity that is not directly in-
4 volved in assessing and evaluating the
5 qualifications of the individual to operate a
6 commercial motor vehicle for the employer.

7 “(2) STATE LICENSING AUTHORITIES.—The
8 Secretary shall establish a process for the chief com-
9 mercial driver’s licensing official of a State to re-
10 quest and receive an individual’s record from the
11 clearinghouse if the individual is applying for a com-
12 mercial driver’s license from the State.

13 “(A) CONSENT.—The Secretary may grant
14 access to an individual’s record in the clearing-
15 house under this paragraph without the prior
16 written or electronic consent of the individual.
17 An individual who holds a commercial driver’s
18 license shall be deemed to consent to such ac-
19 cess by obtaining a commercial driver’s license.

20 “(B) PROTECTION OF PRIVACY OF INDI-
21 VIDUALS.—A chief commercial driver’s licensing
22 official of a State that receives an individual’s
23 record from the clearinghouse under this para-
24 graph shall—

1 “(i) protect the privacy of the indi-
2 vidual and the confidentiality of the record;
3 and

4 “(ii) ensure that the information in
5 the record is not divulged to any person
6 that is not directly involved in assessing
7 and evaluating the qualifications of the in-
8 dividual to operate a commercial motor ve-
9 hicle.

10 “(3) NATIONAL TRANSPORTATION SAFETY
11 BOARD.—The Secretary shall establish a process for
12 the National Transportation Safety Board to request
13 and receive an individual’s record from the clearing-
14 house if the individual is involved in an accident that
15 is under investigation by the National Transpor-
16 tation Safety Board.

17 “(A) CONSENT.—The Secretary may grant
18 access to an individual’s record in the clearing-
19 house under this paragraph without the prior
20 written or electronic consent of the individual.
21 An individual who holds a commercial driver’s
22 license shall be deemed to consent to such ac-
23 cess by obtaining a commercial driver’s license.

24 “(B) PROTECTION OF PRIVACY OF INDI-
25 VIDUALS.—An official of the National Trans-

1 portation Safety Board that receives an individ-
2 ual's record from the clearinghouse under this
3 paragraph shall—

4 “(i) protect the privacy of the indi-
5 vidual and the confidentiality of the record;
6 and

7 “(ii) unless the official determines
8 that the information in the individual's
9 record should be reported under section
10 1131(e), ensure that the information in the
11 record is not divulged to any person that
12 is not directly involved with investigating
13 the accident.

14 “(4) ~~ADDITIONAL AUTHORIZED USERS.~~—The
15 Secretary shall consider whether to grant access to
16 the clearinghouse to additional users. The Secretary
17 may authorize access to an individual's record from
18 the clearinghouse to an additional user if the Sec-
19 retary determines that granting access will further
20 the purposes under subsection (a)(2). In determining
21 whether the access will further the purposes under
22 subsection (a)(2), the Secretary shall consider,
23 among other things—

24 “(A) what use the additional user will
25 make of the individual's record;

1 “(B) the costs and benefits of the use; and

2 “(C) how to protect the privacy of the indi-
3 vidual and the confidentiality of the record.

4 “(i) ACCESS TO CLEARINGHOUSE BY INDIVIDUALS.—

5 “(1) IN GENERAL.—The Secretary shall estab-
6 lish a process for an individual to request and re-
7 ceive information from the clearinghouse—

8 “(A) to determine whether the clearing-
9 house contains a record pertaining to the indi-
10 vidual;

11 “(B) to verify the accuracy of a record;

12 “(C) to update an individual’s record, in-
13 cluding completing the return-to-duty process
14 described in title 49, Code of Federal Regula-
15 tions; and

16 “(D) to determine whether the clearing-
17 house received requests for the individual’s in-
18 formation.

19 “(2) DISPUTE PROCEDURE.—The Secretary
20 shall establish a procedure, including an appeal
21 process, for an individual to dispute and remedy an
22 administrative error in the individual’s record.

23 “(j) PENALTIES.—

24 “(1) IN GENERAL.—An employer, employee,
25 medical review officer, or service agent who violates

1 any provision of this section shall be subject to civil
2 penalties under section 521(b)(2)(C) and criminal
3 penalties under section 521(b)(6)(B), and any other
4 applicable civil and criminal penalties, as determined
5 by the Secretary.

6 “(2) VIOLATION OF PRIVACY.—The Secretary
7 shall establish civil and criminal penalties, consistent
8 with paragraph (1), for an authorized user who vio-
9 lates paragraph (2)(B) or (3)(B) of subsection (h).

10 “(k) COMPATIBILITY OF STATE AND LOCAL LAWS.—

11 “(1) PREEMPTION.—Except as provided under
12 paragraph (2), any law, regulation, order, or other
13 requirement of a State, political subdivision of a
14 State, or Indian tribe related to a commercial driv-
15 er’s license holder subject to alcohol or controlled
16 substance testing under title 49, Code of Federal
17 Regulations, that is inconsistent with this section or
18 a regulation issued pursuant to this section is pre-
19 empted.

20 “(2) APPLICABILITY.—The preemption under
21 paragraph (1) shall include—

22 “(A) the reporting of valid positive results
23 from alcohol screening tests and drug tests;

24 “(B) the refusal to provide a specimen for
25 an alcohol screening test or drug test; and

1 “(C) other violations of subpart B of part
2 382 of title 49, Code of Federal Regulations (or
3 any subsequent corresponding regulations).

4 “(3) EXCEPTION.—A law, regulation, order, or
5 other requirement of a State, political subdivision of
6 a State, or Indian tribe shall not be preempted
7 under this subsection to the extent it relates to an
8 action taken with respect to a commercial motor ve-
9 hicle operator’s commercial driver’s license or driv-
10 ing record as a result of the driver’s—

11 “(A) verified positive alcohol or drug test
12 result;

13 “(B) refusal to provide a specimen for the
14 test; or

15 “(C) other violations of subpart B of part
16 382 of title 49, Code of Federal Regulations (or
17 any subsequent corresponding regulations).

18 “(1) DEFINITIONS.—In this section—

19 “(1) AUTHORIZED USER.—The term ‘author-
20 ized user’ means an employer, State licensing au-
21 thority, National Transportation Safety Board, or
22 other person granted access to the clearinghouse
23 under subsection (h).

24 “(2) CHIEF COMMERCIAL DRIVER’S LICENSING
25 OFFICIAL.—The term ‘chief commercial driver’s li-

1 icensing official' means the official in a State who is
2 authorized to—

3 “(A) maintain a record about commercial
4 driver’s licenses issued by the State; and

5 “(B) take action on commercial driver’s li-
6 censes issued by the State.

7 “(3) CLEARINGHOUSE.—The term ‘clearing-
8 house’ means the clearinghouse established under
9 subsection (a).

10 “(4) COMMERCIAL MOTOR VEHICLE OPER-
11 ATOR.—The term ‘commercial motor vehicle oper-
12 ator’ means an individual who—

13 “(A) possesses a valid commercial driver’s
14 license issued in accordance with section 31308;
15 and

16 “(B) is subject to controlled substances
17 and alcohol testing under title 49, Code of Fed-
18 eral Regulations.

19 “(5) EMPLOYER.—The term ‘employer’ means
20 a person or entity employing, or seeking to employ,
21 1 or more employees (including an individual who is
22 self-employed) to be commercial motor vehicle opera-
23 tors.

1 “(6) MEDICAL REVIEW OFFICER.—The term
2 ‘medical review officer’ means a licensed physician
3 who is responsible for—

4 “(A) receiving and reviewing a laboratory
5 result generated under the testing program;

6 “(B) evaluating a medical explanation for
7 a controlled substances test under title 49,
8 Code of Federal Regulations; and

9 “(C) interpreting the results of a con-
10 trolled substances test.

11 “(7) SECRETARY.—The term ‘Secretary’ means
12 the Secretary of Transportation.

13 “(8) SERVICE AGENT.—The term ‘service
14 agent’ means a person or entity, other than an em-
15 ployee of the employer, who provides services to em-
16 ployers or employees under the testing program.

17 “(9) TESTING PROGRAM.—The term ‘testing
18 program’ means the alcohol and controlled sub-
19 stances testing program required under title 49,
20 Code of Federal Regulations.”.

21 (b) CONFORMING AMENDMENT.—The analysis for
22 chapter 313 is amended by inserting after the item relat-
23 ing to section 31306 the following:

 “31306a. National clearinghouse for positive controlled substance and alcohol
 test results of commercial motor vehicle operators.”.

1 **SEC. 403. DRUG AND ALCOHOL VIOLATION SANCTIONS.**

2 Chapter 313 is amended—

3 (1) by redesignating section 31306(f) as
4 31306(f)(1); and

5 (2) by inserting after section 31306(f)(1) the
6 following:

7 “(2) **ADDITIONAL SANCTIONS.**—The Secretary
8 may require a State to revoke, suspend, or cancel
9 the commercial driver’s license of a commercial
10 motor vehicle operator who is found, based on a test
11 conducted and confirmed under this section, to have
12 used alcohol or a controlled substance in violation of
13 law until the commercial motor vehicle operator
14 completes the rehabilitation process under subsection
15 (e).”;

16 (3) by amending section 31310(d) to read as
17 follows:

18 “(d) **CONTROLLED SUBSTANCE VIOLATIONS.**—The
19 Secretary may permanently disqualify an individual from
20 operating a commercial vehicle if the individual—

21 “(1) uses a commercial motor vehicle in the
22 commission of a felony involving manufacturing, dis-
23 tributing, or dispensing a controlled substance, or
24 possession with intent to manufacture, distribute, or
25 dispense a controlled substance; or

1 “(2) uses alcohol or a controlled substance, in
2 violation of section 31306, 3 or more times.”.

3 **SEC. 404. AUTHORIZATION OF APPROPRIATIONS.**

4 From the funds authorized to be appropriated under
5 section 31104(h) of title 49, United States Code, up to
6 \$5,000,000 is authorized to be appropriated from the
7 Highway Trust Fund (other than the Mass Transit Ac-
8 count) for the Secretary of Transportation to develop, de-
9 sign, and implement the national clearinghouse required
10 by section 402 of this Act.

11 **TITLE V—ENFORCEMENT**

12 **SEC. 501. INSPECTION DEMAND AND DISPLAY OF CREDEN-**
13 **TIALS.**

14 (a) **SAFETY INVESTIGATIONS.**—Section 504(e) is
15 amended—

16 (1) by inserting “, or an employee of the recipi-
17 ent of a grant issued under section 31102 of this
18 title” after “a contractor”; and

19 (2) by inserting “, in person or in writing”
20 after “proper credentials”.

21 (b) **CIVIL PENALTY.**—Section 521(b)(2)(E) is
22 amended—

23 (1) by redesignating subparagraph (E) as sub-
24 paragraph (E)(i); and

25 (2) by adding at the end the following:

1 “(ii) PLACE OUT OF SERVICE.—The
 2 Secretary may by regulation adopt proce-
 3 dures for placing out of service the com-
 4 mercial motor vehicle of a foreign-domi-
 5 ciled motor carrier that fails to promptly
 6 allow the Secretary to inspect and copy a
 7 record or inspect equipment, land, build-
 8 ings, or other property.”.

9 (c) HAZARDOUS MATERIALS INVESTIGATIONS.—Sec-
 10 tion 5121(c)(2) is amended by inserting “, in person or
 11 in writing,” after “proper credentials”.

12 (d) COMMERCIAL INVESTIGATIONS.—Section
 13 14122(b) is amended by inserting “, in person or in writ-
 14 ing” after “proper credentials”.

15 **SEC. 502. OUT OF SERVICE PENALTY FOR DENIAL OF AC-
 16 CESS TO RECORDS.**

17 Section 521(b)(2)(E) is amended—

18 (1) by inserting after “\$10,000.” the following:
 19 “‘In the case of a motor carrier, the Secretary may
 20 also place the violator’s motor carrier operations out
 21 of service.’; and

22 (2) by striking “such penalty” after “It shall be
 23 a defense to” and inserting “a penalty”.

1 **SEC. 503. PENALTIES FOR VIOLATION OF OPERATION OUT**
 2 **OF SERVICE ORDERS.**

3 Section 521(b)(2) is amended by adding at the end
 4 the following:

5 “(F) **PENALTY FOR VIOLATIONS RELATING**
 6 **TO OUT OF SERVICE ORDERS.**—A motor carrier
 7 or employer (as defined in section 31132) that
 8 operates a commercial motor vehicle in com-
 9 merce in violation of a prohibition on transpor-
 10 tation under section 31144(e) of this title or an
 11 imminent hazard out of service order issued
 12 under subsection (b)(5) of this section or sec-
 13 tion 5121(d) of this title shall be liable for a
 14 civil penalty not to exceed \$25,000.”.

15 **SEC. 504. MINIMUM PROHIBITION ON OPERATION FOR**
 16 **UNFIT CARRIERS.**

17 (a) **IN GENERAL.**—Section 31144(e)(1) is amended
 18 by inserting “, and such period shall be for not less than
 19 10 days” after “operator is fit”.

20 (b) **OWNERS OR OPERATORS TRANSPORTING PAS-**
 21 **SENGERS.**—Section 31144(e)(2) is amended by inserting
 22 “, and such period shall be for not less than 10 days”
 23 after “operator is fit”.

24 (c) **OWNERS OR OPERATORS TRANSPORTING HAZ-**
 25 **ARDOUS MATERIAL.**—Section 31144(e)(3) is amended by

1 inserting at the end of the first sentence the following:
 2 “, and such period shall be for not less than 10 days”.

3 **SEC. 505. MINIMUM OUT OF SERVICE PENALTIES.**

4 Section 521(b)(7) is amended by adding at the end
 5 the following:

6 “The penalties may include a minimum duration for
 7 any out of service period, not to exceed 90 days.”.

8 **SEC. 506. IMPOUNDMENT AND IMMOBILIZATION OF COM-**
 9 **MERCIAL MOTOR VEHICLES FOR IMMINENT**
 10 **HAZARD.**

11 Section 521(b) is amended by adding at the end the
 12 following:

13 “(15) IMPOUNDMENT OF COMMERCIAL MOTOR
 14 VEHICLES.—

15 “(A) ENFORCEMENT OF IMMINENT HAZ-
 16 ARD OUT-OF-SERVICE ORDERS.—

17 “(i) The Secretary, or an authorized
 18 State official carrying out motor carrier
 19 safety enforcement activities under section
 20 31102, may enforce an imminent hazard
 21 out-of-service order issued under chapters
 22 5, 51, 131 through 149, 311, 313, or 315
 23 of this title, or a regulation promulgated
 24 thereunder, by towing and impounding a

1 commercial motor vehicle until the order is
2 rescinded.

3 “(ii) Enforcement shall not unreason-
4 ably interfere with the ability of a shipper,
5 carrier, broker, or other party to arrange
6 for the alternative transportation of any
7 cargo or passenger being transported at
8 the time the commercial motor vehicle is
9 immobilized. In the case of a commercial
10 motor vehicle transporting passengers, the
11 Secretary or authorized State official shall
12 provide reasonable, temporary, and secure
13 shelter and accommodations for passengers
14 in transit.

15 “(iii) The Secretary’s designee or an
16 authorized State official carrying out
17 motor carrier safety enforcement activities
18 under section 31102, shall immediately no-
19 tify the owner of a commercial motor vehi-
20 cle of the impoundment and the oppor-
21 tunity for review of the impoundment. A
22 review shall be provided in accordance with
23 section 554 of title 5, except that the re-
24 view shall occur not later than 10 days
25 after the impoundment.

1 “(B) ISSUANCE OF REGULATIONS.—The
 2 Secretary shall promulgate regulations on the
 3 use of impoundment or immobilization of com-
 4 mercial motor vehicles as a means of enforcing
 5 additional out-of-service orders issued under
 6 chapters 5, 51, 131 through 149, 311, 313, or
 7 315 of this title; or a regulation promulgated
 8 thereunder. Regulations promulgated under this
 9 subparagraph shall include consideration of
 10 public safety, the protection of passengers and
 11 cargo, inconvenience to passengers, and the se-
 12 curity of the commercial motor vehicle.

13 “(C) DEFINITION.—In this paragraph, the
 14 term ‘impoundment’ or ‘impounding’ means the
 15 seizing and taking into custody of a commercial
 16 motor vehicle or the immobilizing of a commer-
 17 cial motor vehicle through the attachment of a
 18 locking device or other mechanical or electronic
 19 means.”.

20 **SEC. 507. INCREASED PENALTIES FOR EVASION OF REGU-**
 21 **LATIONS.**

22 (a) PENALTIES.—Section 524 is amended—

23 (1) by striking “knowingly and willfully”;

24 (2) by inserting after “this chapter” the fol-
 25 lowing: “, chapter 51, subchapter III of chapter 311

1 (except sections ~~31138~~ and ~~31139~~) or section
 2 ~~31302, 31303, 31304, 31305(b), 31310(g)(1)(A), or~~
 3 ~~31502~~ of this title, or a regulation issued under any
 4 of those provisions,”;

5 (3) by striking “\$200 but not more than \$500”
 6 and inserting “\$2,000 but not more than \$5,000”;
 7 and

8 (4) by striking “\$250 but not more than
 9 \$2,000” and inserting “\$2,500 but not more than
 10 \$7,500”.

11 (b) **EVASION OF REGULATION.**—Section 14906 is
 12 amended—

13 (1) by striking “\$200” and inserting “at least
 14 \$2,000”;

15 (2) by striking “\$250” and inserting “\$5,000”;
 16 and

17 (3) by inserting after “a subsequent violation”
 18 the following:

19 “, and may be subject to criminal penalties”.

20 **SEC. 508. FAILURE TO PAY CIVIL PENALTY AS A DISQUALI-**
 21 **FYING OFFENSE.**

22 (a) **IN GENERAL.**—Chapter ~~311~~ is amended by in-
 23 serting after section ~~31151~~ the following:

1 **“§ 31152. Disqualification for failure to pay**

2 “An individual assessed a civil penalty under this
3 chapter, or chapters 5, 51, or 149 of this title, or a regula-
4 tion issued under any of those provisions, who fails to pay
5 the penalty or fails to comply with the terms of a settle-
6 ment with the Secretary, shall be disqualified from oper-
7 ating a commercial motor vehicle. A disqualification shall
8 continue until the penalty is paid, or the individual com-
9 plies with the terms of the settlement, unless the non-
10 payment is because the individual is a debtor in a case
11 under chapter 11 of title 11, United States Code.”

12 (b) TECHNICAL AMENDMENTS.—Section 31310, as
13 amended by sections 206 and 310 of this Act, is amend-
14 ed—

15 (1) by redesignating subsections (h) through (k)
16 as subsections (i) through (l), respectively; and

17 (2) by inserting after subsection (g) the fol-
18 lowing:

19 “(h) DISQUALIFICATION FOR FAILURE TO PAY.—
20 The Secretary shall disqualify from operating a commer-
21 cial motor vehicle any individual who fails to pay a civil
22 penalty within the prescribed period, or fails to conform
23 to the terms of a settlement with the Secretary. A disquali-
24 fication shall continue until the penalty is paid, or the in-
25 dividual conforms to the terms of the settlement, unless
26 the nonpayment is because the individual is a debtor in

1 a case under chapter 11 of title 11, United States Code.”;

2 and

3 (3) in subsection (i), as redesignated, by strik-
4 ing “Notwithstanding subsections (b) through (g)”
5 and inserting “Notwithstanding subsections (b)
6 through (h)”.

7 (c) CONFORMING AMENDMENT.—The analysis of
8 chapter 311 is amended by inserting after the item relat-
9 ing to section 31151 the following:

“31152. Disqualification for failure to pay.”.

10 **SEC. 509. VIOLATIONS RELATING TO COMMERCIAL MOTOR**

11 **VEHICLE SAFETY REGULATION AND OPERA-**

12 **TORS.**

13 Section 521(b)(2)(D) is amended by striking “ability
14 to pay,”.

15 **SEC. 510. EMERGENCY DISQUALIFICATION FOR IMMINENT**

16 **HAZARD.**

17 Section 31310(f) is amended—

18 (1) in paragraph (1) by inserting “section 521
19 or” before “section 5102”; and

20 (2) in paragraph (2) by inserting “section 521
21 or” before “section 5102”.

1 **SEC. 511. INTRASTATE OPERATIONS OF INTERSTATE**
 2 **MOTOR CARRIERS.**

3 (a) **PROHIBITED TRANSPORTATION.**—Section
 4 521(b)(5) is amended by inserting after subparagraph (B)
 5 the following:

6 “(C) If an employee, vehicle, or all or part
 7 of an employer’s commercial motor vehicle oper-
 8 ations is ordered out of service under paragraph
 9 (5)(A), the commercial motor vehicle operations
 10 of the employee, vehicle, or employer that affect
 11 interstate commerce are also prohibited.”.

12 (b) **PROHIBITION ON OPERATION IN INTERSTATE**
 13 **COMMERCE AFTER NONPAYMENT OF PENALTIES.**—Sec-
 14 tion 521(b)(8) is amended—

15 (1) by redesignating subparagraph (B) as sub-
 16 paragraph (C); and

17 (2) by inserting after subparagraph (A) the fol-
 18 lowing:

19 “(B) **ADDITIONAL PROHIBITION.**—A per-
 20 son prohibited from operating in interstate com-
 21 merce under paragraph (8)(A) may not operate
 22 any commercial motor vehicle where the oper-
 23 ation affects interstate commerce.”.

1 **SEC. 512. ENFORCEMENT OF SAFETY LAWS AND REGULA-**
2 **TIONS.**

3 (a) **ENFORCEMENT OF SAFETY LAWS AND REGULA-**
4 **TIONS.**—Chapter 311, as amended by sections 113 and
5 508 of this Act, is amended by adding after section 31153
6 the following:

7 **“§ 31154. Enforcement of safety laws and regulations**

8 “(a) **IN GENERAL.**—The Secretary may bring a civil
9 action to enforce this part, or a regulation or order of the
10 Secretary under this part, when violated by an employer,
11 employee, or other person providing transportation or
12 service under this subchapter or subchapter I.

13 “(b) **VENUE.**—In a civil action under subsection
14 (a)—

15 “(1) trial shall be in the judicial district in
16 which the employer, employee, or other person oper-
17 ates;

18 “(2) process may be served without regard to
19 the territorial limits of the district or of the State
20 in which the action is instituted; and

21 “(3) a person participating with a carrier or
22 broker in a violation may be joined in the civil action
23 without regard to the residence of the person.”.

1 (b) CONFORMING AMENDMENT.—The analysis of
 2 chapter 311 is amended by inserting after the item relat-
 3 ing to section 31153 the following:

“31154. Enforcement of safety laws and regulations.”.

4 **SEC. 513. DISCLOSURE TO STATE AND LOCAL LAW EN-**
 5 **FORCEMENT AGENCIES.**

6 Section 31106(e) is amended—

7 (1) by redesignating subsection (e) as sub-
 8 section (e)(1); and

9 (2) by inserting at the end the following:

10 “(2) IN GENERAL.—Notwithstanding any prohi-
 11 bition on disclosure of information in section
 12 31105(h) or 31143(b) of this title or section 552a
 13 of title 5, the Secretary may disclose information
 14 maintained by the Secretary pursuant to chapters
 15 51, 135, 311, or 313 of this title to appropriate per-
 16 sonnel of a State agency or instrumentality author-
 17 ized to carry out State commercial motor vehicle
 18 safety activities and commercial driver’s license laws,
 19 or appropriate personnel of a local law enforcement
 20 agency, in accordance with standards, conditions,
 21 and procedures as determined by the Secretary. Dis-
 22 closure under this section shall not operate as a
 23 waiver by the Secretary of any applicable privilege
 24 against disclosure under common law or as a basis

1 for compelling disclosure under section 552 of title
2 5.”.

3 **TITLE VI—COMPLIANCE,**
4 **SAFETY, ACCOUNTABILITY**

5 **SEC. 601. COMPLIANCE, SAFETY, ACCOUNTABILITY.**

6 (a) Section 31102 is amended—

7 (1) by amending the section heading to read:

8 **“§ 31102. Compliance, safety, and accountability**
9 **grants”;**

10 (2) by amending subsection (a) to read as fol-
11 lows:

12 **“(a) GENERAL AUTHORITY.—**Subject to this section,
13 the Secretary of Transportation shall make and admin-
14 ister a compliance, safety, and accountability grant pro-
15 gram to assist States, local governments, and other enti-
16 ties and persons with motor carrier safety and enforce-
17 ment on highways and other public roads, new entrant
18 safety audits, border enforcement, hazardous materials
19 safety and security, consumer protection and household
20 goods enforcement, and other programs and activities re-
21 quired to improve the safety of motor carriers as deter-
22 mined by the Secretary. The Secretary shall allocate fund-
23 ing in accordance with section 31104 of this title.”;

24 (3) in subsection (b)—

1 (A) by amending the heading to read as
2 follows:

3 “(b) MOTOR CARRIER SAFETY ASSISTANCE PRO-
4 GRAM.—”;

5 (B) by redesignating paragraphs (1)
6 through (3) as (2) through (4), respectively;

7 (C) by inserting before paragraph (2), as
8 redesignated, the following:

9 “(1) PROGRAM GOAL.—The goal of the Motor
10 Carrier Safety Assistance Program is to ensure that
11 the Secretary, States, local government agencies,
12 and other political jurisdictions work in partnership
13 to establish programs to improve motor carrier, com-
14 mercial motor vehicle, and driver safety to support
15 a safe and efficient surface transportation system
16 by—

17 “(A) making targeted investments to pro-
18 mote safe commercial motor vehicle transpor-
19 tation, including transportation of passengers
20 and hazardous materials;

21 “(B) investing in activities likely to gen-
22 erate maximum reductions in the number and
23 severity of commercial motor vehicle crashes
24 and fatalities resulting from such crashes;

1 “(C) adopting and enforcing effective
2 motor carrier, commercial motor vehicle, and
3 driver safety regulations and practices con-
4 sistent with Federal requirements; and

5 “(D) assessing and improving statewide
6 performance by setting program goals and
7 meeting performance standards, measures, and
8 benchmarks.”;

9 (D) in paragraph (2), as redesignated—

10 (i) by striking “make a declaration
11 of” in subparagraph (I) and inserting
12 “demonstrate”;

13 (ii) by amending subparagraph (M) to
14 read as follows:

15 “(M) ensures participation in appropriate
16 Federal Motor Carrier Safety Administration
17 systems and other information systems by all
18 appropriate jurisdictions receiving Motor Car-
19 rier Safety Assistance Program funding.”;

20 (iii) in subparagraph (Q), by inserting
21 “and dedicated sufficient resources to” be-
22 tween “established” and “a program”;

23 (iv) in subparagraph (W), by striking
24 “and” after the semicolon;

1 (v) by amending subparagraph (X) to
2 read as follows:

3 “(X) except in the case of an imminent or
4 obvious safety hazard, ensures that an inspec-
5 tion of a vehicle transporting passengers for a
6 motor carrier of passengers is conducted at a
7 station, terminal, border crossing, maintenance
8 facility, destination, weigh station, rest stop,
9 turnpike service area, or a location where ade-
10 quate food, shelter, and sanitation facilities are
11 available for passengers, and reasonable accom-
12 modation is available for passengers with dis-
13 abilities; and”;

14 (vi) by adding after subparagraph (X)
15 the following:

16 “(Y) ensures that the State will transmit
17 to its roadside inspectors the notice of each fed-
18 eral exemption granted pursuant to section
19 31315(b) and provided to the State by the Sec-
20 retary, including the name of the person grant-
21 ed the exemption and any terms and conditions
22 that apply to the exemption.”;

23 (E) by amending paragraph (4), as reded-
24 ignated, to read as follows:

25 “(4) MAINTENANCE OF EFFORT.—

1 “(A) IN GENERAL.—A plan submitted by a
2 State under paragraph (2) shall provide that
3 the total expenditure of amounts of the lead
4 State agency responsible for implementing the
5 plan will be maintained at a level at least equal
6 to the average level of that expenditure for fis-
7 cal years 2004 and 2005.

8 “(B) AVERAGE LEVEL OF STATE EXPENDI-
9 TURES.—In estimating the average level of
10 State expenditure under subparagraph (A), the
11 Secretary—

12 “(i) may allow the State to exclude
13 State expenditures for Government-spon-
14 sored demonstration or pilot programs;
15 and

16 “(ii) shall require the State to exclude
17 State matching amounts used to receive
18 Government financing under this sub-
19 section.

20 “(C) WAIVER.—Upon the request of a
21 State, the Secretary may waive or modify the
22 requirements of this paragraph for 1 fiscal
23 year, if the Secretary determines that a waiver
24 is equitable due to exceptional or uncontrollable
25 circumstances, such as a natural disaster or a

1 serious decline in the financial resources of the
2 State motor carrier safety assistance program
3 agency.”;

4 (4) by redesignating subsection (e) as sub-
5 section (h); and

6 (5) by inserting after subsection (d) the fol-
7 lowing:

8 “(e) NEW ENTRANT SAFETY ASSURANCE PRO-
9 GRAM.—

10 “(1) PROGRAM GOAL.—The Secretary may
11 make grants to States and local governments for
12 pre-authorization safety audits and new entrant
13 motor carrier audits as described in section
14 31144(g).

15 “(2) RECIPIENTS.—Grants made in support of
16 this program may be provided to States and local
17 governments.

18 “(3) FEDERAL SHARE.—The Federal share of a
19 grant made under this program is 100 percent.

20 “(4) ELIGIBLE ACTIVITIES.—Eligible activities
21 will be in accordance with criteria developed by the
22 Secretary and posted in the Federal Register in ad-
23 vance of the grant application period.

24 “(5) DETERMINATION.—If the Secretary deter-
25 mines that a State or local government is unable to

1 conduct a new entrant motor carrier audit, the Sec-
2 retary may use the funds to conduct the audit.

3 “(f) **BORDER ENFORCEMENT.**—

4 “(1) **PROGRAM GOAL.**—The Secretary of Trans-
5 portation may make a grant for carrying out border
6 commercial motor vehicle safety programs and re-
7 lated enforcement activities and projects.

8 “(2) **RECIPIENTS.**—The Secretary of Transpor-
9 tation may make a grant to an entity, State, or
10 other person for carrying out border commercial
11 motor vehicle safety programs and related enforce-
12 ment activities and projects.

13 “(3) **FEDERAL SHARE.**—The Secretary shall re-
14 imburse a grantee at least 80 percent of the costs
15 incurred in a fiscal year for carrying out border
16 commercial motor vehicle safety programs and re-
17 lated enforcement activities and projects.

18 “(4) **ELIGIBLE ACTIVITIES.**—An eligible activity
19 will be in accordance with criteria developed by the
20 Secretary and posted in the Federal Register in ad-
21 vance of the grant application period.

22 “(g) **HIGH PRIORITY INITIATIVES.**—

23 “(1) **PROGRAM GOAL.**—The Secretary may
24 make grants to carry out high priority activities and
25 projects that improve commercial motor vehicle safe-

1 ty and compliance with commercial motor vehicle
2 safety regulations, including activities and projects
3 that—

4 “(A) are national in scope;

5 “(B) increase public awareness and edu-
6 cation;

7 “(C) target unsafe driving of commercial
8 motor vehicles and non-commercial motor vehi-
9 cles in areas identified as high risk crash cor-
10 ridors;

11 “(D) improve consumer protection and en-
12 forcement of household goods regulations;

13 “(E) improve the movement of hazardous
14 materials safely and securely, including activi-
15 ties related to the establishment of uniform
16 forms and application procedures that improve
17 the accuracy, timeliness, and completeness of
18 commercial motor vehicle safety data reported
19 to the Secretary; or

20 “(F) demonstrate new technologies to im-
21 prove commercial motor vehicle safety.

22 “(2) RECIPIENTS.—The Secretary may allocate
23 amounts to award grants to State agencies, local
24 governments, and other persons for carrying out
25 high priority activities and projects that improve

1 commercial motor vehicle safety and compliance with
 2 commercial motor vehicle safety regulations in ac-
 3 cordance with the program goals specified in para-
 4 graph (1).

5 “(3) FEDERAL SHARE.—The Secretary shall re-
 6 imburse a grantee at least 80 percent of the costs
 7 incurred in a fiscal year for carrying out the high
 8 priority activities or projects.

9 “(4) ELIGIBLE ACTIVITIES.—An eligible activity
 10 will be in accordance with criteria that is—

11 “(A) developed by the Secretary; and

12 “(B) posted in the Federal Register in ad-
 13 vance of the grant application period.”.

14 (b) Conforming Amendment.—The analysis of chap-
 15 ter 311 is amended by striking the item relating to section
 16 31102 and inserting the following:

“31102. Compliance, safety, and accountability grants.”.

17 **SEC. 602. PERFORMANCE AND REGISTRATION INFORMA-**
 18 **TION SYSTEMS MANAGEMENT PROGRAM.**

19 Section 31106(b) is amended—

20 (1) by amending paragraph (3)(C) to read as
 21 follows—

22 “(C) establish and implement a process—

23 “(i) to cancel the motor vehicle reg-
 24 istration and seize the registration plates
 25 of a vehicle when an employer is found lia-

1 ble under section 31310(j)(2)(C) for know-
 2 ingly allowing or requiring an employee to
 3 operate such a commercial motor vehicle in
 4 violation of an out-of-service order; and

5 “~~(ii) to reinstate the vehicle registra-~~
 6 ~~tion or return the registration plates of the~~
 7 ~~commercial motor vehicle; subject to sanc-~~
 8 ~~tions under clause (i), if the Secretary per-~~
 9 ~~mits such carrier to resume operations~~
 10 ~~after the date of issuance of such order.”;~~

11 and

12 ~~(2) by striking paragraph (4).~~

13 **SEC. 603. COMMERCIAL MOTOR VEHICLE DEFINED.**

14 Section 31101(1) is amended to read as follows:

15 “~~(1) ‘commercial motor vehicle’ means (except~~
 16 ~~under section 31106) a self-propelled or towed vehi-~~
 17 ~~cle used on the highways in commerce to transport~~
 18 ~~passengers or property, if the vehicle—~~

19 “~~(A) has a gross vehicle weight rating or~~
 20 ~~gross vehicle weight of at least 10,001 pounds;~~
 21 ~~whichever is greater;~~

22 “~~(B) is designed or used to transport more~~
 23 ~~than 8 passengers, including the driver, for~~
 24 ~~compensation;~~

1 “(C) is designed or used to transport more
2 than 15 passengers, including the driver, and is
3 not used to transport passengers for compensa-
4 tion; or

5 “(D) is used in transporting material
6 found by the Secretary of Transportation to be
7 hazardous under section 5103 and transported
8 in a quantity requiring placarding under regula-
9 tions prescribed by the Secretary under section
10 5103.”.

11 **SEC. 604. DRIVER SAFETY FITNESS RATINGS.**

12 Section 31144, as amended by section 204 of this
13 Act, is amended by adding at the end the following:

14 “(i) **COMMERCIAL MOTOR VEHICLE DRIVERS.**—The
15 Secretary may maintain by regulation a procedure for de-
16 termining the safety fitness of a commercial motor vehicle
17 driver and for prohibiting the driver from operating in
18 interstate commerce. The procedure and prohibition shall
19 include the following:

20 “(1) Specific initial and continuing require-
21 ments that a driver must comply with to dem-
22 onstrate safety fitness.

23 “(2) The methodology and continually updated
24 safety performance data that the Secretary will use
25 to determine whether a driver is fit, including in-

1 speciation results, serious traffic offenses, and crash
2 involvement data.

3 “(3) Specific time frames within which the Sec-
4 retary will determine whether a driver is fit.

5 “(4) A prohibition period or periods, not to ex-
6 ceed 1 year, that a driver that the Secretary deter-
7 mines is not fit will be prohibited from operating a
8 commercial motor vehicle in interstate commerce.
9 The period or periods shall begin on the 46th day
10 after the date of the fitness determination and con-
11 tinue until the Secretary determines the driver is fit
12 or until the prohibition period expires.

13 “(5) A review by the Secretary, not later than
14 30 days after an unfit driver requests a review, of
15 the driver’s compliance with the requirements the
16 driver failed to comply with and that resulted in the
17 Secretary determining that the driver was not fit.
18 The burden of proof shall be on the driver to dem-
19 onstrate fitness.

20 “(6) The eligibility criteria for reinstatement,
21 including the remedial measures the unfit driver
22 must take for reinstatement.”

1 **SEC. 605. UNIFORM ELECTRONIC CLEARANCE FOR COM-**
2 **MERCIAL MOTOR VEHICLE INSPECTIONS.**

3 (a) **IN GENERAL.**—Chapter 311 is amended by add-
4 ing after section 31109 the following:

5 **“§ 31110. Withholding amounts for State noncompli-**
6 **ance**

7 “(a) **FIRST FISCAL YEAR.**—Subject to criteria estab-
8 lished by the Secretary of Transportation, the Secretary
9 may withhold up to 50 percent of the amount a State is
10 otherwise eligible to receive under section 31102(b) on the
11 first day of the fiscal year after the first fiscal year fol-
12 lowing the date of enactment of the Commercial Motor
13 Vehicle Safety Enhancement Act of 2011 in which the
14 State uses for at least 180 days an electronic commercial
15 motor vehicle inspection selection system that does not
16 employ a selection methodology approved by the Secretary.

17 “(b) **SECOND FISCAL YEAR.**—The Secretary shall
18 withhold up to 75 percent of the amount a State is other-
19 wise eligible to receive under section 31102(b) on the first
20 day of the fiscal year after the second fiscal year following
21 the date of enactment of the Commercial Motor Vehicle
22 Safety Enhancement Act of 2011 in which the State uses
23 for at least 180 days an electronic commercial motor vehi-
24 cle inspection selection system that does not employ a se-
25 lection methodology approved by the Secretary.

1 “(c) **SUBSEQUENT AVAILABILITY OF WITHHELD**
 2 **FUNDS.**—The Secretary may make the amounts withheld
 3 under subsection (a) or subsection (b) available to the
 4 State if the Secretary determines that the State has sub-
 5 stantially complied with the requirement described under
 6 subsection (a) or subsection (b) not later than 180 days
 7 after the beginning of the fiscal year in which amounts
 8 were withheld.”.

9 (b) **CONFORMING AMENDMENT.**—The analysis of
 10 chapter 311 is amended by inserting after the item relat-
 11 ing to section 31109 the following:

“31110. Withholding amounts for State noncompliance.”.

12 **SEC. 606. AUTHORIZATION OF APPROPRIATIONS.**

13 Section 31104 is amended to read as follows:

14 **“§ 31104. Availability of amounts**

15 “(a) **IN GENERAL.**—There are authorized to be ap-
 16 propriated from Highway Trust Fund (other than the
 17 Mass Transit Account) for Federal Motor Carrier Safety
 18 Administration programs the following:

19 “(1) **COMPLIANCE, SAFETY, AND ACCOUNT-**
 20 **ABILITY GRANTS UNDER SECTION 31102.**—

21 “(A) \$249,717,000 for fiscal year 2012,
 22 provided that the Secretary shall set aside not
 23 less than \$168,388,000 to carry out the motor
 24 carrier safety assistance program under section
 25 31102(b); and

1 ~~“(B) \$253,814,000 for fiscal year 2013,~~
 2 ~~provided that the Secretary shall set aside not~~
 3 ~~less than \$171,813,000 to carry out the motor~~
 4 ~~carrier safety assistance program under section~~
 5 ~~31102(b).~~

6 ~~“(2) DATA AND TECHNOLOGY GRANTS UNDER~~
 7 ~~SECTION 31109.—~~

8 ~~“(A) \$30,000,000 for fiscal year 2012; and~~
 9 ~~“(B) \$30,000,000 for fiscal year 2013.~~

10 ~~“(3) DRIVER SAFETY GRANTS UNDER SECTION~~
 11 ~~31313.—~~

12 ~~“(A) \$31,000,000 for fiscal year 2012; and~~
 13 ~~“(B) \$31,000,000 for fiscal year 2013.~~

14 ~~“(4) CRITERIA.—The Secretary shall develop~~
 15 ~~criteria to allocate the remaining funds under para-~~
 16 ~~graphs (1), (2), and (3) for fiscal year 2013 and for~~
 17 ~~each fiscal year thereafter not later than April 1 of~~
 18 ~~the prior fiscal year.~~

19 ~~“(b) AVAILABILITY AND REALLOCATION OF~~
 20 ~~AMOUNTS.—~~

21 ~~“(1) ALLOCATIONS AND REALLOCATIONS.—~~
 22 ~~Amounts made available under subsection (a)(1) re-~~
 23 ~~main available until expended. Allocations to a State~~
 24 ~~remain available for expenditure in the State for the~~
 25 ~~fiscal year in which they are allocated and for the~~

1 next fiscal year. Amounts not expended by a State
2 during those 2 fiscal years are released to the Sec-
3 retary for reallocation.

4 “(2) REDISTRIBUTION OF AMOUNTS.—The Sec-
5 retary may, after August 1 of each fiscal year, upon
6 a determination that a State does not qualify for
7 funding under section 31102(b) or that the State
8 will not expend all of its existing funding, reallocate
9 the State’s funding. In revising the allocation and
10 redistributing the amounts, the Secretary shall give
11 preference to those States that require additional
12 funding to meet program goals under section
13 31102(b).

14 “(3) PERIOD OF AVAILABILITY FOR DATA AND
15 TECHNOLOGY GRANTS.—Amounts made available
16 under subsection (a)(2) remain available for obliga-
17 tion for the fiscal year and the next 2 years in which
18 they are appropriated. Allocations remain available
19 for expenditure in the State for 5 fiscal years after
20 they were obligated. Amounts not expended by a
21 State during those 3 fiscal years are released to the
22 Secretary for reallocation.

23 “(4) PERIOD OF AVAILABILITY FOR DRIVER
24 SAFETY GRANTS.—Amounts made available under
25 subsection (a)(3) of this section remain available for

1 obligation for the fiscal year and the next fiscal year
2 in which they are appropriated. Allocations to a
3 State remain available for expenditure in the State
4 for the fiscal year in which they are allocated and
5 for the following 2 fiscal years. Amounts not ex-
6 pended by a State during those 3 fiscal years are re-
7 leased to the Secretary for reallocation.

8 “(5) REALLOCATION.—The Secretary, upon a
9 request by a State, may reallocate grant funds pre-
10 viously awarded to the State under a grant program
11 authorized by section 31102, 31109, or 31313 to an-
12 other grant program authorized by those sections
13 upon a showing by the State that it is unable to ex-
14 pend the funds within the 12 months prior to their
15 expiration provided that the State agrees to expend
16 the funds within the remaining period of expendi-
17 ture.

18 “(e) GRANTS AS CONTRACTUAL OBLIGATIONS.—Ap-
19 proval by the Secretary of a grant under sections 31102,
20 31109, and 31313 is a contractual obligation of the Gov-
21 ernment for payment of the Government’s share of costs
22 incurred in developing and implementing programs to im-
23 prove commercial motor vehicle safety and enforce com-
24 mercial driver’s license regulations, standards, and orders.

1 “(d) DEDUCTION FOR ADMINISTRATIVE EX-
2 PENSES.—

3 “(1) IN GENERAL.—On October 1 of each fiscal
4 year or as soon after that as practicable, the Sec-
5 retary may deduct, from amounts made available
6 under—

7 “(A) subsection (a)(1) for that fiscal year,
8 not more than 1.5 percent of those amounts for
9 administrative expenses incurred in carrying
10 out section 31102 in that fiscal year;

11 “(B) subsection (a)(2) for that fiscal year,
12 not more than 1.4 percent of those amounts for
13 administrative expenses incurred in carrying
14 out section 31109 in that fiscal year; and

15 “(C) subsection (a)(3) for that fiscal year,
16 not more than 1.4 percent of those amounts for
17 administrative expenses incurred in carrying
18 out section 31313 in that fiscal year.

19 “(2) TRAINING.—The Secretary may use at
20 least 50 percent of the amounts deducted from the
21 amounts made available under sections (a)(1) and
22 (a)(3) to train non-Government employees and to de-
23 velop related training materials to carry out sections
24 31102, 31311, and 31313 of this title.

1 “(3) **CONTRACTS.**—The Secretary may use
2 amounts deducted under paragraph (1) to enter into
3 contracts and cooperative agreements with States,
4 local governments, associations, institutions, cor-
5 porations, and other persons, if the Secretary deter-
6 mines the contracts and cooperative agreements are
7 cost-effective, benefit multiple jurisdictions of the
8 United States, and enhance safety programs and re-
9 lated enforcement activities.

10 “(e) **ALLOCATION CRITERIA AND ELIGIBILITY.**—

11 “(1) On October 1 of each fiscal year or as
12 soon as practicable after that date after making the
13 deduction under subsection (d)(1)(A), the Secretary
14 shall allocate amounts made available to carry out
15 section 31102(b) for such fiscal year among the
16 States with plans approved under that section. Allo-
17 cation shall be made under the criteria prescribed by
18 the Secretary.

19 “(2) On October 1 of each fiscal year or as
20 soon as practicable after that date and after making
21 the deduction under subsection (d)(1)(B) or
22 (d)(1)(C), the Secretary shall allocate amounts made
23 available to carry out sections 31109(a) and
24 31313(b)(1).

1 “(f) INTRASTATE COMPATIBILITY.—The Secretary
2 shall prescribe regulations specifying tolerance guidelines
3 and standards for ensuring compatibility of intrastate
4 commercial motor vehicle safety laws and regulations with
5 Government motor carrier safety regulations to be en-
6 forced under section 31102(b). To the extent practicable,
7 the guidelines and standards shall allow for maximum
8 flexibility while ensuring a degree of uniformity that will
9 not diminish transportation safety. In reviewing State
10 plans and allocating amounts or making grants under sec-
11 tion 153 of title 23, United States Code, the Secretary
12 shall ensure that the guidelines and standards are applied
13 uniformly.

14 “(g) WITHHOLDING AMOUNTS FOR STATE NON-
15 COMPLIANCE.—

16 “(1) IN GENERAL.—Subject to criteria estab-
17 lished by the Secretary, the Secretary may withhold
18 up to 100 percent of the amounts a State is other-
19 wise eligible to receive under section 31102(b) on
20 October 1 of each fiscal year beginning after the
21 date of enactment of the Commercial Motor Vehicle
22 Safety Enhancement Act of 2011 and continuing for
23 the period that the State does not comply substan-
24 tially with a requirement under section 31109(b).

1 “(2) ~~SUBSEQUENT AVAILABILITY OF WITHHELD~~
2 ~~FUNDS.~~—The Secretary may make the amounts
3 withheld in accordance with paragraph (1) available
4 to a State if the Secretary determines that the State
5 has substantially complied with a requirement under
6 section 31109(b) not later than 180 days after the
7 beginning of the fiscal year in which the amounts
8 are withheld.

9 “(h) ~~ADMINISTRATIVE EXPENSES.~~—

10 “(1) ~~AUTHORIZATION OF APPROPRIATIONS.~~—
11 There are authorized to be appropriated from the
12 Highway Trust Fund (other than the Mass Transit
13 Account) for the Secretary to pay administrative ex-
14 penses of the Federal Motor Carrier Safety Adminis-
15 tration—

16 “(A) \$250,819,000 for fiscal year 2012;
17 and

18 “(B) \$248,523,000 for fiscal year 2013.

19 “(2) ~~USE OF FUNDS.~~—The funds authorized by
20 this subsection shall be used for personnel costs, ad-
21 ministrative infrastructure, rent, information tech-
22 nology, programs for research and technology, infor-
23 mation management, regulatory development, the
24 administration of the performance and registration
25 information system management, outreach and edu-

1 eation, other operating expenses, and such other ex-
 2 penses as may from time to time be necessary to im-
 3 plement statutory mandates of the Administration
 4 not funded from other sources.

5 “(i) AVAILABILITY OF FUNDS.—

6 “(1) PERIOD OF AVAILABILITY.—The amounts
 7 made available under this section shall remain avail-
 8 able until expended.

9 “(2) INITIAL DATE OF AVAILABILITY.—Author-
 10 izations from the Highway Trust Fund (other than
 11 the Mass Transit Account) for this section shall be
 12 available for obligation on the date of their appor-
 13 tionment or allocation or on October 1 of the fiscal
 14 year for which they are authorized, whichever occurs
 15 first.”.

16 **SEC. 607. HIGH RISK CARRIER REVIEWS.**

17 (a) HIGH RISK CARRIER REVIEWS.—Section
 18 31104(h), as amended by section 606 of this Act, is
 19 amended by adding at the end of paragraph (2) the fol-
 20 lowing:

21 “From the funds authorized by this subsection, the
 22 Secretary shall ensure that a review is completed on each
 23 motor carrier that demonstrates through performance
 24 data that it poses the highest safety risk. At a minimum,
 25 a review shall be conducted whenever a motor carrier is

1 among the highest risk carriers for 2 consecutive
2 months.”.

3 (b) CONFORMING AMENDMENT.—Section 4138 of the
4 Safe, Accountable, Flexible, Efficient Transportation Eq-
5 uity Act: A Legacy for Users (49 U.S.C. 31144 note) is
6 repealed.

7 **SEC. 608. DATA AND TECHNOLOGY GRANTS.**

8 (a) IN GENERAL.—Section 31109 is amended to read
9 as follows:

10 **“§ 31109. Data and technology grants**

11 “(a) GENERAL AUTHORITY.—The Secretary of
12 Transportation shall establish and administer a data and
13 technology grant program to assist the States with the im-
14 plementation and maintenance of data systems. The Sec-
15 retary shall allocate the funds in accordance with section
16 31104.

17 “(b) PERFORMANCE GOALS.—The Secretary may
18 make a grant to a State to implement the performance
19 and registration information system management require-
20 ments of section 31106(b) to develop, implement, and
21 maintain commercial vehicle information systems and net-
22 works, and other innovative technologies that the Sec-
23 retary determines improve commercial motor vehicle safe-
24 ty.

1 “(c) ELIGIBILITY.—To be eligible for a grant to im-
2 plement the requirements of section 31106(b), the State
3 shall design a program that—

4 “(1) links Federal motor carrier safety informa-
5 tion systems with the State’s motor carrier informa-
6 tion systems;

7 “(2) determines the safety fitness of a motor
8 carrier or registrant when licensing or registering
9 the registrant or motor carrier or while the license
10 or registration is in effect; and

11 “(3) denies, suspends, or revokes the commer-
12 cial motor vehicle registrations of a motor carrier or
13 registrant that was issued an operations out-of-serv-
14 ice order by the Secretary.

15 “(d) REQUIRED PARTICIPATION.—The Secretary
16 shall require States that participate in the program under
17 section 31106 to—

18 “(1) comply with the uniform policies, proce-
19 dures, and technical and operational standards pre-
20 scribed by the Secretary under section 31106(b);

21 “(2) possess or seek the authority to possess for
22 a time period not longer than determined reasonable
23 by the Secretary, to impose sanctions relating to
24 commercial motor vehicle registration on the basis of
25 a Federal safety fitness determination; and

1 “(3) establish and implement a process to can-
 2 cel the motor vehicle registration and seize the reg-
 3 istration plates of a vehicle when an employer is
 4 found liable under section 31310(j)(2)(C) for know-
 5 ingly allowing or requiring an employee to operate
 6 such a commercial motor vehicle in violation of an
 7 out of service order.

8 “(e) FEDERAL SHARE.—The total Federal share of
 9 the cost of a project payable from all eligible Federal
 10 sources shall be at least 80 percent.”.

11 (b) CONFORMING AMENDMENT.—The analysis of
 12 chapter 311 is amended by striking the item relating to
 13 section 31109 and inserting the following:

“31109. Data and technology grants.”.

14 **SEC. 609. DRIVER SAFETY GRANTS.**

15 (a) DRIVER FOCUSED GRANT PROGRAM.—Section
 16 31313 is amended to read as follows:

17 **“§ 31313. Driver safety grants**

18 “(a) GENERAL AUTHORITY.—The Secretary shall
 19 make and administer a driver focused grant program to
 20 assist the States, local governments, entities, and other
 21 persons with commercial driver’s license systems, pro-
 22 grams, training, fraud detection, reporting of violations
 23 and other programs required to improve the safety of driv-
 24 ers as the Federal Motor Carrier Safety Administration

1 deems critical. The Secretary shall allocate the funds for
 2 the program in accordance with section 31104.

3 “(b) COMMERCIAL DRIVER’S LICENSE PROGRAM IM-
 4 PROVEMENT GRANTS.—

5 “(1) PROGRAM GOAL.—The Secretary of Trans-
 6 portation may make a grant to a State in a fiscal
 7 year—

8 “(A) to comply with the requirements of
 9 section 31311;

10 “(B) in the case of a State that is making
 11 a good faith effort toward substantial compli-
 12 ance with the requirements of this section and
 13 section 31311, to improve its implementation of
 14 its commercial driver’s license program;

15 “(C) for research, development demonstra-
 16 tion projects, public education, and other spe-
 17 cial activities and projects relating to commer-
 18 cial driver licensing and motor vehicle safety
 19 that are of benefit to all jurisdictions of the
 20 United States or are designed to address na-
 21 tional safety concerns and circumstances;

22 “(D) for commercial driver’s license pro-
 23 gram coordinators;

24 “(E) to implement or maintain a system to
 25 notify an employer of an operator of a commer-

1 cial motor vehicle of the suspension or revoca-
2 tion of the operator's commercial driver's li-
3 cense consistent with the standards developed
4 under section 304(b) of the Commercial Motor
5 Vehicle Safety Enhancement Act of 2011; or

6 “(F) to train operators of commercial
7 motor vehicles, as defined under section 31301,
8 and to train operators and future operators in
9 the safe use of such vehicles. Funding priority
10 for this discretionary grant program shall be to
11 regional or multi-state educational or nonprofit
12 associations serving economically distressed re-
13 gions of the United States.

14 “(2) PRIORITY.—The Secretary shall give pri-
15 ority, in making grants under paragraph (1)(B), to
16 a State that will use the grants to achieve compli-
17 ance with the requirements of the Motor Carrier
18 Safety Improvement Act of 1999 (113 Stat. 1748),
19 including the amendments made by the Commercial
20 Motor Vehicle Safety Enhancement Act of 2011.

21 “(3) RECIPIENTS.—The Secretary may allocate
22 grants to State agencies, local governments, and
23 other persons for carrying out activities and projects
24 that improve commercial driver's license safety and
25 compliance with commercial driver's license and

1 commercial motor vehicle safety regulations in ac-
 2 cordance with the program goals under paragraph
 3 (1) and that train operators on commercial motor
 4 vehicles. The Secretary may make a grant to a State
 5 to comply with section 31311 for commercial driver's
 6 license program coordinators and for notification
 7 systems.

8 “(4) FEDERAL SHARE.—The Federal share of a
 9 grant made under this program shall be at least 80
 10 percent, except that the Federal share of grants for
 11 commercial driver license program coordinators and
 12 training commercial motor vehicle operators shall be
 13 100 percent.”.

14 (b) CONFORMING AMENDMENT.—The analysis of
 15 chapter 313 is amended by striking the item relating to
 16 section 31313 and inserting the following:

“31313. Driver safety grants.”.

17 **SEC. 610. COMMERCIAL VEHICLE INFORMATION SYSTEMS**
 18 **AND NETWORKS.**

19 Not later than 6 months after the date of enactment
 20 of this Act, the Secretary shall submit a report to the
 21 Committee on Commerce, Science, and Transportation of
 22 the Senate and the Committee on Transportation and In-
 23 frastructure of the House of Representatives that in-
 24 cludes—

1 (1) established time frames and milestones for
 2 resuming the Commercial Vehicle Information Sys-
 3 tems and Networks Program; and

4 (2) a strategic workforce plan for its grants
 5 management office to ensure that it has determined
 6 the skills and competencies that are critical to
 7 achieving its mission goals.

8 **TITLE VII—MOTORCOACH**
 9 **ENHANCED SAFETY ACT OF 2011**

10 **SEC. 701. SHORT TITLE.**

11 This title may be cited as the “Motorcoach Enhanced
 12 Safety Act of 2011”.

13 **SEC. 702. DEFINITIONS.**

14 In this Act:

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

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

24 (3) **COMMERCIAL MOTOR VEHICLE.**—Except as
 25 otherwise specified, the term “commercial motor ve-

1 hicle²² has the meaning given the term in section
2 31132(1) of title 49, United States Code.

3 (4) DIRECT TIRE PRESSURE MONITORING SYS-
4 TEM.—The term “direct tire pressure monitoring
5 system²² means a tire pressure monitoring system
6 that is capable of directly detecting when the air
7 pressure level in any tire is significantly under-in-
8 flated and providing the driver a low tire pressure
9 warning as to which specific tire is significantly
10 under-inflated.

11 (5) ELECTRONIC ON-BOARD RECORDER.—The
12 term “electronic on-board recorder²² means an elec-
13 tronic device that acquires and stores data showing
14 the record of duty status of the vehicle operator and
15 performs the functions required of an automatic on-
16 board recording device in section 395.15(b) of title
17 49, Code of Federal Regulations.

18 (6) EVENT DATA RECORDER.—The term “event
19 data recorder²² has the meaning given that term in
20 section 563.5 of title 49, Code of Federal Regula-
21 tions.

22 (7) MOTOR CARRIER.—The term “motor car-
23 rier²² means—

24 (A) a motor carrier (as defined in section
25 13102(14) of title 49, United States Code); or

1 (B) a motor private carrier (as defined in
2 section 13102(15) of that title).

3 (8) MOTORCOACH.—The term “motorcoach”
4 has the meaning given the term “over-the-road bus”
5 in section 3038(a)(3) of the Transportation Equity
6 Act for the 21st Century (49 U.S.C. 5310 note), but
7 does not include—

8 (A) a bus used in public transportation
9 provided by, or on behalf of, a public transpor-
10 tation agency; or

11 (B) a school bus, including a multifunction
12 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 BUS.—
17 The term “multifunction school activity bus” has the
18 meaning given the term in section 571.3(b) of title
19 49, Code of Federal Regulations (as in effect on the
20 day before the date of enactment of this Act).

21 (11) PORTAL.—The term “portal” means any
22 opening on the front, side, rear, or roof of a motor-
23 coach that could, in the event of a crash involving
24 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) PUBLIC TRANSPORTATION.—The term
10 “public transportation” has the meaning given the
11 term in section 5302 of title 49, United States Code.

12 (14) SAFETY BELT.—The term “safety belt”
13 has the meaning given the term in section
14 153(i)(4)(B) of title 23, United States Code.

15 (15) SECRETARY.—The term “Secretary”
16 means the Secretary of Transportation.

17 **SEC. 703. REGULATIONS FOR IMPROVED OCCUPANT PRO-**
18 **TECTION, PASSENGER EVACUATION, AND**
19 **CRASH AVOIDANCE.**

20 (a) REGULATIONS REQUIRED WITHIN 1 YEAR.—Not
21 later than 1 year after the date of enactment of this Act,
22 the Secretary shall prescribe regulations requiring safety
23 belts to be installed in motorcoaches at each designated
24 seating position.

1 (b) REGULATIONS REQUIRED WITHIN 2 YEARS.—

2 Not later than 2 years after the date of enactment of this
3 Act, the Secretary shall prescribe the following commercial
4 motor vehicle regulations:

5 (1) ROOF STRENGTH AND CRUSH RESIST-
6 ANCE.—The Secretary shall establish improved roof
7 and roof support standards for motorcoaches that
8 substantially improve the resistance of motorcoach
9 roofs to deformation and intrusion to prevent serious
10 occupant injury in rollover crashes involving
11 motorcoaches.

12 (2) ANTI-EJECTION SAFETY COUNTER-
13 MEASURES.—The Secretary shall require advanced
14 glazing to be installed in each motorcoach portal and
15 shall consider other portal improvements to prevent
16 partial and complete ejection of motorcoach pas-
17 sengers, including children. In prescribing such
18 standards, the Secretary shall consider the impact of
19 such standards on the use of motorcoach portals as
20 a means of emergency egress.

21 (3) ROLLOVER CRASH AVOIDANCE.—The Sec-
22 retary shall require motorcoaches to be equipped
23 with stability enhancing technology, such as elec-
24 tronic stability control and torque vectoring, to re-

1 duce the number and frequency of rollover crashes
2 among motorcoaches.

3 (c) **COMMERCIAL MOTOR VEHICLE TIRE PRESSURE**
4 **MONITORING SYSTEMS.**—Not later than 3 years after the
5 date of enactment of this Act, the Secretary shall prescribe
6 the following commercial vehicle regulation:

7 (1) **IN GENERAL.**—The Secretary shall require
8 motorcoaches to be equipped with direct tire pres-
9 sure monitoring systems that warn the operator of
10 a commercial motor vehicle when any tire exhibits a
11 level of air pressure that is below a specified level of
12 air pressure established by the Secretary.

13 (2) **PERFORMANCE REQUIREMENTS.**—The regu-
14 lation prescribed by the Secretary under this sub-
15 section shall include performance requirements to
16 ensure that direct tire pressure monitoring systems
17 are capable of—

18 (A) providing a warning to the driver when
19 1 or more tires are underinflated;

20 (B) activating in a specified time period
21 after the underinflation is detected; and

22 (C) operating at different vehicle speeds.

23 (d) **APPLICATION OF REGULATIONS.**—

24 (1) **NEW MOTORCOACHES.**—Any regulation pre-
25 scribed in accordance with subsection (a), (b), or (c)

1 shall apply to all motorcoaches manufactured more
2 than 2 years after the date on which the regulation
3 is published as a final rule.

4 (2) RETROFIT REQUIREMENTS FOR EXISTING
5 MOTORCOACHES.—

6 (A) IN GENERAL.—The Secretary may, by
7 regulation, provide for the application of any re-
8 quirement established under subsection (a) or
9 (b)(2) to motorcoaches manufactured before the
10 date on which the requirement applies to new
11 motorcoaches under paragraph (1) based on an
12 assessment of the feasibility, benefits, and costs
13 of retrofitting the older motorcoaches.

14 (B) ASSESSMENT.—The Secretary shall
15 complete an assessment with respect to safety
16 belt retrofits not later than 1 year after the
17 date of enactment of this Act and with respect
18 to anti-ejection countermeasure retrofits not
19 later than 2 years after the date of enactment
20 of this Act.

21 (c) FAILURE TO MEET DEADLINE.—If the Secretary
22 determines that a final rule cannot be issued before the
23 deadline established under this section, the Secretary
24 shall—

1 (1) submit a report to the Committee on Com-
2 merce, Science, and Transportation of the Senate
3 and the Committee on Energy and Commerce of the
4 House of Representatives that explains why the
5 deadline cannot be met; and

6 (2) establish a new deadline for the issuance of
7 the final rule.

8 **SEC. 704. STANDARDS FOR IMPROVED FIRE SAFETY.**

9 (a) **EVALUATIONS.**—Not later than 18 months after
10 the date of enactment of this Act, the Secretary shall ini-
11 tiate the following rulemaking proceedings:

12 (1) **FLAMMABILITY STANDARD FOR EXTERIOR**
13 **COMPONENTS.**—The Secretary shall establish re-
14 quirements for fire hardening or fire resistance of
15 motorcoach exterior components to prevent fire and
16 smoke inhalation injuries to occupants.

17 (2) **SMOKE SUPPRESSION.**—The Secretary shall
18 update Federal Motor Vehicle Safety Standard
19 Number 302 (49 C.F.R. 571.302; relating to flam-
20 mability of interior materials) to improve the resist-
21 ance of motorcoach interiors and components to
22 burning and permit sufficient time for the safe evac-
23 uation of passengers from motorcoaches.

1 (3) PREVENTION OF, AND RESISTANCE TO,
2 WHEEL WELL FIRES.—The Secretary shall establish
3 requirements—

4 (A) to prevent and mitigate the propaga-
5 tion of wheel well fires into the passenger com-
6 partment; and

7 (B) to substantially reduce occupant
8 deaths and injuries from such fires.

9 (4) AUTOMATIC FIRE SUPPRESSION.—The Sec-
10 retary shall establish requirements for motorcoaches
11 to be equipped with highly effective fire suppression
12 systems that automatically respond to and suppress
13 all fires in such motorcoaches.

14 (5) PASSENGER EVACUATION.—The Secretary
15 shall establish requirements for motorcoaches to be
16 equipped with—

17 (A) improved emergency exit window, door,
18 roof hatch, and wheelchair lift door designs to
19 expedite access and use by passengers of
20 motorcoaches under all emergency cir-
21 cumstances, including crashes and fires; and

22 (B) emergency interior lighting systems,
23 including luminescent or retroreflectorized de-
24 lineation of evacuation paths and exits, which
25 are triggered by a crash or other emergency in-

1 eident to accomplish more rapid and effective
2 evacuation of passengers.

3 (6) CAUSATION AND PREVENTION OF MOTOR-
4 COACH FIRES.—The Secretary shall examine the
5 principle causes of motoreoach fires and vehicle de-
6 sign changes intended to reduce the number of mo-
7 torcoach fires resulting from those principle causes.

8 (b) DEADLINE.—Not later than 42 months after the
9 date of enactment of this Act, the Secretary shall—

10 (1) issue final rules in accordance with sub-
11 section (a); or

12 (2) if the Secretary determines that any stand-
13 ard is not warranted based on the requirements and
14 considerations set forth in subsection (a) and (b) of
15 section 30111 of title 49, United States Code; sub-
16 mit a report that describes the reasons for not pre-
17 scribing such a standard to—

18 (A) the Committee on Commerce, Science,
19 and Transportation of the Senate; and

20 (B) the Committee on Energy and Com-
21 merce of the House of Representatives.

22 (c) TIRE PERFORMANCE STANDARD.—Not later than
23 3 years after the date of enactment of this Act, the Sec-
24 retary shall—

1 (1) issue a final rule upgrading performance
2 standards for tires used on motorcoaches, including
3 an enhanced endurance test and a new high-speed
4 performance test; or

5 (2) if the Secretary determines that a standard
6 is not warranted based on the requirements and con-
7 siderations set forth in subsections (a) and (b) of
8 section 30111 of title 49, United States Code, sub-
9 mit a report that describes the reasons for not pre-
10 scribing such a standard to—

11 (A) the Committee on Commerce, Science,
12 and Transportation of the Senate; and

13 (B) the Committee on Energy and Com-
14 merce of the House of Representatives.

15 **SEC. 705. OCCUPANT PROTECTION, COLLISION AVOIDANCE,**
16 **FIRE CAUSATION, AND FIRE EXTINGUISHER**
17 **RESEARCH AND TESTING.**

18 (a) **SAFETY RESEARCH INITIATIVES.**—Not later than
19 2 years after the date of enactment of this Act, the Sec-
20 retary shall complete the following research and testing:

21 (1) **IMPROVED FIRE EXTINGUISHERS.**—The
22 Secretary shall research and test the need to install
23 improved fire extinguishers or other readily available
24 firefighting equipment in motorcoaches to effectively

1 extinguish fires in motorcoaches and prevent pas-
2 senger deaths and injuries.

3 (2) INTERIOR IMPACT PROTECTION.—The Sec-
4 retary shall research and test enhanced occupant im-
5 pact protection standards for motorcoach interiors to
6 reduce substantially serious injuries for all pas-
7 sengers of motorcoaches.

8 (3) 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 substantially reduce the risk of pas-
13 sengers being thrown from their seats and colliding
14 with other passengers, interior surfaces, and compo-
15 nents in the event of a crash involving a motorcoach.

16 (4) COLLISION AVOIDANCE SYSTEMS.—The Sec-
17 retary shall research and test forward and lateral
18 crash warning systems applications for
19 motorcoaches.

20 (b) RULEMAKING.—Not later than 2 years after the
21 completion of each research and testing initiative required
22 under subsection (a), the Secretary shall issue final motor
23 vehicle safety standards if the Secretary determines that
24 such standards are warranted based on the requirements

1 and considerations set forth in section subsections (a) and
2 (b) of section 30111 of title 49, United States Code.

3 **SEC. 706. MOTORCOACH REGISTRATION.**

4 (a) REGISTRATION REQUIREMENTS.—Section
5 13902(b) is amended—

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

9 (2) by inserting before paragraph (5), as reded-
10 icated, the following:

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

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

21 “(i) a drug and alcohol testing pro-
22 gram under part 40 of title 49, Code of
23 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 (122 Stat. 2915);

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) is amended by inserting “transporting prop-
25 erty” after “each operator”.

1 (e) CONFORMING AMENDMENT.—Section
 2 24305(a)(3)(A)(i) is amended by striking “section
 3 13902(b)(8)(A)” and inserting “section
 4 13902(b)(12)(A)”.

5 (d) EFFECTIVE DATE.—The amendments made by
 6 this section shall take effect 1 year after the date of enact-
 7 ment of this Act.

8 **SEC. 707. IMPROVED OVERSIGHT OF MOTORCOACH SERV-**
 9 **ICE PROVIDERS.**

10 Section 31144, as amended by sections 204 and 604
 11 of this Act, is amended by adding at the end the following:

12 “(j) PERIODIC SAFETY REVIEWS OF PROVIDERS OF
 13 MOTORCOACH SERVICES.—

14 “(1) SAFETY REVIEW.—

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

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

20 “(ii) assign a safety fitness rating to
 21 each such provider.

22 “(B) APPLICABILITY.—Subparagraph (A)
 23 shall apply—

24 “(i) to any provider of motorcoach
 25 services registered with the Administration

1 after the date of enactment of the Motor-
2 coach Enhanced Safety Act of 2011 begin-
3 ning not later than 2 years after the date
4 of such registration; and

5 “(ii) to any provider of motoreoach
6 services registered with the Administration
7 on or before the date of enactment of that
8 Act beginning not later than 3 years after
9 the date of enactment of that Act.

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

16 “(3) ENFORCEMENT STRIKE FORCES.—In addi-
17 tion to the enhanced monitoring and enforcement ac-
18 tions required under paragraph (2), the Secretary
19 may organize special enforcement strike forces tar-
20 geting providers of motoreoach services.

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

1 “(5) MOTORCOACH SERVICES DEFINED.—In
 2 this subsection, the term ‘provider of motoreoach
 3 services’ has the meaning given such term in section
 4 702 of the Motoreoach Enhanced Safety Act of
 5 2011.”.

6 **SEC. 708. REPORT ON FEASIBILITY, BENEFITS, AND COSTS**
 7 **OF ESTABLISHING A SYSTEM OF CERTIFI-**
 8 **CATION OF TRAINING PROGRAMS.**

9 Not later than 2 years after the date of the enact-
 10 ment of this Act, the Secretary shall submit a report to
 11 the Committee on Commerce, Science, and Transportation
 12 of the Senate and the Committee on Transportation and
 13 Infrastructure of the House of Representatives that de-
 14 scribes the feasibility, benefits, and costs of establishing
 15 a system of certification of public and private schools and
 16 of motor carriers and motoreoach operators that provide
 17 motoreoach driver training.

18 **SEC. 709. REPORT ON DRIVER’S LICENSE REQUIREMENTS**
 19 **FOR 9- TO 15-PASSENGER VANS.**

20 (a) IN GENERAL.—Not later than 18 months after
 21 the date of enactment of this Act, the Secretary shall sub-
 22 mit a report to the Committee on Commerce, Science, and
 23 Transportation of the Senate and the Committee on
 24 Transportation and Infrastructure of the House of Rep-
 25 resentatives that examines requiring all or certain classes

1 of drivers operating a vehicle, which is designed or used
2 to transport not fewer than 9 and not more than 15 pas-
3 sengers (including a driver) in interstate commerce; to
4 have a commercial driver's license passenger-carrying en-
5 dorsement and be tested in accordance with a drug and
6 alcohol testing program under part 40 of title 49, Code
7 of Federal Regulations.

8 (b) CONSIDERATIONS.—In developing the report
9 under subsection (a), the Secretary shall consider—

10 (1) the safety benefits of the requirement de-
11 scribed in subsection (a);

12 (2) the scope of the population that would be
13 impacted by such requirement;

14 (3) the cost to the Federal Government and
15 State governments to meet such requirement; and

16 (4) the impact on safety benefits and cost from
17 limiting the application of such requirement to cer-
18 tain drivers of such vehicles, such as drivers who are
19 compensated for driving.

20 **SEC. 710. EVENT DATA RECORDERS.**

21 (a) EVALUATION.—Not later than 1 year after the
22 date of enactment of this Act, the Secretary, after consid-
23 ering the performance requirements for event data record-
24 ers for passenger vehicles under part 563 of title 49, Code
25 of Federal Regulations, shall complete an evaluation of

1 event data recorders, including requirements regarding
 2 specific types of vehicle operations, events and incidents,
 3 and systems information to be recorded, for event data
 4 recorders to be used on motorcoaches used by motor car-
 5 riers in interstate commerce.

6 (b) STANDARDS AND REGULATIONS.—Not later than
 7 2 years after completing the evaluation required under
 8 subsection (a), the Secretary shall issue standards and
 9 regulations based on the results of that evaluation.

10 **SEC. 711. SAFETY INSPECTION PROGRAM FOR COMMER-**
 11 **CIAL MOTOR VEHICLES OF PASSENGERS.**

12 Not later than 3 years after the date of enactment
 13 of this Act, the Secretary shall complete a rulemaking pro-
 14 ceeding to consider requiring States to conduct annual in-
 15 spections of commercial motor vehicles designed or used
 16 to transport passengers, including an assessment of—

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

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

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

24 (B) ensuring the safe and proper operation
 25 condition of such vehicles; and

1 (3) the costs and benefits of a mandatory State
2 inspection program.

3 **SEC. 712. DISTRACTED DRIVING.**

4 (a) **IN GENERAL.**—Chapter 311, as amended by sec-
5 tions 113, 508, and 512 of this Act, is amended by adding
6 after section 31154 the following:

7 **“§ 31155. Regulation of the use of distracting devices**
8 **in motorcoaches**

9 “(a) **IN GENERAL.**—Not later than 1 year after the
10 date of enactment of the Motorcoach Enhanced Safety Act
11 of 2011, the Secretary of Transportation shall prescribe
12 regulations on the use of electronic or wireless devices, in-
13 cluding cell phones and other distracting devices, by an
14 individual employed as the operator of a motorcoach (as
15 defined in section 702 of that Act).

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

20 “(c) **PROHIBITED USE.**—Except as provided under
21 subsection (d), the Secretary shall prohibit the use of the
22 devices described in subsection (a) in circumstances in
23 which the Secretary determines that their use interferes
24 with a driver’s safe operation of a motorcoach.

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

6 (b) **CONFORMING AMENDMENT.**—The analysis for
 7 chapter 311 is amended by inserting after the item relat-
 8 ing to section 31154 the following:

“31155. Regulation of the use of distracting devices in motorcoaches.”.

9 **SEC. 713. REGULATIONS.**

10 Any standard or regulation prescribed or modified
 11 pursuant to the Motorcoach Enhanced Safety Act of 2011
 12 shall be prescribed or modified in accordance with section
 13 553 of title 5, United States Code.

14 **TITLE VII—SAFE HIGHWAYS**
 15 **AND INFRASTRUCTURE PRES-**
 16 **ERVATION**

17 **SEC. 801. COMPREHENSIVE TRUCK SIZE AND WEIGHT LIM-**
 18 **ITS STUDY.**

19 (a) **TRUCK SIZE AND WEIGHT LIMITS STUDY.**—Not
 20 later than 90 days after the date of enactment of this Act,
 21 the Secretary, in consultation with each relevant State and
 22 other applicable Federal agencies, shall commence a com-
 23 prehensive truck size and weight limits study. The study
 24 shall—

1 (1) provide data on accident frequency and fac-
2 tors related to accident risk of each route of the Na-
3 tional Highway System in each State that allows a
4 vehicle to operate with size and weight limits that
5 are in excess of the Federal law and regulations and
6 its correlation to truck size and weight limits;

7 (2) evaluate the impacts to the infrastructure of
8 each route of the National Highway System in each
9 State that allows a vehicle to operate with size and
10 weight limits that are in excess of the Federal law
11 and regulations, including—

12 (A) an analysis that quantifies the cost of
13 the impacts in dollars;

14 (B) an analysis of the percentage of trucks
15 operating in excess of the Federal size and
16 weight limits; and

17 (C) an analysis that examines the ability of
18 each State to recover the cost for the impacts;

19 (3) evaluate the impacts and frequency of viola-
20 tions in excess of the Federal size and weight law
21 and regulations to determine the cost of the enforce-
22 ment of the law and regulations; and the effective-
23 ness of the enforcement methods;

1 (4) examine the relationship between truck per-
2 formance and crash involvement and its correlation
3 to Federal size and weight limits;

4 (5) assess the impacts that truck size and
5 weight limits in excess of the Federal law and regu-
6 lations have in the risk of bridge failure contributing
7 to the structural deficiencies of bridges or in the
8 useful life of a bridge;

9 (6) analyze the impacts on safety and infra-
10 structure in each State that allows a truck to oper-
11 ate in excess of Federal size and weight limitations
12 in truck-only lanes; and

13 (7) compare and contrast the safety and infra-
14 structure impacts of the Federal limits regarding
15 truck size and weight limits in relation to—

16 (A) six-axle and other alternative configu-
17 rations of tractor-trailers; and

18 (B) safety records of foreign nations with
19 truck size and weight limits and tractor-trailer
20 configurations that differ from the Federal law
21 and regulations.

22 (b) REPORT.—Not later than 2 years after the date
23 that the study is commenced under subsection (a), the
24 Secretary shall submit a final report on the study, includ-
25 ing all findings and recommendations, to the Committee

1 on Commerce, Science, and Transportation and the Com-
2 mittee on Environment and Public Works of the Senate
3 and the Committee on Transportation and Infrastructure
4 of the House of Representatives.

5 **SEC. 802. COMPILATION OF EXISTING STATE TRUCK SIZE**
6 **AND WEIGHT LIMIT LAWS.**

7 (a) IN GENERAL.—Not later than 90 days after the
8 date of enactment of this Act, the Secretary, in consulta-
9 tion with the States, shall begin to compile—

10 (1) a list for each State, as applicable, that de-
11 scribes each route of the National Highway System
12 that allows a vehicle to operate in excess of the Fed-
13 eral truck size and weight limits that—

14 (A) was authorized under State law on or
15 before the date of enactment of this Act; and

16 (B) was in actual and lawful operation on
17 a regular or periodic basis (including seasonal
18 operations) on or before the date of enactment
19 of this Act;

20 (2) a list for each State, as applicable, that de-
21 scribes—

22 (A) the size and weight limitations applica-
23 ble to each segment of the National Highway
24 System in that State as listed under paragraph

25 (1);

1 (B) each combination that exceeds the
2 Interstate weight limit, but that the Depart-
3 ment of Transportation, other Federal agency,
4 or a State agency has determined on or before
5 the date of enactment of this Act, could be or
6 could have been lawfully operated in the State;
7 and

8 (C) each combination that exceeds the
9 Interstate weight limit, but that the Secretary
10 determines could have been lawfully operated on
11 a non-Interstate segment of the National High-
12 way System in the State on or before the date
13 of enactment of this Act; and

14 (3) a list of each State law that designates or
15 allows designation of size and weight limitations in
16 excess of Federal law and regulations on routes of
17 the National Highway System, including nondivisible
18 loads.

19 (b) SPECIFICATIONS.—The Secretary, in consultation
20 with the States, shall specify whether the determinations
21 under paragraphs (1) and (2) of subsection (a) were made
22 by the Department of Transportation, other Federal agen-
23 cy, or a State agency.

24 (c) REPORT.—Not later than 2 years after the date
25 of enactment of this Act, the Secretary shall submit a final

1 report of the compilation under subsection (a) to the Com-
 2 mittee on Commerce, Science, and Transportation and the
 3 Committee on Environment and Public Works of the Sen-
 4 ate and the Committee on Transportation and Infrastruc-
 5 ture of the House of Representatives.

6 **TITLE IX—MISCELLANEOUS**

7 **SEC. 901. DETENTION TIME STUDY.**

8 (a) STUDY.—Not later than 30 days after the date
 9 of enactment of this Act, the Secretary shall task the
 10 Motor Carrier Safety Advisory Committee to study the ex-
 11 tent to which detention time contributes to drivers vio-
 12 lating hours of service requirements and driver fatigue. In
 13 conducting this study, the Committee shall—

14 (1) examine data collected from driver and vehi-
 15 cle inspections;

16 (2) consult with—

17 (A) motor carriers and drivers, shippers,
 18 and representatives of ports and other facilities
 19 where goods are loaded and unloaded;

20 (B) government officials; and

21 (C) other parties as appropriate; and

22 (3) provide recommendations to the Secretary
 23 for addressing issues identified in the study.

24 (b) REPORT.—Not later than 18 months after the
 25 date of enactment of this Act, the Secretary shall provide

1 a report to the Committee on Commerce, Science, and
 2 Transportation of the Senate and the Committee on
 3 Transportation and Infrastructure of the House of Rep-
 4 resentatives that includes recommendations for legislation
 5 and for addressing the results of the study.

6 **SEC. 902. PROHIBITION OF COERCION.**

7 Section 31136(a) is amended by—

8 (1) striking “and” at the end of paragraph (3);

9 (2) striking the period at the end of paragraph

10 (4) and inserting “, and”; and

11 (3) adding after subsection (4) the following:

12 “(5) an operator of a commercial motor vehicle
 13 is not coerced by a motor carrier, shipper, receiver,
 14 or transportation intermediary to operate a commer-
 15 cial motor vehicle in violation of a regulation pro-
 16 mulgated under this section, or chapter 51 or chap-
 17 ter 313 of this title.”.

18 **SEC. 903. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.**

19 (a) MEMBERSHIP.—Section 4144(b)(1) of the Safe,
 20 Accountable, Flexible, Efficient Transportation Equity
 21 Act: A Legacy for Users (49 U.S.C. 31100 note) is
 22 amended by inserting “nonprofit employee labor organiza-
 23 tions representing commercial motor vehicle drivers,”
 24 after “industry,”.

1 (b) **TERMINATION DATE.**—Section 4144(d) of the
2 Safe, Accountable, Flexible, Efficient Transportation Eq-
3 uity Act: A Legacy for Users (49 U.S.C. 31100 note) is
4 amended by striking “March 31, 2012” and inserting
5 “September 30, 2013”.

6 **SEC. 904. WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS.**

7 (a) **WAIVER STANDARDS.**—Section 31315(a) is
8 amended—

9 (1) by inserting “and” at the end of paragraph
10 (2);

11 (2) by striking paragraph (3); and

12 (3) redesignating paragraph (4) as paragraph
13 (3).

14 (b) **EXEMPTION STANDARDS.**—Section 31315(b)(4)
15 is amended—

16 (1) in subparagraph (A), by inserting “(or, in
17 the case of a request for an exemption from the
18 physical qualification standards for commercial
19 motor vehicle drivers, post on a web site established
20 by the Secretary to implement the requirements of
21 section 31149)” after “Federal Register”;

22 (2) by amending subparagraph (B) to read as
23 follows:

24 “(B) **UPON GRANTING A REQUEST.**—Upon
25 granting a request and before the effective date

1 of the exemption, the Secretary shall publish in
2 the Federal Register (or, in the case of an ex-
3 emption from the physical qualification stand-
4 ards for commercial motor vehicle drivers, post
5 on a web site established by the Secretary to
6 implement the requirements of section 31149)
7 the name of the person granted the exemption,
8 the provisions from which the person is exempt,
9 the effective period, and the terms and condi-
10 tions of the exemption.”; and

11 (3) in subparagraph (C), by inserting “(or, in
12 the case of a request for an exemption from the
13 physical qualification standards for commercial
14 motor vehicle drivers, post on a web site established
15 by the Secretary to implement the requirements of
16 section 31149)” after “Federal Register”.

17 (e) PROVIDING NOTICE OF EXEMPTIONS TO STATE
18 PERSONNEL.—Section 31315(b)(7) is amended to read as
19 follows:

20 “(7) NOTIFICATION OF STATE COMPLIANCE
21 AND ENFORCEMENT PERSONNEL.—Before the effec-
22 tive date of an exemption, the Secretary shall notify
23 a State safety compliance and enforcement agency,
24 and require the agency pursuant to section
25 31102(b)(1)(Y) to notify the State’s roadside inspec-

1 tors, that a person will be operating pursuant to an
2 exemption and the terms and conditions that apply
3 to the exemption.”.

4 (d) **PILOT PROGRAMS.**—Section 31315(e)(1) is
5 amended by striking “in the Federal Register”.

6 (e) **REPORT TO CONGRESS.**—Section 31315 is
7 amended by adding after subsection (d) the following:

8 “(e) **REPORT TO CONGRESS.**—The Secretary shall
9 submit an annual report to the Committee on Commerce,
10 Science, and Transportation of the Senate and the Com-
11 mittee on Transportation and Infrastructure of the House
12 of Representatives listing the waivers, exemptions, and
13 pilot programs granted under this section, and any im-
14 pacts on safety.

15 “(f) **WEB SITE.**—The Secretary shall ensure that the
16 Federal Motor Carrier Safety Administration web site in-
17 cludes a link to the web site established by the Secretary
18 to implement the requirements under sections 31149 and
19 31315. The link shall be in a clear and conspicuous loca-
20 tion on the home page of the Federal Motor Carrier Safety
21 Administration web site and be easily accessible to the
22 public.”.

23 **SEC. 905. TRANSPORTATION OF HORSES.**

24 Section 80502 is amended—

1 (1) in subsection (c), by striking “This section
2 does not” and inserting “Subsections (a) and (b)
3 shall not”;

4 (2) by redesignating subsection (d) as sub-
5 section (e);

6 (3) by inserting after subsection (e) the fol-
7 lowing:

8 “(d) TRANSPORTATION OF HORSES.—

9 “(1) PROHIBITION.—No person may transport,
10 or cause to be transported, a horse from a place in
11 a State, the District of Columbia, or a territory or
12 possession of the United States through or to a
13 place in another State, the District of Columbia, or
14 a territory or possession of the United States in a
15 motor vehicle containing 2 or more levels stacked on
16 top of each other.

17 “(2) MOTOR VEHICLE DEFINED.—In this sub-
18 section, the term ‘motor vehicle’—

19 “(A) means a vehicle driven or drawn by
20 mechanical power and manufactured primarily
21 for use on public highways; and

22 “(B) does not include a vehicle operated
23 exclusively on a rail or rails.”; and

24 (4) in subsection (e), as redesignated—

1 (A) by striking “A rail carrier” and insert-
2 ing the following:

3 “~~(1) IN GENERAL.—A rail carrier~~”;

4 (B) by striking “this section” and insert-
5 ing “subsection (a) or (b)”; and

6 (C) by striking “On learning” and insert-
7 ing before “of a violation” the following:

8 “~~(2) TRANSPORTATION OF HORSES IN MULTI-
9 LEVEL TRAILER.—~~

10 “~~(A) CIVIL PENALTY.—A person that
11 knowingly violates subsection (d) is liable to the
12 United States Government for a civil penalty of
13 at least \$100 but not more than \$500 for each
14 violation. A separate violation occurs under sub-
15 section (d) for each horse that is transported,
16 or caused to be transported, in violation of sub-
17 section (d).~~

18 “~~(B) RELATIONSHIP TO OTHER LAWS.—~~
19 The penalty provided under subparagraph (A)
20 shall be in addition to any penalty or remedy
21 available under any other law.

22 “~~(3) CIVIL ACTION.—On learning~~”.

1 **TITLE X—HOUSEHOLD GOODS**
 2 **TRANSPORTATION**

3 **SEC. 1001. ADDITIONAL REGISTRATION REQUIREMENTS**
 4 **FOR HOUSEHOLD GOODS MOTOR CARRIERS.**

5 (a) Section 13902(a)(2) is amended—

6 (1) in subparagraph (B), by striking “section
 7 13702(e);” and inserting “section 13702(e); and”;

8 (2) by amending subparagraph (C) to read as
 9 follows:

10 “(C) demonstrates, before being registered,
 11 through successful completion of a proficiency
 12 examination established by the Secretary,
 13 knowledge and intent to comply with applicable
 14 Federal laws relating to consumer protection,
 15 estimating, consumers’ rights and responsibil-
 16 ities, and options for limitations of liability for
 17 loss and damage.”; and

18 (3) by striking subparagraph (D).

19 (b) **COMPLIANCE REVIEWS OF NEW HOUSEHOLD**
 20 **GOODS MOTOR CARRIERS.**—Section 31144(g), as amend-
 21 ed by section 102 of this Act, is amended by adding at
 22 the end the following:

23 “(6) **ADDITIONAL REQUIREMENTS FOR HOUSE-**
 24 **HOLD GOODS MOTOR CARRIERS.**—(A) In addition to
 25 the requirements of this subsection, the Secretary

1 shall require, by regulation, each registered house-
 2 hold goods motor carrier to undergo a consumer pro-
 3 tection standards review not later than 18 months
 4 after the household goods motor carrier begins oper-
 5 ations under such authority.

6 “(B) ELEMENTS.—In the regulations
 7 issued pursuant to subparagraph (A), the Sec-
 8 retary shall establish the elements of the con-
 9 sumer protections standards review, including
 10 basic management controls. In establishing the
 11 elements, the Secretary shall consider the ef-
 12 fects on small businesses and shall consider es-
 13 tablishing alternate locations where such re-
 14 views may be conducted for the convenience of
 15 small businesses.”.

16 (c) EFFECTIVE DATE.—The amendments made by
 17 this section shall take effect 2 years after the date of en-
 18 actment of this Act.

19 **SEC. 1002. FAILURE TO GIVE UP POSSESSION OF HOUSE-**
 20 **HOLD GOODS.**

21 (a) INJUNCTIVE RELIEF.—Section 14704(a)(1) is
 22 amended by striking “and 14103” and inserting “, 14103,
 23 and 14915(e)”.

24 (b) CIVIL PENALTIES.—Section 14915(a)(1) is
 25 amended by adding at the end the following:

1 “The United States may assign all or a portion of
 2 the civil penalty to an aggrieved shipper. The Secretary
 3 of Transportation shall establish criteria upon which such
 4 assignments shall be made. The Secretary may order,
 5 after notice and an opportunity for a proceeding, that a
 6 person found holding a household goods shipment hostage
 7 return the goods to an aggrieved shipper.”.

8 **SEC. 1003. SETTLEMENT AUTHORITY.**

9 (a) **SETTLEMENT OF GENERAL CIVIL PENALTIES.**—
 10 Section 14901 is amended by adding at the end the fol-
 11 lowing:

12 “(h) **SETTLEMENT OF HOUSEHOLD GOODS CIVIL**
 13 **PENALTIES.**—Nothing in this section shall be construed
 14 to prohibit the Secretary from accepting partial payment
 15 of a civil penalty as part of a settlement agreement in the
 16 public interest, or from holding imposition of any part of
 17 a civil penalty in abeyance.”.

18 (b) **SETTLEMENT OF HOUSEHOLD GOODS CIVIL**
 19 **PENALTIES.**—Section 14915(a) is amended by adding at
 20 the end the following:

21 “(4) **SETTLEMENT AUTHORITY.**—Nothing in
 22 this section shall be construed as prohibiting the
 23 Secretary from accepting partial payment of a civil
 24 penalty as part of a settlement agreement in the

1 public interest, or from holding imposition of any
2 part of a civil penalty in abeyance.”.

3 **SEC. 1004. HOUSEHOLD GOODS TRANSPORTATION ASSIST-**
4 **ANCE PROGRAM.**

5 (a) **JOINT ASSISTANCE PROGRAM.**—Not later than
6 18 months after the date of enactment of this Act, the
7 Secretary shall develop and implement a joint assistance
8 program, through the Federal Motor Carrier Safety Ad-
9 ministration—

10 (1) to educate consumers about the household
11 goods motor carrier industry pursuant to the rec-
12 ommendations of the task force established under
13 section 1005 of this Act;

14 (2) to improve the Federal Motor Carrier Safe-
15 ty Administration’s implementation, monitoring, and
16 coordination of Federal and State household goods
17 enforcement activities;

18 (3) to assist a consumer with the timely resolu-
19 tion of an interstate household goods hostage situa-
20 tion, as appropriate; and

21 (4) to conduct other enforcement activities as
22 designated by the Secretary.

23 (b) **JOINT ASSISTANCE PROGRAM PARTNERSHIP.**—
24 The Secretary—

1 (1) may partner with 1 or more household
2 goods motor carrier industry groups to implement
3 the joint assistance program under subsection (a);
4 and

5 (2) shall ensure that each participating house-
6 hold goods motor carrier industry group—

7 (A) implements the joint assistance pro-
8 gram in the best interest of the consumer;

9 (B) implements the joint assistance pro-
10 gram in the public interest;

11 (C) accurately represents its financial in-
12 terests in providing household goods mover
13 services in the normal course of business and in
14 assisting consumers resolving hostage situa-
15 tions;

16 (D) does not hold itself out or misrepre-
17 sent itself as an agent of the Federal govern-
18 ment;

19 (E) abides by Federal regulations and
20 guidelines for the provision of assistance and
21 receipt of compensation for household goods
22 mover services; and

23 (F) accurately represents the Federal and
24 State remedies that are available to consumers

1 for resolving interstate household goods hostage
2 situations.

3 (c) **REPORT.**—The Secretary shall submit a report
4 annually to the Committee on Commerce, Science, and
5 Transportation of the Senate and the Committee on
6 Transportation and Infrastructure of the House of Rep-
7 resentatives providing a detailed description of the joint
8 assistance program under subsection (a).

9 (d) **PROHIBITION.**—The joint assistance program
10 under subsection (a) may not include the provision of
11 funds by the United States to a consumer for lost, stolen,
12 or damaged items.

13 **SEC. 1005. HOUSEHOLD GOODS CONSUMER EDUCATION**
14 **PROGRAM.**

15 (a) **TASK FORCE.**—The Secretary of Transportation
16 shall establish a task force to develop recommendations
17 to ensure that a consumer is informed of Federal law con-
18 cerning the transportation of household goods by a motor
19 carrier, including recommendations—

20 (1) on how to condense publication **ESA 03005**
21 of the Federal Motor Carrier Safety Administration
22 into a format that can be more easily used by a con-
23 sumer; and

1 (2) on the use of state-of-the-art education
2 techniques and technologies, including the use of the
3 Internet as an educational tool.

4 (b) TASK FORCE MEMBERS.—The task force shall be
5 comprised of—

6 (1) individuals with expertise in consumer af-
7 fairs;

8 (2) educators with expertise in how people learn
9 most effectively; and

10 (3) representatives of the household goods mov-
11 ing industry.

12 (c) RECOMMENDATIONS.—Not later than 1 year after
13 the date of enactment of this Act, the task force shall com-
14 plete its recommendations under subsection (a). Not later
15 than 1 year after the task force completes its rec-
16 ommendations under subsection (a), the Secretary shall
17 issue regulations implementing the recommendations, as
18 appropriate.

19 (d) FEDERAL ADVISORY COMMITTEE ACT EXEMP-
20 TION.—The Federal Advisory Committee Act (5 U.S.C.
21 App.) shall not apply to the task force.

22 (e) TERMINATION.—The task force shall terminate 2
23 years after the date of enactment of this Act.

1 **TITLE XI—TECHNICAL**
2 **AMENDMENTS**

3 **SEC. 1101. UPDATE OF OBSOLETE TEXT.**

4 (a) Section 31137(e), as redesignated by section 301
5 of this Act, is amended by striking “Not later than De-
6 cember 1, 1990, the Secretary shall prescribe” and insert-
7 ing “The Secretary shall maintain”.

8 (b) Section 31151(a) is amended—

9 (1) by amending paragraph (1) to read as fol-
10 lows:

11 “(1) IN GENERAL.—The Secretary of Transpor-
12 tation shall maintain a program to ensure that inter-
13 modal equipment used to transport intermodal con-
14 tainers is safe and systematically maintained.”; and

15 (2) by striking paragraph (4).

16 (c) Section 31307(b) is amended by striking “Not
17 later than December 18, 1994, the Secretary shall pre-
18 scribe” and inserting “The Secretary shall maintain”.

19 (d) Section 31310(g)(1) is amended by striking “Not
20 later than 1 year after the date of enactment of this Act,
21 the” and inserting “The”.

22 (e) Section 4123(f) of the Safe, Accountable, Flexi-
23 ble, Efficient Transportation Equity Act: A Legacy for
24 Users (119 Stat. 1736) is amended by striking “Not later

1 than 1 year after the date of enactment of this Act, the”
 2 and inserting “The”.

3 **SEC. 1102. CORRECTION OF INTERSTATE COMMERCE COM-**
 4 **MISSION REFERENCES.**

5 (a) SAFETY INFORMATION AND INTERVENTION IN
 6 INTERSTATE COMMERCE COMMISSION PROCEEDINGS.—

7 Chapter 3 is amended—

8 (1) by repealing section 307;

9 (2) in the analysis, by striking the item relating
 10 to section 307;

11 (3) in section 333(d)(1)(C), by striking “Inter-
 12 state Commerce Commission” and inserting “Sur-
 13 face Transportation Board”; and

14 (4) in section 333(e)—

15 (A) by striking “Interstate Commerce
 16 Commission” each place it appears and insert-
 17 ing “Surface Transportation Board”; and

18 (B) by striking “Commission” each place it
 19 appears and inserting “Board”.

20 (b) FILING AND PROCEDURE FOR APPLICATION TO
 21 ABANDON OR DISCONTINUE.—Section 10903(b)(2) is
 22 amended by striking “24706(e) of this title” and inserting
 23 “24706(e) of this title before May 31, 1998”.

24 (c) RIGHTS AND REMEDIES OF PERSONS INJURED
 25 BY CARRIERS OR BROKERS.—

1 (1) Section 14704 is amended—

2 (A) in subsection (a)—

3 (i) by striking “IN GENERAL.—” and
 4 all that follows through “injured” and in-
 5 serting “ENFORCEMENT OF ORDER.—A
 6 person injured”; and

7 (ii) by redesignating paragraph (2) as
 8 subsection (b)(2); and

9 (B) in subsection (b)—

10 (i) by striking “LIABILITY AND DAM-
 11 AGES FOR EXCEEDING TARIFF RATE.—”
 12 and all that follows through “A carrier”
 13 and inserting “EXCEEDING TARIFF
 14 RATE.—(1) A carrier”; and

15 (ii) by striking “DAMAGES FOR VIO-
 16 LATIONS.—” in paragraph (2), as redesi-
 17 gnated; and inserting “OTHER VIOLA-
 18 TIONS.—”.

19 (2) Section 14705(c) is amended by striking
 20 “14704(b)” and substituting “14704(b)(2)”.

21 (d) TECHNICAL AMENDMENTS TO PART C OF SUB-
 22 TITLE V.—

23 (1) Section 24307(b)(3) is amended by striking
 24 “Interstate Commerce Commission” and inserting
 25 “Surface Transportation Board”.

1 (2) Section 24311 is amended—

2 (A) by striking “Interstate Commerce
3 Commission” each place it appears and insert-
4 ing “Surface Transportation Board”; and

5 (B) by striking “Commission” each place it
6 appears and inserting “Board”.

7 (3) Section 24902 is amended—

8 (A) by striking “Interstate Commerce
9 Commission” each place it appears and insert-
10 ing “Surface Transportation Board”; and

11 (B) by striking “Commission” each place it
12 appears and inserting “Board”.

13 (4) Section 24904 is amended—

14 (A) by striking “Interstate Commerce
15 Commission” each place it appears and insert-
16 ing “Surface Transportation Board”; and

17 (B) by striking “Commission” each place it
18 appears and inserting “Board”.

19 **SEC. 1103. TECHNICAL AND CONFORMING AMENDMENTS.**

20 (a) Section 14504a(c)(1) is amended—

21 (1) in subparagraph (C), by striking “sections”
22 and inserting “section”; and

23 (2) in subparagraph (D)(ii)(II) by striking the
24 period at the end and inserting “; and”.

1 (b) Section 24305(a)(3)(1) is amended by striking
 2 “section 13902(b)(8)(A)” and inserting “section
 3 13902(b)(9)(A)”.

4 (c) Section 31103(a) is amended by striking “section
 5 31102(b)(1)(E)” and inserting “section 31102(b)(2)(E)”.

6 (d) Section 31103(b) is amended by striking “author-
 7 ized by section 31104(f)(2)”.

8 (e) Section 31309(b)(2) is amended by striking
 9 “31308(2)” and inserting “31308(3)”.

10 **SECTION 1. SHORT TITLE.**

11 *This Act may be cited as the “Commercial Motor Vehi-
 12 cle Safety Enhancement Act of 2011”.*

13 **SEC. 2. TABLE OF CONTENTS.**

14 *The table of contents of this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Definition.

Sec. 4. References to title 49, United States Code.

TITLE I—COMMERCIAL MOTOR VEHICLE REGISTRATION

Sec. 101. Registration of motor carriers.

Sec. 102. Safety fitness of new operators.

Sec. 103. Reincarnated carriers.

Sec. 104. Financial responsibility requirements.

Sec. 105. USDOT number registration requirement.

Sec. 106. Registration fee system.

Sec. 107. Registration update.

Sec. 108. Increased penalties for operating without registration.

Sec. 109. Revocation of registration for imminent hazard.

Sec. 110. Revocation of registration and other penalties for failure to respond to subpoena.

Sec. 111. Fleetwide out of service order for operating without required registration.

Sec. 112. Motor carrier and officer patterns of safety violations.

Sec. 113. Federal successor standard.

TITLE II—COMMERCIAL MOTOR VEHICLE SAFETY

- Sec. 201. Repeal of commercial jurisdiction exception for brokers of motor carriers of passengers.*
- Sec. 202. Bus rentals and definition of employer.*
- Sec. 203. Crashworthiness standards.*
- Sec. 204. Canadian safety rating reciprocity.*
- Sec. 205. State reporting of foreign commercial driver convictions.*
- Sec. 206. Authority to disqualify foreign commercial drivers.*
- Sec. 207. Revocation of foreign motor carrier operating authority for failure to pay civil penalties.*

TITLE III—DRIVER SAFETY

- Sec. 301. Electronic on-board recording devices.*
- Sec. 302. Safety fitness.*
- Sec. 303. Driver medical qualifications.*
- Sec. 304. Commercial driver's license notification system.*
- Sec. 305. Commercial motor vehicle operator training.*
- Sec. 306. Commercial driver's license program.*
- Sec. 307. Commercial driver's license requirements.*
- Sec. 308. Commercial motor vehicle driver information systems.*
- Sec. 309. Disqualifications based on non-commercial motor vehicle operations.*
- Sec. 310. Federal driver disqualifications.*
- Sec. 311. Employer responsibilities.*

TITLE IV—SAFE ROADS ACT OF 2011

- Sec. 401. Short title.*
- Sec. 402. National clearinghouse for controlled substance and alcohol test results of commercial motor vehicle operators.*
- Sec. 403. Drug and alcohol violation sanctions.*
- Sec. 404. Authorization of appropriations.*

TITLE V—ENFORCEMENT

- Sec. 501. Inspection demand and display of credentials.*
- Sec. 502. Out of service penalty for denial of access to records.*
- Sec. 503. Penalties for violation of operation out of service orders.*
- Sec. 504. Minimum prohibition on operation for unfit carriers.*
- Sec. 505. Minimum out of service penalties.*
- Sec. 506. Impoundment and immobilization of commercial motor vehicles for imminent hazard.*
- Sec. 507. Increased penalties for evasion of regulations.*
- Sec. 508. Failure to pay civil penalty as a disqualifying offense.*
- Sec. 509. Violations relating to commercial motor vehicle safety regulation and operators.*
- Sec. 510. Emergency disqualification for imminent hazard.*
- Sec. 511. Intrastate operations of interstate motor carriers.*
- Sec. 512. Enforcement of safety laws and regulations.*
- Sec. 513. Disclosure to State and local law enforcement agencies.*

TITLE VI—COMPLIANCE, SAFETY, ACCOUNTABILITY

- Sec. 601. Compliance, safety, accountability.*
- Sec. 602. Performance and registration information systems management program.*

- Sec. 603. Commercial motor vehicle defined.*
Sec. 604. Driver safety fitness ratings.
Sec. 605. Uniform electronic clearance for commercial motor vehicle inspections.
Sec. 606. Authorization of appropriations.
Sec. 607. High risk carrier reviews.
Sec. 608. Data and technology grants.
Sec. 609. Driver safety grants.
Sec. 610. Commercial vehicle information systems and networks.

TITLE VII—MOTORCOACH ENHANCED SAFETY ACT OF 2011

- Sec. 701. Short title.*
Sec. 702. Definitions.
Sec. 703. Regulations for improved occupant protection, passenger evacuation, and crash avoidance.
Sec. 704. Standards for improved fire safety.
Sec. 705. Occupant protection, collision avoidance, fire causation, and fire extinguisher research and testing.
Sec. 706. Motorcoach registration.
Sec. 707. Improved oversight of motorcoach service providers.
Sec. 708. Report on feasibility, benefits, and costs of establishing a system of certification of training programs.
Sec. 709. Report on driver's license requirements for 9- to 15-passenger vans.
Sec. 710. Event data recorders.
Sec. 711. Safety inspection program for commercial motor vehicles of passengers.
Sec. 712. Distracted driving.
Sec. 713. Regulations.

TITLE VIII—SAFE HIGHWAYS AND INFRASTRUCTURE PRESERVATION

- Sec. 801. Comprehensive truck size and weight limits study.*
Sec. 802. Compilation of existing State truck size and weight limit laws.

TITLE IX—MISCELLANEOUS

- Sec. 901. Detention time study.*
Sec. 902. Prohibition of coercion.
Sec. 903. Motor carrier safety advisory committee.
Sec. 904. Waivers, exemptions, and pilot programs.
Sec. 905. Transportation of horses.

TITLE X—HOUSEHOLD GOODS TRANSPORTATION

- Sec. 1001. Additional registration requirements for household goods motor carriers.*
Sec. 1002. Failure to give up possession of household goods.
Sec. 1003. Settlement authority.
Sec. 1004. Household goods transportation assistance program.
Sec. 1005. Household goods consumer education program.

TITLE XI—TECHNICAL AMENDMENTS

- Sec. 1101. Update of obsolete text.*
Sec. 1102. Correction of interstate commerce commission references.
Sec. 1103. Technical and conforming amendments.

TITLE XII—SURFACE TRANSPORTATION AND FREIGHT POLICY ACT
OF 2011

Sec. 1201. Short title.

Sec. 1202. Establishment of a national surface transportation and freight policy.

Sec. 1203. Surface transportation and freight strategic plan.

Sec. 1204. Transportation investment data and planning tools.

Sec. 1205. National freight infrastructure investment grants.

Sec. 1206. Port infrastructure development initiative.

Sec. 1207. Office of Freight Planning and Development.

Sec. 1208. Safety for motorized and nonmotorized users.

1 **SEC. 3. DEFINITION.**

2 *In this Act, the term “Secretary” means the Secretary*
3 *of Transportation.*

4 **SEC. 4. REFERENCES TO TITLE 49, UNITED STATES CODE.**

5 *Except as otherwise expressly provided, whenever in*
6 *this Act an amendment or repeal is expressed in terms of*
7 *an amendment to, or a repeal of, a section or other provi-*
8 *sion, the reference shall be considered to be made to a section*
9 *or other provision of title 49, United States Code.*

10 **TITLE I—COMMERCIAL MOTOR**
11 **VEHICLE REGISTRATION**

12 **SEC. 101. REGISTRATION OF MOTOR CARRIERS.**

13 (a) **REGISTRATION REQUIREMENTS.**—*Section*
14 *13902(a)(1) is amended to read as follows:*

15 “(1) **IN GENERAL.**—*Except as otherwise provided*
16 *in this section, the Secretary of Transportation may*
17 *not register a person to provide transportation subject*
18 *to jurisdiction under subchapter I of chapter 135 as*
19 *a motor carrier unless the Secretary determines that*
20 *the person—*

1 “(A) is willing and able to comply with—

2 “(i) this part and the applicable regu-
3 lations of the Secretary and the Board;

4 “(ii) any safety regulations imposed by
5 the Secretary;

6 “(iii) the duties of employers and em-
7 ployees established by the Secretary under
8 section 31135;

9 “(iv) the safety fitness requirements es-
10 tablished by the Secretary under section
11 31144;

12 “(v) the accessibility requirements es-
13 tablished by the Secretary under subpart H
14 of part 37 of title 49, Code of Federal Regu-
15 lations (or successor regulations), for trans-
16 portation provided by an over-the-road bus;
17 and

18 “(vi) the minimum financial responsi-
19 bility requirements established by the Sec-
20 retary under sections 13906, 31138, and
21 31139;

22 “(B) has submitted a comprehensive man-
23 agement plan documenting that the person has
24 management systems in place to ensure compli-

1 *ance with safety regulations imposed by the Sec-*
2 *retary;*

3 “(C) *has disclosed any relationship involv-*
4 *ing common ownership, common management,*
5 *common control, or common familial relation-*
6 *ship between that person and any other motor*
7 *carrier, freight forwarder, or broker, or any other*
8 *applicant for motor carrier, freight forwarder, or*
9 *broker registration, or a successor (as that term*
10 *is defined under section 31153), if the relation-*
11 *ship occurred in the 5-year period preceding the*
12 *date of the filing of the application for registra-*
13 *tion; and*

14 “(D) *after the Secretary establishes a writ-*
15 *ten proficiency examination pursuant to section*
16 *101(b) of the Commercial Motor Vehicle Safety*
17 *Enhancement Act of 2011, has passed the written*
18 *proficiency examination.”.*

19 **(b) WRITTEN PROFICIENCY EXAMINATION.—**

20 **(1) ESTABLISHMENT.—***Not later than 18 months*
21 *after the date of enactment of this Act, the Secretary*
22 *shall establish a written proficiency examination for*
23 *applicant motor carriers pursuant to section*
24 *13902(a)(1)(D). The written proficiency examination*
25 *shall test a person’s knowledge of applicable safety*

1 *regulations, standards, and orders of the Federal gov-*
 2 *ernment and State government.*

3 (2) *ADDITIONAL FEE.*—*The Secretary may assess*
 4 *a fee to cover the expenses incurred by the Depart-*
 5 *ment of Transportation in—*

6 (A) *developing and administering the writ-*
 7 *ten proficiency examination; and*

8 (B) *reviewing the comprehensive manage-*
 9 *ment plan required under section 13902(a)(1)(B)*
 10 *of title 49, United States Code.*

11 (c) *CONFORMING AMENDMENT.*—*Section 210(b) of the*
 12 *Motor Carrier Safety Improvement Act of 1999 (49 U.S.C.*
 13 *31144 note) is amended—*

14 (1) *by inserting “, commercial regulations, and*
 15 *provisions of subpart H of part 37 of title 49, Code*
 16 *of Federal Regulations, or successor regulations” after*
 17 *“applicable safety regulations”; and*

18 (2) *by striking “consider the establishment of”*
 19 *and inserting “establish”.*

20 **SEC. 102. SAFETY FITNESS OF NEW OPERATORS.**

21 (a) *SAFETY REVIEWS OF NEW OPERATORS.*—*Section*
 22 *31144(g)(1) is amended to read as follows:*

23 (1) *SAFETY REVIEW.*—

24 (A) *IN GENERAL.*—*The Secretary shall re-*
 25 *quire, by regulation, each owner and each oper-*

1 *ator granted new registration under section*
2 *13902 or 31134 to undergo a safety review not*
3 *later than 12 months after the owner or operator,*
4 *as the case may be, begins operations under such*
5 *registration.*

6 *“(B) PROVIDERS OF MOTORCOACH SERV-*
7 *ICES.—The Secretary may register a person to*
8 *provide motorcoach services under section 13902*
9 *or 31134 after the person undergoes a pre-au-*
10 *thorization safety audit, including verification,*
11 *in a manner sufficient to demonstrate the ability*
12 *to comply with Federal rules and regulations, as*
13 *described in section 13902. The Secretary shall*
14 *continue to monitor the safety performance of*
15 *each owner and each operator subject to this sec-*
16 *tion for 12 months after the owner or operator*
17 *is granted registration under section 13902 or*
18 *31134. The registration of each owner and each*
19 *operator subject to this section shall become per-*
20 *manent after the motorcoach service provider is*
21 *granted registration following a pre-authoriza-*
22 *tion safety audit and the expiration of the 12*
23 *month monitoring period.*

24 *“(C) PRE-AUTHORIZATION SAFETY*
25 *AUDIT.—The Secretary may require, by regula-*

1 *tion, that the pre-authorization safety audit*
 2 *under subparagraph (B) be completed on-site not*
 3 *later than 90 days after the submission of an ap-*
 4 *plication for operating authority.”.*

5 *(b) EFFECTIVE DATE.—The amendments made by sub-*
 6 *section (a) shall take effect 1 year after the date of enact-*
 7 *ment of this Act.*

8 **SEC. 103. REINCARNATED CARRIERS.**

9 *(a) EFFECTIVE PERIODS OF REGISTRATION.—*

10 *(1) SUSPENSIONS, AMENDMENTS, AND REVOCA-*
 11 *TIONS.—Section 13905(d) is amended—*

12 *(A) by redesignating paragraph (2) as*
 13 *paragraph (4);*

14 *(B) by striking paragraph (1) and inserting*
 15 *the following:*

16 *“(1) APPLICATIONS.—On application of the reg-*
 17 *istrant, the Secretary may amend or revoke a reg-*
 18 *istration.*

19 *“(2) COMPLAINTS AND ACTIONS ON SECRETARY’S*
 20 *OWN INITIATIVE.—On complaint or on the Secretary’s*
 21 *own initiative and after notice and an opportunity*
 22 *for a proceeding, the Secretary may—*

23 *“(A) suspend, amend, or revoke any part of*
 24 *the registration of a motor carrier, broker, or*

1 *freight forwarder for willful failure to comply*
2 *with—*

3 *“(i) this part;*

4 *“(ii) an applicable regulation or order*
5 *of the Secretary or the Board, including the*
6 *accessibility requirements established by the*
7 *Secretary under subpart H of part 37 of*
8 *title 49, Code of Federal Regulations (or*
9 *successor regulations), for transportation*
10 *provided by an over-the-road bus; or*

11 *“(iii) a condition of its registration;*

12 *“(B) withhold, suspend, amend, or revoke*
13 *any part of the registration of a motor carrier,*
14 *broker, or freight forwarder for failure—*

15 *“(i) to pay a civil penalty imposed*
16 *under chapter 5, 51, 149, or 311;*

17 *“(ii) to arrange and abide by an ac-*
18 *ceptable payment plan for such civil pen-*
19 *alty, not later than 90 days after the date*
20 *specified by order of the Secretary for the*
21 *payment of such penalty; or*

22 *“(iii) for failure to obey a subpoena*
23 *issued by the Secretary;*

24 *“(C) withhold, suspend, amend, or revoke*
25 *any part of a registration of a motor carrier,*

1 *broker, or freight forwarder following a deter-*
2 *mination by the Secretary that the motor car-*
3 *rier, broker, or freight forwarder failed to dis-*
4 *close, in its application for registration, a mate-*
5 *rial fact relevant to its willingness and ability to*
6 *comply with—*

7 “(i) *this part;*

8 “(ii) *an applicable regulation or order*
9 *of the Secretary or the Board; or*

10 “(iii) *a condition of its registration; or*

11 “(D) *withhold, suspend, amend, or revoke*
12 *any part of a registration of a motor carrier,*
13 *broker, or freight forwarder if the Secretary finds*
14 *that—*

15 “(i) *the motor carrier, broker, or*
16 *freight forwarder is or was related through*
17 *common ownership, common management,*
18 *common control, or common familial rela-*
19 *tionship to any other motor carrier, broker,*
20 *or freight forwarder, or any other applicant*
21 *for motor carrier, broker, or freight for-*
22 *warder registration that the Secretary de-*
23 *termines is or was unwilling or unable to*
24 *comply with the relevant requirements listed*
25 *in section 13902, 13903, or 13904; or*

1 “(ii) the person is the successor, as de-
2 fined in section 31153, to a person who is
3 or was unwilling or unable to comply with
4 the relevant requirements of section 13902,
5 13903, or 13904.

6 “(3) *LIMITATION*.—Paragraph (2)(B) shall not
7 apply to a person who is unable to pay a civil pen-
8 alty because the person is a debtor in a case under
9 chapter 11 of title 11.”; and

10 (C) in paragraph (4), as redesignated by
11 section 103(a)(1)(A) of this Act, by striking
12 “paragraph (1)(B)” and inserting “paragraph
13 (2)(B)”.

14 (2) *PROCEDURE*.—Section 13905(e) is amended
15 by inserting “or if the Secretary determines that the
16 registrant failed to disclose a material fact in an ap-
17 plication for registration in accordance with sub-
18 section (d)(2)(C),” after “registrant,”.

19 (b) *INFORMATION SYSTEMS*.—Section 31106(a)(3) is
20 amended—

21 (1) in subparagraph (F), by striking “and” at
22 the end;

23 (2) in subparagraph (G), by striking the period
24 at the end and inserting “; and”; and

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

1 “(H) determine whether a person or em-
2 ployer is or was related, through common owner-
3 ship, common management, common control, or
4 common familial relationship, to any other per-
5 son, employer, or any other applicant for reg-
6 istration under section 13902 or 31134.”.

7 **SEC. 104. FINANCIAL RESPONSIBILITY REQUIREMENTS.**

8 (a) *REPORT.*—Not later than 6 months after the date
9 of the enactment of this Act, the Secretary shall—

10 (1) issue a report on the appropriateness of—

11 (A) the current minimum financial respon-
12 sibility requirements under sections 31138 and
13 31139 of title 49, United States Code; and

14 (B) the current bond and insurance require-
15 ments under section 13904(d) of title 49, United
16 States Code; and

17 (2) submit the report issued under paragraph (1)
18 to the Committee on Commerce, Science, and Trans-
19 portation of the Senate and the Committee on Trans-
20 portation and Infrastructure of the House of Rep-
21 resentatives.

22 (b) *RULEMAKING.*—Not later than 6 months after the
23 publication of the report under subsection (a), the Secretary
24 shall initiate a rulemaking—

1 (1) to revise the minimum financial responsi-
2 bility requirements under sections 31138 and 31139
3 of title 49, United States Code and

4 (2) to revise the bond and insurance require-
5 ments under section 13904(d) of such title, as appro-
6 priate, based on the findings of the report submitted
7 under subsection (a).

8 (c) *DEADLINE*.—Not later than 1 year after the start
9 of the rulemaking under subsection (b), the Secretary
10 shall—

11 (1) issue a final rule; or

12 (2) if the Secretary determines that a rule-
13 making is not required following the Secretary's anal-
14 ysis, submit a report stating the reason for not in-
15 creasing the minimum financial responsibility re-
16 quirements to the Committee on Commerce, Science,
17 and Transportation of the Senate and the Committee
18 on Transportation and Infrastructure of the House of
19 Representatives.

20 (d) *BIENNIAL REVIEWS*.—Not less than once every 2
21 years, the Secretary shall review the requirements pre-
22 scribed under subsection (b) and revise the requirements,
23 as appropriate.

1 **SEC. 105. USDOT NUMBER REGISTRATION REQUIREMENT.**

2 (a) *IN GENERAL.*—Chapter 311 is amended by insert-
3 *ing after section 31133 the following:*

4 **“§31134. Requirement for registration and USDOT**
5 **number**

6 “(a) *IN GENERAL.*—Upon application, and subject to
7 *subsections (b) and (c), the Secretary shall register an em-*
8 *ployer or person subject to the safety jurisdiction of this*
9 *subchapter. An employer or person may operate a commer-*
10 *cial motor vehicle in interstate commerce only if the em-*
11 *ployer or person is registered by the Secretary under this*
12 *section and receives a USDOT number. Nothing in this sec-*
13 *tion shall preclude registration by the Secretary of an em-*
14 *ployer or person not engaged in interstate commerce. An*
15 *employer or person subject to jurisdiction under subchapter*
16 *I of chapter 135 of this title shall apply for commercial*
17 *registration under section 13902 of this title.*

18 “(b) *WITHHOLDING REGISTRATION.*—The Secretary
19 *may withhold registration under subsection (a), after notice*
20 *and an opportunity for a proceeding, if the Secretary deter-*
21 *mines that—*

22 “(1) *the employer or person seeking registration*
23 *is unwilling or unable to comply with the require-*
24 *ments of this subchapter and the regulations pre-*
25 *scribed thereunder and chapter 51 and the regulations*
26 *prescribed thereunder;*

1 “(2) *the employer or person is or was related*
2 *through common ownership, common management,*
3 *common control, or common familial relationship to*
4 *any other person or applicant for registration subject*
5 *to this subchapter who is or was unfit, unwilling, or*
6 *unable to comply with the requirements listed in sub-*
7 *section (b)(1); or*

8 “(3) *the person is the successor, as defined in sec-*
9 *tion 31153, to a person who is or was unfit, unwill-*
10 *ing, or unable to comply with the requirements listed*
11 *in subsection (b)(1).*

12 “(c) *REVOCATION OR SUSPENSION OF REGISTRA-*
13 *TION.—The Secretary shall revoke the registration of an em-*
14 *ployer or person under subsection (a) after notice and an*
15 *opportunity for a proceeding, or suspend the registration*
16 *after giving notice of the suspension to the employer or per-*
17 *son, if the Secretary determines that—*

18 “(1) *the employer’s or person’s authority to oper-*
19 *ate pursuant to chapter 139 of this title would be sub-*
20 *ject to revocation or suspension under sections*
21 *13905(d)(1) or 13905(f) of this title;*

22 “(2) *the employer or person is or was related*
23 *through common ownership, common management,*
24 *common control, or common familial relationship to*
25 *any other person or applicant for registration subject*

1 to this subchapter that the Secretary determines is or
 2 was unfit, unwilling, or unable to comply with the re-
 3 quirements listed in subsection (b)(1);

4 “(3) the person is the successor, as defined in sec-
 5 tion 31153, to a person the Secretary determines is or
 6 was unfit, unwilling, or unable to comply with the re-
 7 quirements listed in subsection (b)(1); or

8 “(4) the employer or person failed or refused to
 9 submit to the safety review required by section
 10 31144(g) of this title.

11 “(d) *PERIODIC REGISTRATION UPDATE.*—The Sec-
 12 retary may require an employer to update a registration
 13 under this section periodically or not later than 30 days
 14 after a change in the employer’s address, other contact in-
 15 formation, officers, process agent, or other essential infor-
 16 mation, as determined by the Secretary.”.

17 (b) *CONFORMING AMENDMENT.*—The analysis of chap-
 18 ter 311 is amended by inserting after the item relating to
 19 section 31133 the following:

 “31134. Requirement for registration and USDOT number.”.

20 **SEC. 106. REGISTRATION FEE SYSTEM.**

21 Section 13908(d)(1) is amended by striking “but shall
 22 not exceed \$300”.

23 **SEC. 107. REGISTRATION UPDATE.**

24 (a) *PERIODIC MOTOR CARRIER UPDATE.*—Section
 25 13902 is amended by adding at the end the following:

1 “(h) *UPDATE OF REGISTRATION.*—*The Secretary may*
 2 *require a registrant to update its registration under this*
 3 *section periodically or not later than 30 days after a change*
 4 *in the registrant’s address, other contact information, offi-*
 5 *cers, process agent, or other essential information, as deter-*
 6 *mined by the Secretary.*”.

7 (b) *PERIODIC FREIGHT FORWARDER UPDATE.*—*Sec-*
 8 *tion 13903 is amended by adding at the end the following:*

9 “(c) *UPDATE OF REGISTRATION.*—*The Secretary may*
 10 *require a freight forwarder to update its registration under*
 11 *this section periodically or not later than 30 days after a*
 12 *change in the freight forwarder’s address, other contact in-*
 13 *formation, officers, process agent, or other essential infor-*
 14 *mation, as determined by the Secretary.*”.

15 (c) *PERIODIC BROKER UPDATE.*—*Section 13904 is*
 16 *amended by adding at the end the following:*

17 “(e) *UPDATE OF REGISTRATION.*—*The Secretary may*
 18 *require a broker to update its registration under this section*
 19 *periodically or not later than 30 days after a change in*
 20 *the broker’s address, other contact information, officers,*
 21 *process agent, or other essential information, as determined*
 22 *by the Secretary.*”.

23 **SEC. 108. INCREASED PENALTIES FOR OPERATING WITH-**
 24 **OUT REGISTRATION.**

25 (a) *PENALTIES.*—*Section 14901(a) is amended—*

1 (1) *by striking “\$500” and inserting “\$1,000”;*

2 (2) *by striking “who is not registered under this*
3 *part to provide transportation of passengers,”;*

4 (3) *by striking “with respect to providing trans-*
5 *portation of passengers,” and inserting “or section*
6 *13902(c) of this title,”; and*

7 (4) *by striking “\$2,000 for each violation and*
8 *each additional day the violation continues” and in-*
9 *serting “\$10,000 for each violation, or \$25,000 for*
10 *each violation relating to providing transportation of*
11 *passengers”.*

12 (b) *TRANSPORTATION OF HAZARDOUS WASTES.—Sec-*
13 *tion 14901(b) is amended by striking “not to exceed*
14 *\$20,000” and inserting “not less than \$25,000”.*

15 **SEC. 109. REVOCATION OF REGISTRATION FOR IMMINENT**
16 **HAZARD.**

17 *Section 13905(f)(2) is amended to read as follows:*

18 “(2) *IMMINENT HAZARD TO PUBLIC HEALTH.—*
19 *Notwithstanding subchapter II of chapter 5 of title 5,*
20 *the Secretary shall revoke the registration of a motor*
21 *carrier if the Secretary finds that the carrier is or*
22 *was conducting unsafe operations that are or were an*
23 *imminent hazard to public health or property.”.*

1 **SEC. 110. REVOCATION OF REGISTRATION AND OTHER PEN-**
 2 **ALTIES FOR FAILURE TO RESPOND TO SUB-**
 3 **POENA.**

4 *Section 525 is amended—*

5 *(1) by striking “subpenas” in the section heading*
 6 *and inserting “subpoenas”;*

7 *(2) by striking “subpena” and inserting “sub-*
 8 *poena”;*

9 *(3) by striking “\$100” and inserting “\$1,000”;*

10 *(4) by striking “\$5,000” and inserting*
 11 *“\$10,000”; and*

12 *(5) by adding at the end the following:*

13 *“The Secretary may withhold, suspend, amend, or re-*
 14 *voke any part of the registration of a person required to*
 15 *register under chapter 139 for failing to obey a subpoena*
 16 *or requirement of the Secretary under this chapter to ap-*
 17 *pear and testify or produce records.”.*

18 **SEC. 111. FLEETWIDE OUT OF SERVICE ORDER FOR OPER-**
 19 **ATING WITHOUT REQUIRED REGISTRATION.**

20 *Section 13902(e)(1) is amended—*

21 *(1) by striking “motor vehicle” and inserting*
 22 *“motor carrier” after “the Secretary determines that*
 23 *a”;* and

24 *(2) by striking “order the vehicle” and inserting*
 25 *“order the motor carrier operations” after “the Sec-*
 26 *retary may”.*

1 **SEC. 112. MOTOR CARRIER AND OFFICER PATTERNS OF**
2 **SAFETY VIOLATIONS.**

3 *Section 31135 is amended—*

4 *(1) by striking subsection (b) and inserting the*
5 *following:*

6 *“(b) NONCOMPLIANCE.—*

7 *“(1) MOTOR CARRIERS.—Two or more motor*
8 *carriers, employers, or persons shall not use common*
9 *ownership, common management, common control, or*
10 *common familial relationship to enable any or all*
11 *such motor carriers, employers, or persons to avoid*
12 *compliance, or mask or otherwise conceal non-compli-*
13 *ance, or a history of non-compliance, with regulations*
14 *prescribed under this subchapter or an order of the*
15 *Secretary issued under this subchapter.*

16 *“(2) PATTERN.—If the Secretary finds that a*
17 *motor carrier, employer, or person engaged in a pat-*
18 *tern or practice of avoiding compliance, or masking*
19 *or otherwise concealing noncompliance, with regula-*
20 *tions prescribed under this subchapter, the Sec-*
21 *retary—*

22 *“(A) may withhold, suspend, amend, or re-*
23 *voke any part of the motor carrier’s, employer’s,*
24 *or person’s registration in accordance with sec-*
25 *tion 13905 or 31134; and*

1 “(B) shall take into account such non-com-
2 pliance for purposes of determining civil penalty
3 amounts under section 521(b)(2)(D).

4 “(3) OFFICERS.—If the Secretary finds, after no-
5 tice and an opportunity for proceeding, that an offi-
6 cer of a motor carrier, employer, or owner or operator
7 engaged in a pattern or practice of violating regula-
8 tions prescribed under this subchapter, or assisted a
9 motor carrier, employer, or owner or operator in
10 avoiding compliance, or masking or otherwise con-
11 cealing noncompliance, the Secretary may impose ap-
12 propriate sanctions, subject to the limitations in
13 paragraph (4), including—

14 “(A) suspension or revocation of registra-
15 tion granted to the officer individually under
16 section 13902 or 31134;

17 “(B) temporary or permanent suspension or
18 bar from association with any motor carrier,
19 employer, or owner or operator registered under
20 section 13902 or 31134; or

21 “(C) any appropriate sanction approved by
22 the Secretary.

23 “(4) LIMITATIONS.—The sanctions described in
24 subparagraphs (A) through (C) of subsection (b)(3)
25 shall apply to—

1 “(A) intentional or knowing conduct, in-
2 cluding reckless conduct that violates applicable
3 laws (including regulations); and

4 “(B) repeated instances of negligent conduct
5 that violates applicable laws (including regula-
6 tions).”; and

7 (2) by striking subsection (c) and inserting the
8 following:

9 “(c) AVOIDING COMPLIANCE.—For purposes of this sec-
10 tion, ‘avoiding compliance’ or ‘masking or otherwise con-
11 cealing noncompliance’ includes serving as an officer or
12 otherwise exercising controlling influence over 2 or more
13 motor carriers where—

14 “(1) one of the carriers was placed out of service,
15 or received notice from the Secretary that it will be
16 placed out of service, following—

17 “(A) a determination of unfitness under sec-
18 tion 31144(b);

19 “(B) a suspension or revocation of registra-
20 tion under section 13902, 13905, or 31144(g);

21 “(C) issuance of an imminent hazard out of
22 service order under section 521(b)(5) or section
23 5121(d); or

24 “(D) notice of failure to pay a civil penalty
25 or abide by a penalty payment plan; and

1 “(2) one or more of the carriers is the ‘successor,’
 2 as that term is defined in section 31153, to the car-
 3 rier that is the subject of the action in paragraph
 4 (1).”.

5 **SEC. 113. FEDERAL SUCCESSOR STANDARD.**

6 (a) *IN GENERAL.*—Chapter 311 is amended by adding
 7 after section 31152, as added by section 508 of this Act,
 8 the following:

9 **“§ 31153. Federal successor standard**

10 “(a) *FEDERAL SUCCESSOR STANDARD.*—Notwith-
 11 standing any other provision of Federal or State law, the
 12 Secretary may take an action authorized under chapters
 13 5, 51, 131 through 149, subchapter III of chapter 311 (ex-
 14 cept sections 31138 and 31139), or sections 31302, 31303,
 15 31304, 31305(b), 31310(g)(1)(A), or 31502 of this title, or
 16 a regulation issued under any of those provisions, against
 17 a successor of a motor carrier (as defined in section 13102),
 18 a successor of an employer (as defined in section 31132),
 19 or a successor of an owner or operator (as that term is used
 20 in subchapter III of chapter 311), to the same extent and
 21 on the same basis as the Secretary may take the action
 22 against the motor carrier, employer, or owner or operator.

23 “(b) *SUCCESSOR DEFINED.*—For purposes of this sec-
 24 tion, the term ‘successor’ means a motor carrier, employer,
 25 or owner or operator that the Secretary determines, after

1 *notice and an opportunity for a proceeding, has 1 or more*
2 *features that correspond closely with the features of another*
3 *existing or former motor carrier, employer, or owner or op-*
4 *erator, such as—*

5 “(1) *consideration paid for assets purchased or*
6 *transferred;*

7 “(2) *dates of corporate creation and dissolution*
8 *or termination of operations;*

9 “(3) *commonality of ownership;*

10 “(4) *commonality of officers and management*
11 *personnel and their functions;*

12 “(5) *commonality of drivers and other employ-*
13 *ees;*

14 “(6) *identity of physical or mailing addresses,*
15 *telephone, fax numbers, or e-mail addresses;*

16 “(7) *identity of motor vehicle equipment;*

17 “(8) *continuity of liability insurance policies;*

18 “(9) *commonality of coverage under liability in-*
19 *surance policies;*

20 “(10) *continuation of carrier facilities and other*
21 *physical assets;*

22 “(11) *continuity of the nature and scope of oper-*
23 *ations, including customers;*

24 “(12) *commonality of the nature and scope of*
25 *operations, including customers;*

1 “(13) advertising, corporate name, or other acts
2 through which the motor carrier, employer, or owner
3 or operator holds itself out to the public;

4 “(14) history of safety violations and pending
5 orders or enforcement actions of the Secretary; and

6 “(15) additional factors that the Secretary con-
7 siders appropriate.

8 “(c) *EFFECTIVE DATE.*—Notwithstanding any other
9 provision of law, this section shall apply to any action com-
10 menced on or after the date of enactment of the Commercial
11 Motor Vehicle Safety Enhancement Act of 2011 without re-
12 gard to whether the violation that is the subject of the ac-
13 tion, or the conduct that caused the violation, occurred be-
14 fore the date of enactment.

15 “(d) *RIGHTS NOT AFFECTED.*—Nothing in this section
16 shall affect the rights, functions, or responsibilities under
17 law of any other Department, Agency, or instrumentality
18 of the United States, the laws of any State, or any rights
19 between a private party and a motor carrier, employer, or
20 owner or operator.”.

21 (b) *CONFORMING AMENDMENT.*—The analysis of chap-
22 ter 311 is amended by inserting after the item related to
23 section 31152, as added by section 508 of this Act, the fol-
24 lowing:

“31153. Federal successor standard.”.

1 **TITLE II—COMMERCIAL MOTOR**
 2 **VEHICLE SAFETY**

3 **SEC. 201. REPEAL OF COMMERCIAL JURISDICTION EXCEP-**
 4 **TION FOR BROKERS OF MOTOR CARRIERS OF**
 5 **PASSENGERS.**

6 (a) *IN GENERAL.*—Section 13506(a) is amended—

7 (1) by inserting “or” at the end of paragraph
 8 (13);

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

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

12 (b) *CONFORMING AMENDMENT.*—Section 13904(a) is
 13 amended by striking “of property” in the first sentence.

14 **SEC. 202. BUS RENTALS AND DEFINITION OF EMPLOYER.**

15 Paragraph (3) of section 31132 is amended to read as
 16 follows:

17 “(3) ‘employer’—

18 “(A) means a person engaged in a business
 19 affecting interstate commerce that—

20 “(i) owns or leases a commercial motor
 21 vehicle in connection with that business, or
 22 assigns an employee to operate the commer-
 23 cial motor vehicle; or

24 “(ii) offers for rent or lease a motor ve-
 25 hicle designed or used to transport more

1 *than 8 passengers, including the driver, and*
2 *from the same location or as part of the*
3 *same business provides names or contact in-*
4 *formation of drivers, or holds itself out to*
5 *the public as a charter bus company; but*
6 *“(B) does not include the Government, a*
7 *State, or a political subdivision of a State.”.*

8 **SEC. 203. CRASHWORTHINESS STANDARDS.**

9 *(a) IN GENERAL.—Not later than 18 months after the*
10 *date of enactment of this Act, the Secretary shall conduct*
11 *a comprehensive analysis on the need for crashworthiness*
12 *standards on property-carrying commercial motor vehicles*
13 *with a gross vehicle weight rating or gross vehicle weight*
14 *of at least 26,001 pounds involved in interstate commerce,*
15 *including an evaluation of the need for roof strength, pillar*
16 *strength, air bags, and frontal and back wall standards.*

17 *(b) REPORT.—Not later than 90 days after completing*
18 *the comprehensive analysis under subsection (a), the Sec-*
19 *retary shall report the results of the analysis and any rec-*
20 *ommendations to the Committee on Commerce, Science, and*
21 *Transportation of the Senate and the Committee on Trans-*
22 *portation and Infrastructure of the House of Representa-*
23 *tives.*

1 **SEC. 204. CANADIAN SAFETY RATING RECIPROCITY.**

2 *Section 31144 is amended by adding at the end the*
3 *following:*

4 *“(h) RECOGNITION OF CANADIAN MOTOR CARRIER*
5 *SAFETY FITNESS DETERMINATIONS.—*

6 *“(1) If an authorized agency of the Canadian*
7 *federal government or a Canadian Territorial or Pro-*
8 *vincial government determines, by applying the pro-*
9 *cedure and standards prescribed by the Secretary*
10 *under subsection (b) or pursuant to an agreement*
11 *under paragraph (2), that a Canadian employer is*
12 *unfit and prohibits the employer from operating a*
13 *commercial motor vehicle in Canada or any Cana-*
14 *dian Province, the Secretary may prohibit the em-*
15 *ployer from operating such vehicle in interstate and*
16 *foreign commerce until the authorized Canadian*
17 *agency determines that the employer is fit.*

18 *“(2) The Secretary may consult and participate*
19 *in negotiations with authorized officials of the Cana-*
20 *dian federal government or a Canadian Territorial or*
21 *Provincial government, as necessary, to provide recip-*
22 *rocal recognition of each country’s motor carrier safe-*
23 *ty fitness determinations. An agreement shall provide,*
24 *to the maximum extent practicable, that each country*
25 *will follow the procedure and standards prescribed by*

1 *the Secretary under subsection (b) in making motor*
2 *carrier safety fitness determinations.”.*

3 **SEC. 205. STATE REPORTING OF FOREIGN COMMERCIAL**
4 **DRIVER CONVICTIONS.**

5 *(a) DEFINITION OF FOREIGN COMMERCIAL DRIVER.—*
6 *Section 31301 is amended—*

7 *(1) by redesignating paragraphs (10) through*
8 *(14) as paragraphs (11) through (15), respectively;*
9 *and*

10 *(2) by inserting after paragraph (9) the fol-*
11 *lowing:*

12 *“(10) ‘foreign commercial driver’ means an indi-*
13 *vidual licensed to operate a commercial motor vehicle*
14 *by an authority outside the United States, or a cit-*
15 *izen of a foreign country who operates a commercial*
16 *motor vehicle in the United States.”.*

17 *(b) STATE REPORTING OF CONVICTIONS.—Section*
18 *31311(a) is amended by adding after paragraph (21) the*
19 *following:*

20 *“(22) The State shall report a conviction of a*
21 *foreign commercial driver by that State to the Federal*
22 *Convictions and Withdrawal Database, or another in-*
23 *formation system designated by the Secretary to*
24 *record the convictions. A report shall include—*

1 “(A) for a driver holding a foreign commer-
2 cial driver’s license—

3 “(i) each conviction relating to the op-
4 eration of a commercial motor vehicle; and

5 “(ii) a non-commercial motor vehicle;
6 and

7 “(B) for an unlicensed driver or a driver
8 holding a foreign non-commercial driver’s li-
9 cense, each conviction for operating a commer-
10 cial motor vehicle.”.

11 **SEC. 206. AUTHORITY TO DISQUALIFY FOREIGN COMMER-**
12 **CIAL DRIVERS.**

13 Section 31310 is amended by adding at the end the
14 following:

15 “(k) **FOREIGN COMMERCIAL DRIVERS.**—A foreign
16 commercial driver shall be subject to disqualification under
17 this section.”.

18 **SEC. 207. REVOCATION OF FOREIGN MOTOR CARRIER OP-**
19 **ERATING AUTHORITY FOR FAILURE TO PAY**
20 **CIVIL PENALTIES.**

21 Section 13905(d)(2), as amended by section 103(a) of
22 this Act, is amended by inserting “foreign motor carrier,
23 foreign motor private carrier,” after “registration of a
24 motor carrier,” each place it appears.

1 **TITLE III—DRIVER SAFETY**

2 **SEC. 301. ELECTRONIC ON-BOARD RECORDING DEVICES.**

3 (a) *GENERAL AUTHORITY.*—Section 31137 is amend-
4 *ed—*

5 (1) *by amending the section heading to read as*
6 *follows:*

7 **“§31137. Electronic on-board recording devices and**
8 **brake maintenance regulations”;**

9 (2) *by redesignating subsection (b) as subsection*
10 *(e); and*

11 (3) *by amending (a) to read as follows:*

12 “(a) *ELECTRONIC ON-BOARD RECORDING DEVICES.*—
13 *Not later than 1 year after the date of enactment of the*
14 *Commercial Motor Vehicle Safety Enhancement Act of*
15 *2011, the Secretary of Transportation shall prescribe regu-*
16 *lations—*

17 “(1) *requiring a commercial motor vehicle in-*
18 *volved in interstate commerce and operated by a driv-*
19 *er subject to the hours of service and the record of*
20 *duty status requirements under part 395 of title 49,*
21 *Code of Federal Regulations, be equipped with an*
22 *electronic on-board recording device to improve com-*
23 *pliance by an operator of a vehicle with hours of serv-*
24 *ice regulations prescribed by the Secretary; and*

1 “(2) *ensuring that an electronic on-board record-*
2 *ing device is not used to harass a vehicle operator.*

3 “(b) *ELECTRONIC ON-BOARD RECORDING DEVICE RE-*
4 *QUIREMENTS.—*

5 “(1) *IN GENERAL.—The regulations prescribed*
6 *under subsection (a) shall—*

7 “(A) *require an electronic on-board record-*
8 *ing device—*

9 “(i) *to accurately record commercial*
10 *driver hours of service;*

11 “(ii) *to record the location of a com-*
12 *mercial motor vehicle;*

13 “(iii) *to be tamper resistant; and*

14 “(iv) *to be integrally synchronized*
15 *with an engine’s control module;*

16 “(B) *allow law enforcement to access the*
17 *data contained in the device during a roadside*
18 *inspection; and*

19 “(C) *apply to a commercial motor vehicle*
20 *beginning on the date that is 2 years after the*
21 *date that the regulations are published as a final*
22 *rule.*

23 “(2) *PERFORMANCE AND DESIGN STANDARDS.—*
24 *The regulations prescribed under subsection (a) shall*
25 *establish performance standards—*

1 “(A) *defining a standardized user interface*
2 *to aid vehicle operator compliance and law en-*
3 *forcement review;*

4 “(B) *establishing a secure process for stand-*
5 *ardized—*

6 “(i) *and unique vehicle operator iden-*
7 *tification;*

8 “(ii) *data access;*

9 “(iii) *data transfer for vehicle opera-*
10 *tors between motor vehicles;*

11 “(iv) *data storage for a motor carrier;*

12 *and*

13 “(v) *data transfer and transportability*
14 *for law enforcement officials;*

15 “(C) *establishing a standard security level*
16 *for an electronic on-board recording device and*
17 *related components to be tamper resistant by*
18 *using a methodology endorsed by a nationally*
19 *recognized standards organization; and*

20 “(D) *identifying each driver subject to the*
21 *hours of service and record of duty status re-*
22 *quirements under part 395 of title 49, Code of*
23 *Federal Regulations.*

24 “(c) *CERTIFICATION CRITERIA.—*

1 “(1) *IN GENERAL.*—*The regulations prescribed*
2 *by the Secretary under this section shall establish the*
3 *criteria and a process for the certification of an elec-*
4 *tronic on-board recording device to ensure that the de-*
5 *vice meets the performance requirements under this*
6 *section.*

7 “(2) *EFFECT OF NONCERTIFICATION.*—*An elec-*
8 *tronic on-board recording device that is not certified*
9 *in accordance with the certification process referred to*
10 *in paragraph (1) shall not be acceptable evidence of*
11 *hours of service and record of duty status require-*
12 *ments under part 395 of title 49, Code of Federal*
13 *Regulations.*

14 “(d) *ELECTRONIC ON-BOARD RECORDING DEVICE DE-*
15 *FINED.*—*In this section, the term ‘electronic on-board re-*
16 *ording device’ means an electronic device that—*

17 “(1) *is capable of recording a driver’s hours of*
18 *service and duty status accurately and automatically;*
19 *and*

20 “(2) *meets the requirements established by the*
21 *Secretary through regulation.”.*

22 (b) *CIVIL PENALTIES.*—*Section 30165(a)(1) is amend-*
23 *ed by striking “or 30141 through 30147” and inserting*
24 *“30141 through 30147, or 31137”.*

1 (c) *CONFORMING AMENDMENT.*—*The analysis for*
 2 *chapter 311 is amended by striking the item relating to sec-*
 3 *tion 31137 and inserting the following:*

“31137. Electronic on-board recording devices and brake maintenance regula-
tions.”.

4 **SEC. 302. SAFETY FITNESS.**

5 (a) *SAFETY FITNESS RATING METHODOLOGY.*—*The*
 6 *Secretary shall—*

7 (1) *incorporate into its Compliance, Safety, Ac-*
 8 *countability program a safety fitness rating method-*
 9 *ology that assigns sufficient weight to adverse vehicle*
 10 *and driver performance based-data that elevate crash*
 11 *risks to warrant an unsatisfactory rating for a car-*
 12 *rier; and*

13 (2) *ensure that the data to support such assess-*
 14 *ments is accurate.*

15 (b) *INTERIM MEASURES.*—*Not later than March 31,*
 16 *2012, the Secretary shall take interim measures to imple-*
 17 *ment a similar safety fitness rating methodology in its cur-*
 18 *rent safety rating system if the Compliance, Safety, Ac-*
 19 *countability program is not fully implemented.*

20 **SEC. 303. DRIVER MEDICAL QUALIFICATIONS.**

21 (a) *DEADLINE FOR ESTABLISHMENT OF NATIONAL*
 22 *REGISTRY OF MEDICAL EXAMINERS.*—*Not later than 1*
 23 *year after the date of enactment of this Act, the Secretary*
 24 *shall establish a national registry of medical examiners in*

1 *accordance with section 31149(d)(1) of title 49, United*
2 *States Code.*

3 **(b) EXAMINATION REQUIREMENT FOR NATIONAL REG-**
4 **ISTRY OF MEDICAL EXAMINERS.**—*Section 31149(c)(1)(D)*
5 *is amended to read as follows:*

6 “(D) *not later than 1 year after enactment*
7 *of the Commercial Motor Vehicle Safety En-*
8 *hancement Act of 2011, develop requirements for*
9 *a medical examiner to be listed in the national*
10 *registry under this section, including—*

11 “(i) *the completion of specific courses*
12 *and materials;*

13 “(ii) *certification, including self-cer-*
14 *tification, if the Secretary determines that*
15 *self-certification is necessary for sufficient*
16 *participation in the national registry, to*
17 *verify that a medical examiner completed*
18 *specific training, including refresher*
19 *courses, that the Secretary determines nec-*
20 *essary to be listed in the national registry;*

21 “(iii) *an examination that requires a*
22 *passing grade; and*

23 “(iv) *demonstration of a medical ex-*
24 *aminer’s willingness to meet the reporting*
25 *requirements established by the Secretary;”.*

1 (c) *ADDITIONAL OVERSIGHT OF LICENSING AUTHORI-*
2 *TIES.*—

3 (1) *IN GENERAL.*—Section 31149(c)(1) is amend-
4 *ed*—

5 (A) *in subparagraph (E), by striking “and”*
6 *after the semicolon;*

7 (B) *in subparagraph (F), by striking the*
8 *period at the end and inserting “; and”; and*

9 (C) *by adding at the end the following:*

10 “(G) *annually review the implementation of*
11 *commercial driver’s license requirements by not*
12 *fewer than 10 States to assess the accuracy, va-*
13 *lidity, and timeliness of—*

14 “(i) *the submission of physical exam-*
15 *ination reports and medical certificates to*
16 *State licensing agencies; and*

17 “(ii) *the processing of the submissions*
18 *by State licensing agencies.”.*

19 (2) *INTERNAL OVERSIGHT POLICY.*—

20 (A) *IN GENERAL.*—Not later than 2 years
21 *after the date of enactment of this Act, the Sec-*
22 *retary shall establish an oversight policy and*
23 *procedure to carry out section 31149(c)(1)(G) of*
24 *title 49, United States Code, as added by section*
25 *303(c)(1) of this Act.*

1 (B) *EFFECTIVE DATE.*—*The amendments*
2 *made by section 303(c)(1) of this Act shall take*
3 *effect on the date the oversight policies and pro-*
4 *cedures are established pursuant to subpara-*
5 *graph (A).*

6 (d) *ELECTRONIC FILING OF MEDICAL EXAMINATION*
7 *CERTIFICATES.*—*Section 31311(a), as amended by sections*
8 *205(b) and 306(b) of this Act, is amended by adding at*
9 *the end the following:*

10 “(24) *Not later than 1 year after the date of en-*
11 *actment of the Commercial Motor Vehicle Safety En-*
12 *hancement Act of 2011, the State shall establish and*
13 *maintain, as part of its driver information system,*
14 *the capability to receive an electronic copy of a med-*
15 *ical examiner’s certificate, from a certified medical*
16 *examiner, for each holder of a commercial driver’s li-*
17 *cence issued by the State who operates or intends to*
18 *operate in interstate commerce.”.*

19 (e) *FUNDING.*—

20 (1) *AUTHORIZATION OF APPROPRIATIONS.*—*Of*
21 *the funds provided for Data and Technology Grants*
22 *under section 31104(a) of title 49, United States*
23 *Code, there are authorized to be appropriated from*
24 *the Highway Trust Fund (other than the Mass Tran-*
25 *sit Account) for the Secretary to make grants to*

1 *States or an organization representing agencies and*
 2 *officials of the States to support development costs of*
 3 *the information technology needed to carry out section*
 4 *31311(a)(24) of title 49, United States Code, up to \$1*
 5 *million for fiscal year 2012 and up to \$1 million for*
 6 *fiscal year 2013.*

7 (2) *PERIOD OF AVAILABILITY.*—*The amounts*
 8 *made available under this subsection shall remain*
 9 *available until expended.*

10 **SEC. 304. COMMERCIAL DRIVER'S LICENSE NOTIFICATION**
 11 **SYSTEM.**

12 (a) *IN GENERAL.*—*Section 31304 is amended—*

13 (1) *by striking “An employer” and inserting the*
 14 *following:*

15 “*(a) IN GENERAL.*—*An employer*”; *and*

16 (2) *by adding at the end the following:*

17 “*(b) DRIVER VIOLATION RECORDS.*—

18 “*(1) PERIODIC REVIEW.*—*Except as provided in*
 19 *paragraph (3), an employer shall ascertain the driv-*
 20 *ing record of each driver it employs—*

21 “*(A) by making an inquiry at least once*
 22 *every 12 months to the appropriate State agency*
 23 *in which the driver held or holds a commercial*
 24 *driver's license or permit during such time pe-*
 25 *riod;*

1 “(B) by receiving occurrence-based reports
2 of changes in the status of a driver’s record from
3 1 or more driver record notification systems that
4 meet minimum standards issued by the Sec-
5 retary; or

6 “(C) by a combination of inquiries to States
7 and reports from driver record notification sys-
8 tems.

9 “(2) *RECORD KEEPING.*—A copy of the reports
10 received under paragraph (1) shall be maintained in
11 the driver’s qualification file.

12 “(3) *EXCEPTIONS TO RECORD REVIEW REQUIRE-*
13 *MENT.*—Paragraph (1) shall not apply to a driver
14 employed by an employer who, in any 7-day period,
15 is employed or used as a driver by more than 1 em-
16 ployer—

17 “(A) if the employer obtains the driver’s
18 identification number, type, and issuing State of
19 the driver’s commercial motor vehicle license; or

20 “(B) if the information described in sub-
21 paragraph (A) is furnished by another employer
22 and the employer that regularly employs the
23 driver meets the other requirements under this
24 section.

1 “(4) *DRIVER RECORD NOTIFICATION SYSTEM DE-*
2 *FINED.*—*In this section, the term ‘driver record noti-*
3 *fication system’ means a system that automatically*
4 *furnishes an employer with a report, generated by the*
5 *appropriate agency of a State, on the change in the*
6 *status of an employee’s driver’s license due to a con-*
7 *viction for a moving violation, a failure to appear,*
8 *an accident, driver’s license suspension, driver’s li-*
9 *cence revocation, or any other action taken against*
10 *the driving privilege.”.*

11 **(b) STANDARDS FOR DRIVER RECORD NOTIFICATION**
12 **SYSTEMS.**—*Not later than 1 year after the date of enact-*
13 *ment of this Act, the Secretary shall issue minimum stand-*
14 *ards for driver notification systems, including standards for*
15 *the accuracy, consistency, and completeness of the informa-*
16 *tion provided.*

17 **(c) PLAN FOR NATIONAL NOTIFICATION SYSTEM.**—

18 **(1) DEVELOPMENT.**—*Not later than 2 years after*
19 *the date of enactment of this Act, the Secretary shall*
20 *develop recommendations and a plan for the develop-*
21 *ment and implementation of a national driver record*
22 *notification system, including—*

23 **(A)** *an assessment of the merits of achieving*
24 *a national system by expanding the Commercial*
25 *Driver’s License Information System; and*

1 (B) *an estimate of the fees that an employer*
 2 *will be charged to offset the operating costs of the*
 3 *national system.*

4 (2) *SUBMISSION TO CONGRESS.*—*Not later than*
 5 *90 days after the recommendations and plan are de-*
 6 *veloped under paragraph (1), the Secretary shall sub-*
 7 *mit a report on the recommendations and plan to the*
 8 *Committee on Commerce, Science, and Transpor-*
 9 *tation of the Senate and the Committee on Transpor-*
 10 *tation and Infrastructure of the House of Representa-*
 11 *tives.*

12 **SEC. 305. COMMERCIAL MOTOR VEHICLE OPERATOR TRAIN-**
 13 **ING.**

14 (a) *IN GENERAL.*—*Section 31305 is amended by add-*
 15 *ing at the end the following:*

16 “(c) *STANDARDS FOR TRAINING.*—*Not later than 6*
 17 *months after the date of enactment of the Commercial Motor*
 18 *Vehicle Safety Enhancement Act of 2011, the Secretary*
 19 *shall issue final regulations establishing minimum entry-*
 20 *level training requirements for an individual operating a*
 21 *commercial motor vehicle—*

22 “(1) *addressing the knowledge and skills that—*
 23 “(A) *are necessary for an individual oper-*
 24 *ating a commercial motor vehicle to safely oper-*
 25 *ate a commercial motor vehicle; and*

1 “(B) must be acquired before obtaining a
2 commercial driver’s license for the first time or
3 upgrading from one class of commercial driver’s
4 license to another class;

5 “(2) addressing the specific training needs of a
6 commercial motor vehicle operator seeking passenger
7 or hazardous materials endorsements, including for
8 an operator seeking a passenger endorsement train-
9 ing—

10 “(A) to suppress motorcoach fires; and

11 “(B) to evacuate passengers from
12 motorcoaches safely;

13 “(3) requiring effective instruction to acquire the
14 knowledge, skills, and training referred to in para-
15 graphs (1) and (2), including classroom and behind-
16 the-wheel instruction;

17 “(4) requiring certification that an individual
18 operating a commercial motor vehicle meets the re-
19 quirements established by the Secretary; and

20 “(5) requiring a training provider (including a
21 public or private driving school, motor carrier, or
22 owner or operator of a commercial motor vehicle) that
23 offers training that results in the issuance of a certifi-
24 cation to an individual under paragraph (4) to dem-
25 onstrate that the training meets the requirements of

1 *the regulations, through a process established by the*
 2 *Secretary.”.*

3 **(b) COMMERCIAL DRIVER’S LICENSE UNIFORM STAND-**
 4 **ARDS.**—*Section 31308(1) is amended to read as follows:*

5 *“(1) an individual issued a commercial driver’s*
 6 *license—*

7 *“(A) pass written and driving tests for the*
 8 *operation of a commercial motor vehicle that*
 9 *comply with the minimum standards prescribed*
 10 *by the Secretary under section 31305(a); and*

11 *“(B) present certification of completion of*
 12 *driver training that meets the requirements es-*
 13 *tablished by the Secretary under section*
 14 *31305(c);”.*

15 **(c) CONFORMING AMENDMENT.**—*The section heading*
 16 *for section 31305 is amended to read as follows:*

17 **“§ 31305. General driver fitness, testing, and train-**
 18 **ing”.**

19 **(d) CONFORMING AMENDMENT.**—*The analysis for*
 20 *chapter 313 is amended by striking the item relating to sec-*
 21 *tion 31305 and inserting the following:*

“31305. General driver fitness, testing, and training.”.

22 **SEC. 306. COMMERCIAL DRIVER’S LICENSE PROGRAM.**

23 **(a) IN GENERAL.**—*Section 31309 is amended—*

24 *(1) in subsection (e)(4), by amending subpara-*
 25 *graph (A) to read as follows:*

1 “(A) *IN GENERAL.*—*The plan shall speci-*
2 *fy—*

3 “(i) *a date by which all States shall be*
4 *operating commercial driver’s license infor-*
5 *mation systems that are compatible with the*
6 *modernized information system under this*
7 *section; and*

8 “(ii) *that States must use the systems*
9 *to receive and submit conviction and dis-*
10 *qualification data.”; and*

11 (2) *in subsection (f), by striking “use” and in-*
12 *serting “use, subject to section 31313(a),”.*

13 (b) *REQUIREMENTS FOR STATE PARTICIPATION.*—*Sec-*
14 *tion 31311 is amended—*

15 (1) *in subsection (a), as amended by section*
16 *205(b) of this Act—*

17 (A) *in paragraph (5), by striking “At least”*
18 *and all that follows through “regulation),” and*
19 *inserting: “Not later than the time period pre-*
20 *scribed by the Secretary by regulation,”; and*

21 (B) *by adding at the end the following:*

22 “(23) *Not later than 1 year after the date of en-*
23 *actment of the Commercial Motor Vehicle Safety En-*
24 *hancement Act of 2011, the State shall implement a*
25 *system and practices for the exclusive electronic ex-*

1 *change of driver history record information on the*
2 *system the Secretary maintains under section 31309,*
3 *including the posting of convictions, withdrawals,*
4 *and disqualifications.”; and*

5 *(2) by adding at the end the following:*

6 *“(d) CRITICAL REQUIREMENTS.—*

7 *“(1) IDENTIFICATION OF CRITICAL REQUIRE-*
8 *MENTS.—After reviewing the requirements under sub-*
9 *section (a), including the regulations issued pursuant*
10 *to subsection (a) and section 31309(e)(4), the Sec-*
11 *retary shall identify the requirements that are critical*
12 *to an effective State commercial driver’s license pro-*
13 *gram.*

14 *“(2) GUIDANCE.—Not later than 180 days after*
15 *the date of enactment of the Commercial Motor Vehi-*
16 *cle Safety Enhancement Act of 2011, the Secretary*
17 *shall issue guidance to assist States in complying*
18 *with the critical requirements identified under para-*
19 *graph (1). The guidance shall include a description of*
20 *the actions that each State must take to collect and*
21 *share accurate and complete data in a timely man-*
22 *ner.*

23 *“(e) STATE COMMERCIAL DRIVER’S LICENSE PRO-*
24 *GRAM PLAN.—*

1 “(1) *IN GENERAL.*—Not later than 180 days
2 after the Secretary issues guidance under subsection
3 (d)(2), a State shall submit a plan to the Secretary
4 for complying with the requirements under this sec-
5 tion during the period beginning on the date the plan
6 is submitted and ending on September 30, 2016.

7 “(2) *CONTENTS.*—A plan submitted by a State
8 under paragraph (1) shall identify—

9 “(A) the actions that the State will take to
10 comply with the critical requirements identified
11 under subsection (d)(1);

12 “(B) the actions that the State will take to
13 address any deficiencies in the State’s commer-
14 cial driver’s license program, as identified by the
15 Secretary in the most recent audit of the pro-
16 gram; and

17 “(C) other actions that the State will take
18 to comply with the requirements under sub-
19 section (a).

20 “(3) *PRIORITY.*—

21 “(A) *IMPLEMENTATION SCHEDULE.*—A plan
22 submitted by a State under paragraph (1) shall
23 include a schedule for the implementation of the
24 actions identified under paragraph (2). In estab-
25 lishing the schedule, the State shall prioritize the

1 *actions identified under paragraphs (2)(A) and*
2 *(2)(B).*

3 “(B) *DEADLINE FOR COMPLIANCE WITH*
4 *CRITICAL REQUIREMENTS.—A plan submitted by*
5 *a State under paragraph (1) shall include assur-*
6 *ances that the State will take the necessary ac-*
7 *tions to comply with the critical requirements*
8 *pursuant to subsection (d) not later than Sep-*
9 *tember 30, 2015.*

10 “(4) *APPROVAL AND DISAPPROVAL.—The Sec-*
11 *retary shall—*

12 “(A) *review each plan submitted under*
13 *paragraph (1);*

14 “(B) *approve a plan that the Secretary de-*
15 *termines meets the requirements under this sub-*
16 *section and promotes the goals of this chapter;*
17 *and*

18 “(C) *disapprove a plan that the Secretary*
19 *determines does not meet the requirements or*
20 *does not promote the goals.*

21 “(5) *MODIFICATION OF DISAPPROVED PLANS.—If*
22 *the Secretary disapproves a plan under paragraph*
23 *(4)(C), the Secretary shall—*

24 “(A) *provide a written explanation of the*
25 *disapproval to the State; and*

1 “(B) allow the State to modify the plan and
2 resubmit it for approval.

3 “(6) *PLAN UPDATES.*—The Secretary may re-
4 quire a State to review and update a plan, as appro-
5 priate.

6 “(f) *ANNUAL COMPARISON OF STATE LEVELS OF COM-*
7 *PLIANCE.*—The Secretary shall annually—

8 “(1) compare the relative levels of compliance by
9 States with the requirements under subsection (a);
10 and

11 “(2) make the results of the comparison available
12 to the public.”.

13 “(c) *DECERTIFICATION AUTHORITY.*—Section 31312 is
14 amended—

15 (1) by redesignating subsections (b) and (c) as
16 subsections (c) and (d), respectively; and

17 (2) by inserting after subsection (a) the fol-
18 lowing:

19 “(b) *DEADLINE FOR COMPLIANCE WITH CRITICAL RE-*
20 *QUIREMENTS.*—Beginning on October 1, 2016, in making
21 a determination under subsection (a), the Secretary shall
22 consider a State to be in substantial noncompliance with
23 this chapter if the Secretary determines that—

24 “(1) the State is not complying with a critical
25 requirement under section 31311(d)(1); and

1 **SEC. 309. DISQUALIFICATIONS BASED ON NON-COMMER-**
 2 **CIAL MOTOR VEHICLE OPERATIONS.**

3 (a) *FIRST OFFENSE.*—Section 31310(b)(1)(D) is
 4 amended by deleting “commercial” after “revoked, sus-
 5 pended, or canceled based on the individual’s operation of
 6 a,” and before “motor vehicle”.

7 (b) *SECOND OFFENSE.*—Section 31310(c)(1)(D) is
 8 amended by deleting “commercial” after “revoked, sus-
 9 pended, or canceled based on the individual’s operation of
 10 a,” and before “motor vehicle”.

11 **SEC. 310. FEDERAL DRIVER DISQUALIFICATIONS.**

12 (a) *DISQUALIFICATION DEFINED.*—Section 31301, as
 13 amended by section 205 of this Act, is amended—

14 (1) by redesignating paragraphs (6) through (15)
 15 as paragraphs (7) through (16), respectively; and

16 (2) by inserting after paragraph (5) the fol-
 17 lowing:

18 “(6) ‘Disqualification’ means—

19 “(A) the suspension, revocation, or cancella-
 20 tion of a commercial driver’s license by the State
 21 of issuance;

22 “(B) a withdrawal of an individual’s privi-
 23 lege to drive a commercial motor vehicle by a
 24 State or other jurisdiction as the result of a vio-
 25 lation of State or local law relating to motor ve-

1 *hicle traffic control, except for a parking, vehicle*
 2 *weight, or vehicle defect violation;*

3 *“(C) a determination by the Secretary that*
 4 *an individual is not qualified to operate a com-*
 5 *mmercial motor vehicle; or*

6 *“(D) a determination by the Secretary that*
 7 *a commercial motor vehicle driver is unfit under*
 8 *section 31144(g).”.*

9 *(b) COMMERCIAL DRIVER’S LICENSE INFORMATION*
 10 *SYSTEM CONTENTS.—Section 31309(b)(1)(F) is amended*
 11 *by inserting after “disqualified” the following: “by the State*
 12 *that issued the individual a commercial driver’s license, or*
 13 *by the Secretary.”.*

14 *(c) STATE ACTION ON FEDERAL DISQUALIFICATION.—*
 15 *Section 31310(h) is amended by inserting after the first sen-*
 16 *tence the following:*

17 *“If the State has not disqualified the individual from*
 18 *operating a commercial vehicle under subsections (b)*
 19 *through (g), the State shall disqualify the individual if the*
 20 *Secretary determines under section 31144(g) that the indi-*
 21 *vidual is disqualified from operating a commercial motor*
 22 *vehicle.”.*

23 **SEC. 311. EMPLOYER RESPONSIBILITIES.**

24 *Section 31304, as amended by section 304 of this Act,*
 25 *is amended in subsection (a)—*

1 *and controlled substances testing of commercial motor*
2 *vehicle operators.*

3 “(2) *PURPOSES.*—*The purposes of the clearing-*
4 *house shall be—*

5 “(A) *to improve compliance with the De-*
6 *partment of Transportation’s alcohol and con-*
7 *trolled substances testing program applicable to*
8 *commercial motor vehicle operators;*

9 “(B) *to facilitate access to information*
10 *about an individual before employing the indi-*
11 *vidual as a commercial motor vehicle operator;*

12 “(C) *to enhance the safety of our United*
13 *States roadways by reducing accident fatalities*
14 *involving commercial motor vehicles; and*

15 “(D) *to reduce the number of impaired com-*
16 *mmercial motor vehicle operators.*

17 “(3) *CONTENTS.*—*The clearinghouse shall func-*
18 *tion as a repository for records relating to the positive*
19 *test results and test refusals of commercial motor ve-*
20 *hicle operators and violations by such operators of*
21 *prohibitions set forth in subpart B of part 382 of title*
22 *49, Code of Federal Regulations (or any subsequent*
23 *corresponding regulations).*

24 “(4) *ELECTRONIC EXCHANGE OF RECORDS.*—*The*
25 *Secretary shall ensure that records can be electroni-*

1 *cally submitted to, and requested from, the clearing-*
2 *house by authorized users.*

3 “(5) *AUTHORIZED OPERATOR.*—*The Secretary*
4 *may authorize a qualified and experienced private*
5 *entity to operate and maintain the clearinghouse and*
6 *to collect fees on behalf of the Secretary under sub-*
7 *section (e). The entity shall establish, operate, main-*
8 *tain and expand the clearinghouse and permit access*
9 *to driver information and records from the clearing-*
10 *house in accordance with this section.*

11 “(b) *DESIGN OF CLEARINGHOUSE.*—

12 “(1) *USE OF FEDERAL MOTOR CARRIER SAFETY*
13 *ADMINISTRATION RECOMMENDATIONS.*—*In estab-*
14 *lishing the clearinghouse, the Secretary shall con-*
15 *sider—*

16 “(A) *the findings and recommendations*
17 *contained in the Federal Motor Carrier Safety*
18 *Administration’s March 2004 report to Congress*
19 *required under section 226 of the Motor Carrier*
20 *Safety Improvement Act of 1999 (49 U.S.C.*
21 *31306 note); and*

22 “(B) *the findings and recommendations*
23 *contained in the Government Accountability Of-*
24 *fice’s May 2008 report to Congress entitled*
25 *‘Motor Carrier Safety: Improvements to Drug*

1 *Testing Programs Could Better Identify Illegal*
2 *Drug Users and Keep Them off the Road.’.*

3 “(2) *DEVELOPMENT OF SECURE PROCESSES.*—*In*
4 *establishing the clearinghouse, the Secretary shall de-*
5 *velop a secure process for—*

6 “(A) *administering and managing the*
7 *clearinghouse in compliance with applicable*
8 *Federal security standards;*

9 “(B) *registering and authenticating author-*
10 *ized users of the clearinghouse;*

11 “(C) *registering and authenticating persons*
12 *required to report to the clearinghouse under*
13 *subsection (g);*

14 “(D) *preventing the unauthorized access of*
15 *information from the clearinghouse;*

16 “(E) *storing and transmitting data;*

17 “(F) *persons required to report to the clear-*
18 *inghouse under subsection (g) to timely and ac-*
19 *curately submit electronic data to the clearing-*
20 *house;*

21 “(G) *generating timely and accurate reports*
22 *from the clearinghouse in response to requests for*
23 *information by authorized users; and*

1 “(H) updating an individual’s record upon
2 completion of the return-to-duty process de-
3 scribed in title 49, Code of Federal Regulations.

4 “(3) EMPLOYER ALERT OF POSITIVE TEST RE-
5 SULT.—In establishing the clearinghouse, the Sec-
6 retary shall develop a secure method for electronically
7 notifying an employer of each additional positive test
8 result or other noncompliance—

9 “(A) for an employee, that is entered into
10 the clearinghouse during the 7-day period imme-
11 diately following an employer’s inquiry about
12 the employee; and

13 “(B) for an employee who is listed as hav-
14 ing multiple employers.

15 “(4) ARCHIVE CAPABILITY.—In establishing the
16 clearinghouse, the Secretary shall develop a process
17 for archiving all clearinghouse records, including the
18 depositing of personal records, records relating to each
19 individual in the database, and access requests for
20 personal records, for the purposes of—

21 “(A) auditing and evaluating the timeli-
22 ness, accuracy, and completeness of data in the
23 clearinghouse; and

24 “(B) auditing to monitor compliance and
25 enforce penalties for noncompliance.

1 “(5) *FUTURE NEEDS.*—

2 “(A) *INTEROPERABILITY WITH OTHER DATA*
3 *SYSTEMS.*—*In establishing the clearinghouse, the*
4 *Secretary shall consider—*

5 “(i) *the existing data systems con-*
6 *taining regulatory and safety data for com-*
7 *mercial motor vehicle operators;*

8 “(ii) *the efficacy of using or combining*
9 *clearinghouse data with 1 or more of such*
10 *systems; and*

11 “(iii) *the potential interoperability of*
12 *the clearinghouse with such systems.*

13 “(B) *SPECIFIC CONSIDERATIONS.*—*In car-*
14 *rying out subparagraph (A), the Secretary shall*
15 *determine—*

16 “(i) *the clearinghouse’s capability for*
17 *interoperability with—*

18 “(I) *the National Driver Register*
19 *established under section 30302;*

20 “(II) *the Commercial Driver’s Li-*
21 *cence Information System established*
22 *under section 31309;*

23 “(III) *the Motor Carrier Manage-*
24 *ment Information System for pre-*

1 *employment screening services under*
2 *section 31150; and*

3 *“(IV) other data systems, as ap-*
4 *propriate; and*

5 *“(ii) any change to the administration*
6 *of the current testing program, such as*
7 *forms, that is necessary to collect data for*
8 *the clearinghouse.*

9 *“(c) STANDARD FORMATS.—The Secretary shall de-*
10 *velop standard formats to be used—*

11 *“(1) by an authorized user of the clearinghouse*
12 *to—*

13 *“(A) request a record from the clearing-*
14 *house; and*

15 *“(B) obtain the consent of an individual*
16 *who is the subject of a request from the clearing-*
17 *house, if applicable; and*

18 *“(2) to notify an individual that a positive alco-*
19 *hol or controlled substances test result, refusing to*
20 *test, and a violation of any of the prohibitions under*
21 *subpart B of part 382 of title 49, Code of Federal*
22 *Regulations (or any subsequent corresponding regula-*
23 *tions), will be reported to the clearinghouse.*

24 *“(d) PRIVACY.—A release of information from the*
25 *clearinghouse shall—*

1 “(1) *comply with applicable Federal privacy*
2 *laws, including the fair information practices under*
3 *the Privacy Act of 1974 (5 U.S.C. 552a);*

4 “(2) *comply with applicable sections of the Fair*
5 *Credit Reporting Act (15 U.S.C. 1681 et seq.); and*

6 “(3) *not be made to any person or entity unless*
7 *expressly authorized or required by law.*

8 “(e) *FEES.—*

9 “(1) *AUTHORITY TO COLLECT FEES.—Except as*
10 *provided under paragraph (3), the Secretary may col-*
11 *lect a reasonable, customary, and nominal fee from*
12 *an authorized user of the clearinghouse for a request*
13 *for information from the clearinghouse.*

14 “(2) *USE OF FEES.—Fees collected under this*
15 *subsection shall be used for the operation and mainte-*
16 *nance of the clearinghouse.*

17 “(3) *LIMITATION.—The Secretary may not col-*
18 *lect a fee from an individual requesting information*
19 *from the clearinghouse that pertains to the record of*
20 *that individual.*

21 “(f) *EMPLOYER REQUIREMENTS.—*

22 “(1) *DETERMINATION CONCERNING USE OF*
23 *CLEARINGHOUSE.—The Secretary shall determine if*
24 *an employer is authorized to use the clearinghouse to*
25 *meet the alcohol and controlled substances testing re-*

1 *quirements under title 49, Code of Federal Regula-*
2 *tions.*

3 “(2) *APPLICABILITY OF EXISTING REQUIRE-*
4 *MENTS.—Each employer and service agent shall com-*
5 *ply with the alcohol and controlled substances testing*
6 *requirements under title 49, Code of Federal Regula-*
7 *tions.*

8 “(3) *EMPLOYMENT PROHIBITIONS.—Beginning*
9 *30 days after the date that the clearinghouse is estab-*
10 *lished under subsection (a), an employer shall not*
11 *hire an individual to operate a commercial motor ve-*
12 *hicle unless the employer determines that the indi-*
13 *vidual, during the preceding 3-year period—*

14 “(A) *if tested for the use of alcohol and con-*
15 *trolled substances, as required under title 49,*
16 *Code of Federal Regulations—*

17 “(i) *did not test positive for the use of*
18 *alcohol or controlled substances in violation*
19 *of the regulations; or*

20 “(ii) *tested positive for the use of alco-*
21 *hol or controlled substances and completed*
22 *the required return-to-duty process under*
23 *title 49, Code of Federal Regulations;*

1 “(B)(i) did not refuse to take an alcohol or
2 controlled substance test under title 49, Code of
3 Federal Regulations; or

4 “(ii) refused to take an alcohol or con-
5 trolled substance test and completed the re-
6 quired return-to-duty process under title 49,
7 Code of Federal Regulations; and

8 “(C) did not violate any other provision of
9 subpart B of part 382 of title 49, Code of Fed-
10 eral Regulations (or any subsequent cor-
11 responding regulations).

12 “(4) ANNUAL REVIEW.—Beginning 30 days after
13 the date that the clearinghouse is established under
14 subsection (a), an employer shall request and review
15 a commercial motor vehicle operator’s record from the
16 clearinghouse annually for as long as the commercial
17 motor vehicle operator is under the employ of the em-
18 ployer.

19 “(g) REPORTING OF RECORDS.—

20 “(1) IN GENERAL.—Beginning 30 days after the
21 date that the clearinghouse is established under sub-
22 section (a), a medical review officer, employer, service
23 agent, and other appropriate person, as determined
24 by the Secretary, shall promptly submit to the Sec-

1 *retary any record generated after the clearinghouse is*
2 *initiated of an individual who—*

3 *“(A) refuses to take an alcohol or controlled*
4 *substances test required under title 49, Code of*
5 *Federal Regulations;*

6 *“(B) tests positive for alcohol or a controlled*
7 *substance in violation of the regulations; or*

8 *“(C) violates any other provision of subpart*
9 *B of part 382 of title 49, Code of Federal Regu-*
10 *lations (or any subsequent corresponding regula-*
11 *tions).*

12 *“(2) INCLUSION OF RECORDS IN CLEARING-*
13 *HOUSE.—The Secretary shall include in the clearing-*
14 *house the records of positive test results and test refus-*
15 *als received under paragraph (1).*

16 *“(3) MODIFICATIONS AND DELETIONS.—If the*
17 *Secretary determines that a record contained in the*
18 *clearinghouse is not accurate, the Secretary shall*
19 *modify or delete the record, as appropriate.*

20 *“(4) NOTIFICATION.—The Secretary shall expedi-*
21 *tiously notify an individual, unless such notification*
22 *would be duplicative, when—*

23 *“(A) a record relating to the individual is*
24 *received by the clearinghouse;*

1 “(B) a record in the clearinghouse relating
2 to the individual is modified or deleted, and in-
3 clude in the notification the reason for the modi-
4 fication or deletion; or

5 “(C) a record in the clearinghouse relating
6 to the individual is released to an employer and
7 specify the reason for the release.

8 “(5) DATA QUALITY AND SECURITY STANDARDS
9 FOR REPORTING AND RELEASING.—The Secretary
10 may establish additional requirements, as appro-
11 priate, to ensure that—

12 “(A) the submission of records to the clear-
13 inghouse is timely and accurate;

14 “(B) the release of data from the clearing-
15 house is timely, accurate, and released to the ap-
16 propriate authorized user under this section; and

17 “(C) an individual with a record in the
18 clearinghouse has a cause of action for any inap-
19 propriate use of information included in the
20 clearinghouse.

21 “(6) RETENTION OF RECORDS.—The Secretary
22 shall—

23 “(A) retain a record submitted to the clear-
24 inghouse for a 5-year period beginning on the
25 date the record is submitted;

1 “(B) remove the record from the clearing-
2 house at the end of the 5-year period, unless the
3 individual fails to meet a return-to-duty or fol-
4 low-up requirement under title 49, Code of Fed-
5 eral Regulations; and

6 “(C) retain a record after the end of the 5-
7 year period in a separate location for archiving
8 and auditing purposes.

9 “(h) *AUTHORIZED USERS.*—

10 “(1) *EMPLOYERS.*—*The Secretary shall establish*
11 *a process for an employer to request and receive an*
12 *individual’s record from the clearinghouse.*

13 “(A) *CONSENT.*—*An employer may not ac-*
14 *cess an individual’s record from the clearing-*
15 *house unless the employer—*

16 “(i) *obtains the prior written or elec-*
17 *tronic consent of the individual for access to*
18 *the record; and*

19 “(ii) *submits proof of the individual’s*
20 *consent to the Secretary.*

21 “(B) *ACCESS TO RECORDS.*—*After receiving*
22 *a request from an employer for an individual’s*
23 *record under subparagraph (A), the Secretary*
24 *shall grant access to the individual’s record to*
25 *the employer as expeditiously as practicable.*

1 “(C) *RETENTION OF RECORD REQUESTS.*—
2 *The Secretary shall require an employer to re-*
3 *tain for a 3-year period—*

4 “(i) *a record of each request made by*
5 *the employer for records from the clearing-*
6 *house; and*

7 “(ii) *the information received pursuant*
8 *to the request.*

9 “(D) *USE OF RECORDS.*—*An employer may*
10 *use an individual’s record received from the*
11 *clearinghouse only to assess and evaluate the*
12 *qualifications of the individual to operate a com-*
13 *mercial motor vehicle for the employer.*

14 “(E) *PROTECTION OF PRIVACY OF INDIVID-*
15 *UALS.*—*An employer that receives an individ-*
16 *ual’s record from the clearinghouse under sub-*
17 *paragraph (B) shall—*

18 “(i) *protect the privacy of the indi-*
19 *vidual and the confidentiality of the record;*
20 *and*

21 “(ii) *ensure that information con-*
22 *tained in the record is not divulged to a*
23 *person or entity that is not directly in-*
24 *involved in assessing and evaluating the*

1 *qualifications of the individual to operate a*
2 *commercial motor vehicle for the employer.*

3 “(2) *STATE LICENSING AUTHORITIES.*—*The Sec-*
4 *retary shall establish a process for the chief commer-*
5 *cial driver’s licensing official of a State to request*
6 *and receive an individual’s record from the clearing-*
7 *house if the individual is applying for a commercial*
8 *driver’s license from the State.*

9 “(A) *CONSENT.*—*The Secretary may grant*
10 *access to an individual’s record in the clearing-*
11 *house under this paragraph without the prior*
12 *written or electronic consent of the individual.*
13 *An individual who holds a commercial driver’s*
14 *license shall be deemed to consent to such access*
15 *by obtaining a commercial driver’s license.*

16 “(B) *PROTECTION OF PRIVACY OF INDIVID-*
17 *UALS.*—*A chief commercial driver’s licensing of-*
18 *ficial of a State that receives an individual’s*
19 *record from the clearinghouse under this para-*
20 *graph shall—*

21 “(i) *protect the privacy of the indi-*
22 *vidual and the confidentiality of the record;*
23 *and*

24 “(ii) *ensure that the information in the*
25 *record is not divulged to any person that is*

1 *not directly involved in assessing and evalu-*
2 *ating the qualifications of the individual to*
3 *operate a commercial motor vehicle.*

4 “(3) NATIONAL TRANSPORTATION SAFETY
5 BOARD.—*The Secretary shall establish a process for*
6 *the National Transportation Safety Board to request*
7 *and receive an individual’s record from the clearing-*
8 *house if the individual is involved in an accident that*
9 *is under investigation by the National Transportation*
10 *Safety Board.*

11 “(A) CONSENT.—*The Secretary may grant*
12 *access to an individual’s record in the clearing-*
13 *house under this paragraph without the prior*
14 *written or electronic consent of the individual.*
15 *An individual who holds a commercial driver’s*
16 *license shall be deemed to consent to such access*
17 *by obtaining a commercial driver’s license.*

18 “(B) PROTECTION OF PRIVACY OF INDIVID-
19 UALS.—*An official of the National Transpor-*
20 *tation Safety Board that receives an individual’s*
21 *record from the clearinghouse under this para-*
22 *graph shall—*

23 “(i) *protect the privacy of the indi-*
24 *vidual and the confidentiality of the record;*
25 *and*

1 “(i) unless the official determines that
2 the information in the individual’s record
3 should be reported under section 1131(e),
4 ensure that the information in the record is
5 not divulged to any person that is not di-
6 rectly involved with investigating the acci-
7 dent.

8 “(4) *ADDITIONAL AUTHORIZED USERS.*—The
9 Secretary shall consider whether to grant access to the
10 clearinghouse to additional users. The Secretary may
11 authorize access to an individual’s record from the
12 clearinghouse to an additional user if the Secretary
13 determines that granting access will further the pur-
14 poses under subsection (a)(2). In determining whether
15 the access will further the purposes under subsection
16 (a)(2), the Secretary shall consider, among other
17 things—

18 “(A) what use the additional user will make
19 of the individual’s record;

20 “(B) the costs and benefits of the use; and

21 “(C) how to protect the privacy of the indi-
22 vidual and the confidentiality of the record.

23 “(i) *ACCESS TO CLEARINGHOUSE BY INDIVIDUALS.*—

1 “(1) *IN GENERAL.*—*The Secretary shall establish*
2 *a process for an individual to request and receive in-*
3 *formation from the clearinghouse—*

4 “(A) *to determine whether the clearinghouse*
5 *contains a record pertaining to the individual;*

6 “(B) *to verify the accuracy of a record;*

7 “(C) *to update an individual’s record, in-*
8 *cluding completing the return-to-duty process de-*
9 *scribed in title 49, Code of Federal Regulations;*
10 *and*

11 “(D) *to determine whether the clearinghouse*
12 *received requests for the individual’s informa-*
13 *tion.*

14 “(2) *DISPUTE PROCEDURE.*—*The Secretary shall*
15 *establish a procedure, including an appeal process, for*
16 *an individual to dispute and remedy an administra-*
17 *tive error in the individual’s record.*

18 “(j) *PENALTIES.*—

19 “(1) *IN GENERAL.*—*An employer, employee, med-*
20 *ical review officer, or service agent who violates any*
21 *provision of this section shall be subject to civil pen-*
22 *alties under section 521(b)(2)(C) and criminal pen-*
23 *alties under section 521(b)(6)(B), and any other ap-*
24 *plicable civil and criminal penalties, as determined*
25 *by the Secretary.*

1 “(2) *VIOLATION OF PRIVACY.*—*The Secretary*
2 *shall establish civil and criminal penalties, consistent*
3 *with paragraph (1), for an authorized user who vio-*
4 *lates paragraph (2)(B) or (3)(B) of subsection (h).*

5 “(k) *COMPATIBILITY OF STATE AND LOCAL LAWS.*—

6 “(1) *PREEMPTION.*—*Except as provided under*
7 *paragraph (2), any law, regulation, order, or other*
8 *requirement of a State, political subdivision of a*
9 *State, or Indian tribe related to a commercial driver’s*
10 *license holder subject to alcohol or controlled substance*
11 *testing under title 49, Code of Federal Regulations,*
12 *that is inconsistent with this section or a regulation*
13 *issued pursuant to this section is preempted.*

14 “(2) *APPLICABILITY.*—*The preemption under*
15 *paragraph (1) shall include—*

16 “(A) *the reporting of valid positive results*
17 *from alcohol screening tests and drug tests;*

18 “(B) *the refusal to provide a specimen for*
19 *an alcohol screening test or drug test; and*

20 “(C) *other violations of subpart B of part*
21 *382 of title 49, Code of Federal Regulations (or*
22 *any subsequent corresponding regulations).*

23 “(3) *EXCEPTION.*—*A law, regulation, order, or*
24 *other requirement of a State, political subdivision of*
25 *a State, or Indian tribe shall not be preempted under*

1 *this subsection to the extent it relates to an action*
2 *taken with respect to a commercial motor vehicle op-*
3 *erator’s commercial driver’s license or driving record*
4 *as a result of the driver’s—*

5 *“(A) verified positive alcohol or drug test*
6 *result;*

7 *“(B) refusal to provide a specimen for the*
8 *test; or*

9 *“(C) other violations of subpart B of part*
10 *382 of title 49, Code of Federal Regulations (or*
11 *any subsequent corresponding regulations).*

12 *“(l) DEFINITIONS.—In this section—*

13 *“(1) AUTHORIZED USER.—The term ‘authorized*
14 *user’ means an employer, State licensing authority,*
15 *National Transportation Safety Board, or other per-*
16 *son granted access to the clearinghouse under sub-*
17 *section (h).*

18 *“(2) CHIEF COMMERCIAL DRIVER’S LICENSING*
19 *OFFICIAL.—The term ‘chief commercial driver’s li-*
20 *censing official’ means the official in a State who is*
21 *authorized to—*

22 *“(A) maintain a record about commercial*
23 *driver’s licenses issued by the State; and*

24 *“(B) take action on commercial driver’s li-*
25 *censes issued by the State.*

1 “(3) *CLEARINGHOUSE*.—The term ‘clearinghouse’
2 *means the clearinghouse established under subsection*
3 *(a).*

4 “(4) *COMMERCIAL MOTOR VEHICLE OPERATOR*.—
5 *The term ‘commercial motor vehicle operator’ means*
6 *an individual who—*

7 “(A) *possesses a valid commercial driver’s*
8 *license issued in accordance with section 31308;*
9 *and*

10 “(B) *is subject to controlled substances and*
11 *alcohol testing under title 49, Code of Federal*
12 *Regulations.*

13 “(5) *EMPLOYER*.—The term ‘employer’ means a
14 *person or entity employing, or seeking to employ, 1*
15 *or more employees (including an individual who is*
16 *self-employed) to be commercial motor vehicle opera-*
17 *tors.*

18 “(6) *MEDICAL REVIEW OFFICER*.—The term
19 *‘medical review officer’ means a licensed physician*
20 *who is responsible for—*

21 “(A) *receiving and reviewing a laboratory*
22 *result generated under the testing program;*

23 “(B) *evaluating a medical explanation for a*
24 *controlled substances test under title 49, Code of*
25 *Federal Regulations; and*

1 “(C) interpreting the results of a controlled
2 substances test.

3 “(7) *SECRETARY*.—The term ‘Secretary’ means
4 the Secretary of Transportation.

5 “(8) *SERVICE AGENT*.—The term ‘service agent’
6 means a person or entity, other than an employee of
7 the employer, who provides services to employers or
8 employees under the testing program.

9 “(9) *TESTING PROGRAM*.—The term ‘testing pro-
10 gram’ means the alcohol and controlled substances
11 testing program required under title 49, Code of Fed-
12 eral Regulations.”.

13 (b) *CONFORMING AMENDMENT*.—The analysis for
14 chapter 313 is amended by inserting after the item relating
15 to section 31306 the following:

 “31306a. National clearinghouse for positive controlled substance and alcohol test
 results of commercial motor vehicle operators.”.

16 **SEC. 403. DRUG AND ALCOHOL VIOLATION SANCTIONS.**

17 Chapter 313 is amended—

18 (1) by redesignating section 31306(f) as
19 31306(f)(1); and

20 (2) by inserting after section 31306(f)(1) the fol-
21 lowing:

22 “(2) *ADDITIONAL SANCTIONS*.—The Secretary
23 may require a State to revoke, suspend, or cancel the
24 commercial driver’s license of a commercial motor ve-

1 *hicle operator who is found, based on a test conducted*
 2 *and confirmed under this section, to have used alcohol*
 3 *or a controlled substance in violation of law until the*
 4 *commercial motor vehicle operator completes the reha-*
 5 *bilitation process under subsection (e).”;* and

6 *(3) by amending section 31310(d) to read as fol-*
 7 *lows:*

8 *“(d) CONTROLLED SUBSTANCE VIOLATIONS.—The*
 9 *Secretary may permanently disqualify an individual from*
 10 *operating a commercial vehicle if the individual—*

11 *“(1) uses a commercial motor vehicle in the com-*
 12 *mission of a felony involving manufacturing, distrib-*
 13 *uting, or dispensing a controlled substance, or posses-*
 14 *sion with intent to manufacture, distribute, or dis-*
 15 *perse a controlled substance; or*

16 *“(2) uses alcohol or a controlled substance, in*
 17 *violation of section 31306, 3 or more times.”.*

18 **SEC. 404. AUTHORIZATION OF APPROPRIATIONS.**

19 *From the funds authorized to be appropriated under*
 20 *section 31104(h) of title 49, United States Code, up to*
 21 *\$5,000,000 is authorized to be appropriated from the High-*
 22 *way Trust Fund (other than the Mass Transit Account) for*
 23 *the Secretary of Transportation to develop, design, and im-*
 24 *plement the national clearinghouse required by section 402*
 25 *of this Act.*

TITLE V—ENFORCEMENT**SEC. 501. INSPECTION DEMAND AND DISPLAY OF CREDENTIALS.**

(a) *SAFETY INVESTIGATIONS.*—Section 504(c) is amended—

(1) by inserting “, or an employee of the recipient of a grant issued under section 31102 of this title” after “a contractor”; and

(2) by inserting “, in person or in writing” after “proper credentials”.

(b) *CIVIL PENALTY.*—Section 521(b)(2)(E) is amended—

(1) by redesignating subparagraph (E) as subparagraph (E)(i); and

(2) by adding at the end the following:

“(ii) *PLACE OUT OF SERVICE.*—The Secretary may by regulation adopt procedures for placing out of service the commercial motor vehicle of a foreign-domiciled motor carrier that fails to promptly allow the Secretary to inspect and copy a record or inspect equipment, land, buildings, or other property.”.

1 (c) *HAZARDOUS MATERIALS INVESTIGATIONS.*—*Sec-*
 2 *tion 5121(c)(2) is amended by inserting “, in person or in*
 3 *writing,” after “proper credentials”.*

4 (d) *COMMERCIAL INVESTIGATIONS.*—*Section 14122(b)*
 5 *is amended by inserting “, in person or in writing” after*
 6 *“proper credentials”.*

7 **SEC. 502. OUT OF SERVICE PENALTY FOR DENIAL OF AC-**
 8 **CESS TO RECORDS.**

9 *Section 521(b)(2)(E) is amended—*

10 (1) *by inserting after “\$10,000.” the following:*

11 *“In the case of a motor carrier, the Secretary may*
 12 *also place the violator’s motor carrier operations out*
 13 *of service.”; and*

14 (2) *by striking “such penalty” after “It shall be*
 15 *a defense to” and inserting “a penalty”.*

16 **SEC. 503. PENALTIES FOR VIOLATION OF OPERATION OUT**
 17 **OF SERVICE ORDERS.**

18 *Section 521(b)(2) is amended by adding at the end the*
 19 *following:*

20 “(F) *PENALTY FOR VIOLATIONS RELATING*
 21 *TO OUT OF SERVICE ORDERS.*—*A motor carrier*
 22 *or employer (as defined in section 31132) that*
 23 *operates a commercial motor vehicle in commerce*
 24 *in violation of a prohibition on transportation*
 25 *under section 31144(c) of this title or an immi-*

1 *ment hazard out of service order issued under*
2 *subsection (b)(5) of this section or section*
3 *5121(d) of this title shall be liable for a civil*
4 *penalty not to exceed \$25,000.”.*

5 **SEC. 504. MINIMUM PROHIBITION ON OPERATION FOR**
6 **UNFIT CARRIERS.**

7 *(a) IN GENERAL.—Section 31144(c)(1) is amended by*
8 *inserting “, and such period shall be for not less than 10*
9 *days” after “operator is fit”.*

10 *(b) OWNERS OR OPERATORS TRANSPORTING PAS-*
11 *SENGERS.—Section 31144(c)(2) is amended by inserting “,*
12 *and such period shall be for not less than 10 days” after*
13 *“operator is fit”.*

14 *(c) OWNERS OR OPERATORS TRANSPORTING HAZ-*
15 *ARDOUS MATERIAL.—Section 31144(c)(3) is amended by*
16 *inserting before the period at the end of the first sentence*
17 *the following: “, and such period shall be for not less than*
18 *10 days”.*

19 **SEC. 505. MINIMUM OUT OF SERVICE PENALTIES.**

20 *Section 521(b)(7) is amended by adding at the end the*
21 *following:*

22 *“The penalties may include a minimum duration for*
23 *any out of service period, not to exceed 90 days.”.*

1 **SEC. 506. IMPOUNDMENT AND IMMOBILIZATION OF COM-**
2 **MERCIAL MOTOR VEHICLES FOR IMMINENT**
3 **HAZARD.**

4 *Section 521(b) is amended by adding at the end the*
5 *following:*

6 *“(15) IMPOUNDMENT OF COMMERCIAL MOTOR*
7 *VEHICLES.—*

8 *“(A) ENFORCEMENT OF IMMINENT HAZARD*
9 *OUT-OF-SERVICE ORDERS.—*

10 *“(i) The Secretary, or an authorized*
11 *State official carrying out motor carrier*
12 *safety enforcement activities under section*
13 *31102, may enforce an imminent hazard*
14 *out-of-service order issued under chapters 5,*
15 *51, 131 through 149, 311, 313, or 315 of*
16 *this title, or a regulation promulgated there-*
17 *under, by towing and impounding a com-*
18 *mmercial motor vehicle until the order is re-*
19 *scinded.*

20 *“(ii) Enforcement shall not unreason-*
21 *ably interfere with the ability of a shipper,*
22 *carrier, broker, or other party to arrange*
23 *for the alternative transportation of any*
24 *cargo or passenger being transported at the*
25 *time the commercial motor vehicle is immo-*
26 *bilized. In the case of a commercial motor*

1 *vehicle transporting passengers, the Sec-*
2 *retary or authorized State official shall pro-*
3 *vide reasonable, temporary, and secure shel-*
4 *ter and accommodations for passengers in*
5 *transit.*

6 “(iii) *The Secretary’s designee or an*
7 *authorized State official carrying out motor*
8 *carrier safety enforcement activities under*
9 *section 31102, shall immediately notify the*
10 *owner of a commercial motor vehicle of the*
11 *impoundment and the opportunity for re-*
12 *view of the impoundment. A review shall be*
13 *provided in accordance with section 554 of*
14 *title 5, except that the review shall occur not*
15 *later than 10 days after the impoundment.*

16 “(B) *ISSUANCE OF REGULATIONS.—The*
17 *Secretary shall promulgate regulations on the*
18 *use of impoundment or immobilization of com-*
19 *mercial motor vehicles as a means of enforcing*
20 *additional out-of-service orders issued under*
21 *chapters 5, 51, 131 through 149, 311, 313, or*
22 *315 of this title, or a regulation promulgated*
23 *thereunder. Regulations promulgated under this*
24 *subparagraph shall include consideration of pub-*
25 *lic safety, the protection of passengers and cargo,*

1 inconvenience to passengers, and the security of
2 the commercial motor vehicle.

3 “(C) *DEFINITION.*—*In this paragraph, the*
4 *term ‘impoundment’ or ‘impounding’ means the*
5 *seizing and taking into custody of a commercial*
6 *motor vehicle or the immobilizing of a commer-*
7 *cial motor vehicle through the attachment of a*
8 *locking device or other mechanical or electronic*
9 *means.”.*

10 **SEC. 507. INCREASED PENALTIES FOR EVASION OF REGU-**
11 **LATIONS.**

12 (a) *PENALTIES.*—*Section 524 is amended—*

13 (1) *by striking “knowingly and willfully”;*

14 (2) *by inserting after “this chapter” the fol-*
15 *lowing: “, chapter 51, subchapter III of chapter 311*
16 *(except sections 31138 and 31139) or section 31302,*
17 *31303, 31304, 31305(b), 31310(g)(1)(A), or 31502 of*
18 *this title, or a regulation issued under any of those*
19 *provisions,”;*

20 (3) *by striking “\$200 but not more than \$500”*
21 *and inserting “\$2,000 but not more than \$5,000”;*
22 *and*

23 (4) *by striking “\$250 but not more than \$2,000”*
24 *and inserting “\$2,500 but not more than \$7,500”.*

1 (b) *EVASION OF REGULATION.*—Section 14906 is
2 amended—

3 (1) by striking “\$200” and inserting “at least
4 \$2,000”;

5 (2) by striking “\$250” and inserting “\$5,000”;
6 and

7 (3) by inserting after “a subsequent violation”
8 the following:

9 “, and may be subject to criminal penalties”.

10 **SEC. 508. FAILURE TO PAY CIVIL PENALTY AS A DISQUALI-**
11 **FYING OFFENSE.**

12 (a) *IN GENERAL.*—Chapter 311 is amended by insert-
13 ing after section 31151 the following:

14 **“§ 31152. Disqualification for failure to pay**

15 “An individual assessed a civil penalty under this
16 chapter, or chapters 5, 51, or 149 of this title, or a regula-
17 tion issued under any of those provisions, who fails to pay
18 the penalty or fails to comply with the terms of a settlement
19 with the Secretary, shall be disqualified from operating a
20 commercial motor vehicle after the individual is notified
21 in writing and is given an opportunity to respond. A dis-
22 qualification shall continue until the penalty is paid, or
23 the individual complies with the terms of the settlement,
24 unless the nonpayment is because the individual is a debtor
25 in a case under chapter 11 of title 11, United States Code.”.

1 (b) *TECHNICAL AMENDMENTS.—Section 31310, as*
2 *amended by sections 206 and 310 of this Act, is amended—*

3 (1) *by redesignating subsections (h) through (k)*
4 *as subsections (i) through (l), respectively; and*

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

7 “(h) *DISQUALIFICATION FOR FAILURE TO PAY.—The*
8 *Secretary shall disqualify from operating a commercial*
9 *motor vehicle any individual who fails to pay a civil pen-*
10 *alty within the prescribed period, or fails to conform to the*
11 *terms of a settlement with the Secretary. A disqualification*
12 *shall continue until the penalty is paid, or the individual*
13 *conforms to the terms of the settlement, unless the non-*
14 *payment is because the individual is a debtor in a case*
15 *under chapter 11 of title 11, United States Code.”; and*

16 (3) *in subsection (i), as redesignated, by striking*
17 *“Notwithstanding subsections (b) through (g)” and*
18 *inserting “Notwithstanding subsections (b) through*
19 *(h)”.*

20 (c) *CONFORMING AMENDMENT.—The analysis of chap-*
21 *ter 311 is amended by inserting after the item relating to*
22 *section 31151 the following:*

“31152. *Disqualification for failure to pay.*”.

1 **SEC. 509. VIOLATIONS RELATING TO COMMERCIAL MOTOR**
 2 **VEHICLE SAFETY REGULATION AND OPERA-**
 3 **TORS.**

4 *Section 521(b)(2)(D) is amended by striking “ability*
 5 *to pay,”.*

6 **SEC. 510. EMERGENCY DISQUALIFICATION FOR IMMINENT**
 7 **HAZARD.**

8 *Section 31310(f) is amended—*

9 *(1) in paragraph (1) by inserting “section 521*
 10 *or” before “section 5102”; and*

11 *(2) in paragraph (2) by inserting “section 521*
 12 *or” before “section 5102”.*

13 **SEC. 511. INTRASTATE OPERATIONS OF INTERSTATE**
 14 **MOTOR CARRIERS.**

15 *(a) PROHIBITED TRANSPORTATION.—Section*
 16 *521(b)(5) is amended by inserting after subparagraph (B)*
 17 *the following:*

18 *“(C) If an employee, vehicle, or all or part*
 19 *of an employer’s commercial motor vehicle oper-*
 20 *ations is ordered out of service under paragraph*
 21 *(5)(A), the commercial motor vehicle operations*
 22 *of the employee, vehicle, or employer that affect*
 23 *interstate commerce are also prohibited.”.*

24 *(b) PROHIBITION ON OPERATION IN INTERSTATE COM-*
 25 *MERCE AFTER NONPAYMENT OF PENALTIES.—Section*
 26 *521(b)(8) is amended—*

1 (1) *by redesignating subparagraph (B) as sub-*
2 *paragraph (C); and*

3 (2) *by inserting after subparagraph (A) the fol-*
4 *lowing:*

5 “(B) *ADDITIONAL PROHIBITION.—A person*
6 *prohibited from operating in interstate commerce*
7 *under paragraph (8)(A) may not operate any*
8 *commercial motor vehicle where the operation af-*
9 *fects interstate commerce.”.*

10 **SEC. 512. ENFORCEMENT OF SAFETY LAWS AND REGULA-**
11 **TIONS.**

12 (a) *ENFORCEMENT OF SAFETY LAWS AND REGULA-*
13 *TIONS.—Chapter 311, as amended by sections 113 and 508*
14 *of this Act, is amended by adding after section 31153 the*
15 *following:*

16 **“§31154. Enforcement of safety laws and regulations**

17 “(a) *IN GENERAL.—The Secretary may bring a civil*
18 *action to enforce this part, or a regulation or order of the*
19 *Secretary under this part, when violated by an employer,*
20 *employee, or other person providing transportation or serv-*
21 *ice under this subchapter or subchapter I.*

22 “(b) *VENUE.—In a civil action under subsection (a)—*
23 “(1) *trial shall be in the judicial district in*
24 *which the employer, employee, or other person oper-*
25 *ates;*

1 “(2) process may be served without regard to the
2 territorial limits of the district or of the State in
3 which the action is instituted; and

4 “(3) a person participating with a carrier or
5 broker in a violation may be joined in the civil action
6 without regard to the residence of the person.”.

7 **(b) CONFORMING AMENDMENT.**—*The analysis of chap-*
8 *ter 311 is amended by inserting after the item relating to*
9 *section 31153 the following:*

“31154. Enforcement of safety laws and regulations.”.

10 **SEC. 513. DISCLOSURE TO STATE AND LOCAL LAW EN-**
11 **FORCEMENT AGENCIES.**

12 *Section 31106(e) is amended—*

13 (1) *by redesignating subsection (e) as subsection*
14 *(e)(1); and*

15 (2) *by inserting at the end the following:*

16 “(2) **IN GENERAL.**—*Notwithstanding any prohi-*
17 *bition on disclosure of information in section*
18 *31105(h) or 31143(b) of this title or section 552a of*
19 *title 5, the Secretary may disclose information main-*
20 *tained by the Secretary pursuant to chapters 51, 135,*
21 *311, or 313 of this title to appropriate personnel of*
22 *a State agency or instrumentality authorized to carry*
23 *out State commercial motor vehicle safety activities*
24 *and commercial driver’s license laws, or appropriate*
25 *personnel of a local law enforcement agency, in ac-*

1 *cordance with standards, conditions, and procedures*
 2 *as determined by the Secretary. Disclosure under this*
 3 *section shall not operate as a waiver by the Secretary*
 4 *of any applicable privilege against disclosure under*
 5 *common law or as a basis for compelling disclosure*
 6 *under section 552 of title 5.”.*

7 **TITLE VI—COMPLIANCE, SAFETY,**
 8 **ACCOUNTABILITY**

9 **SEC. 601. COMPLIANCE, SAFETY, ACCOUNTABILITY.**

10 *(a) IN GENERAL.—Section 31102 is amended—*

11 *(1) by amending the section heading to read:*

12 **“§31102. Compliance, safety, and accountability**
 13 **grants”;**

14 *(2) by amending subsection (a) to read as fol-*
 15 *lows:*

16 *“(a) GENERAL AUTHORITY.—Subject to this section,*
 17 *the Secretary of Transportation shall make and administer*
 18 *a compliance, safety, and accountability grant program to*
 19 *assist States, local governments, and other entities and per-*
 20 *sons with motor carrier safety and enforcement on high-*
 21 *ways and other public roads, new entrant safety audits,*
 22 *border enforcement, hazardous materials safety and secu-*
 23 *rity, consumer protection and household goods enforcement,*
 24 *and other programs and activities required to improve the*
 25 *safety of motor carriers as determined by the Secretary. The*

1 *Secretary shall allocate funding in accordance with section*
2 *31104 of this title.”;*

3 *(3) in subsection (b)—*

4 *(A) by amending the heading to read as fol-*
5 *lows:*

6 *“(b) MOTOR CARRIER SAFETY ASSISTANCE PRO-*
7 *GRAM.—”;*

8 *(B) by redesignating paragraphs (1)*
9 *through (3) as (2) through (4), respectively;*

10 *(C) by inserting before paragraph (2), as*
11 *redesignated, the following:*

12 *“(1) PROGRAM GOAL.—The goal of the Motor*
13 *Carrier Safety Assistance Program is to ensure that*
14 *the Secretary, States, local government agencies, and*
15 *other political jurisdictions work in partnership to es-*
16 *tablish programs to improve motor carrier, commer-*
17 *cial motor vehicle, and driver safety to support a safe*
18 *and efficient surface transportation system by—*

19 *“(A) making targeted investments to pro-*
20 *mote safe commercial motor vehicle transpor-*
21 *tation, including transportation of passengers*
22 *and hazardous materials;*

23 *“(B) investing in activities likely to gen-*
24 *erate maximum reductions in the number and*

1 *severity of commercial motor vehicle crashes and*
2 *fatalities resulting from such crashes;*

3 “(C) *adopting and enforcing effective motor*
4 *carrier, commercial motor vehicle, and driver*
5 *safety regulations and practices consistent with*
6 *Federal requirements; and*

7 “(D) *assessing and improving statewide*
8 *performance by setting program goals and meet-*
9 *ing performance standards, measures, and bench-*
10 *marks.*”;

11 (D) *in paragraph (2), as redesignated—*

12 (i) *by striking “make a declaration of”*
13 *in subparagraph (I) and inserting “dem-*
14 *onstrate”;*

15 (ii) *by amending subparagraph (M) to*
16 *read as follows:*

17 “(M) *ensures participation in appropriate*
18 *Federal Motor Carrier Safety Administration*
19 *systems and other information systems by all ap-*
20 *propriate jurisdictions receiving Motor Carrier*
21 *Safety Assistance Program funding;*”;

22 (iii) *in subparagraph (Q), by inserting*
23 *“and dedicated sufficient resources to” be-*
24 *tween “established” and “a program”;*

1 (iv) in subparagraph (W), by striking
2 “and” after the semicolon;

3 (v) by amending subparagraph (X) to
4 read as follows:

5 “(X) except in the case of an imminent or
6 obvious safety hazard, ensures that an inspection
7 of a vehicle transporting passengers for a motor
8 carrier of passengers is conducted at a station,
9 terminal, border crossing, maintenance facility,
10 destination, weigh station, rest stop, turnpike
11 service area, or a location where adequate food,
12 shelter, and sanitation facilities are available for
13 passengers, and reasonable accommodation is
14 available for passengers with disabilities; and”;
15 and

16 (vi) by adding after subparagraph (X)
17 the following:

18 “(Y) ensures that the State will transmit to
19 its roadside inspectors the notice of each federal
20 exemption granted pursuant to section 31315(b)
21 and provided to the State by the Secretary, in-
22 cluding the name of the person granted the ex-
23 emption and any terms and conditions that
24 apply to the exemption.”; and

1 *(E) by amending paragraph (4), as redesignig-*
2 *ated, to read as follows:*

3 “(4) *MAINTENANCE OF EFFORT.—*

4 “(A) *IN GENERAL.—A plan submitted by a*
5 *State under paragraph (2) shall provide that the*
6 *total expenditure of amounts of the lead State*
7 *agency responsible for implementing the plan*
8 *will be maintained at a level at least equal to the*
9 *average level of that expenditure for fiscal years*
10 *2004 and 2005.*

11 “(B) *AVERAGE LEVEL OF STATE EXPENDI-*
12 *TURES.—In estimating the average level of State*
13 *expenditure under subparagraph (A), the Sec-*
14 *retary—*

15 “(i) *may allow the State to exclude*
16 *State expenditures for Government-spon-*
17 *sored demonstration or pilot programs; and*

18 “(ii) *shall require the State to exclude*
19 *State matching amounts used to receive*
20 *Government financing under this sub-*
21 *section.*

22 “(C) *WAIVER.—Upon the request of a State,*
23 *the Secretary may waive or modify the require-*
24 *ments of this paragraph for 1 fiscal year, if the*
25 *Secretary determines that a waiver is equitable*

1 *due to exceptional or uncontrollable cir-*
2 *cumstances, such as a natural disaster or a seri-*
3 *ous decline in the financial resources of the State*
4 *motor carrier safety assistance program agen-*
5 *cy.”;*

6 *(4) by redesignating subsection (e) as subsection*
7 *(h); and*

8 *(5) by inserting after subsection (d) the fol-*
9 *lowing:*

10 “(e) *NEW ENTRANT SAFETY ASSURANCE PROGRAM.—*

11 “(1) *PROGRAM GOAL.—The Secretary may make*
12 *grants to States and local governments for pre-author-*
13 *ization safety audits and new entrant motor carrier*
14 *audits as described in section 31144(g).*

15 “(2) *RECIPIENTS.—Grants made in support of*
16 *this program may be provided to States and local*
17 *governments.*

18 “(3) *FEDERAL SHARE.—The Federal share of a*
19 *grant made under this program is 100 percent.*

20 “(4) *ELIGIBLE ACTIVITIES.—Eligible activities*
21 *will be in accordance with criteria developed by the*
22 *Secretary and posted in the Federal Register in ad-*
23 *vance of the grant application period.*

24 “(5) *DETERMINATION.—If the Secretary deter-*
25 *mines that a State or local government is unable to*

1 *conduct a new entrant motor carrier audit, the Sec-*
2 *retary may use the funds to conduct the audit.*

3 “(f) *BORDER ENFORCEMENT.*—

4 “(1) *PROGRAM GOAL.*—*The Secretary of Trans-*
5 *portation may make a grant for carrying out border*
6 *commercial motor vehicle safety programs and related*
7 *enforcement activities and projects.*

8 “(2) *RECIPIENTS.*—*The Secretary of Transpor-*
9 *tation may make a grant to an entity, State, or other*
10 *person for carrying out border commercial motor ve-*
11 *hicle safety programs and related enforcement activi-*
12 *ties and projects.*

13 “(3) *FEDERAL SHARE.*—*The Secretary shall re-*
14 *imburse a grantee at least 80 percent of the costs in-*
15 *curring in a fiscal year for carrying out border com-*
16 *mercial motor vehicle safety programs and related en-*
17 *forcement activities and projects.*

18 “(4) *ELIGIBLE ACTIVITIES.*—*An eligible activity*
19 *will be in accordance with criteria developed by the*
20 *Secretary and posted in the Federal Register in ad-*
21 *vance of the grant application period.*

22 “(g) *HIGH PRIORITY INITIATIVES.*—

23 “(1) *PROGRAM GOAL.*—*The Secretary may make*
24 *grants to carry out high priority activities and*
25 *projects that improve commercial motor vehicle safety*

1 *and compliance with commercial motor vehicle safety*
2 *regulations, including activities and projects that—*

3 *“(A) are national in scope;*

4 *“(B) increase public awareness and edu-*
5 *cation;*

6 *“(C) target unsafe driving of commercial*
7 *motor vehicles and non-commercial motor vehi-*
8 *cles in areas identified as high risk crash cor-*
9 *ridors;*

10 *“(D) improve consumer protection and en-*
11 *forcement of household goods regulations;*

12 *“(E) improve the movement of hazardous*
13 *materials safely and securely, including activi-*
14 *ties related to the establishment of uniform forms*
15 *and application procedures that improve the ac-*
16 *curacy, timeliness, and completeness of commer-*
17 *cial motor vehicle safety data reported to the*
18 *Secretary; or*

19 *“(F) demonstrate new technologies to im-*
20 *prove commercial motor vehicle safety.*

21 *“(2) RECIPIENTS.—The Secretary may allocate*
22 *amounts to award grants to State agencies, local gov-*
23 *ernments, and other persons for carrying out high*
24 *priority activities and projects that improve commer-*
25 *cial motor vehicle safety and compliance with com-*

1 *mercial motor vehicle safety regulations in accordance*
 2 *with the program goals specified in paragraph (1).*

3 *“(3) FEDERAL SHARE.—The Secretary shall re-*
 4 *imburse a grantee at least 80 percent of the costs in-*
 5 *curring in a fiscal year for carrying out the high pri-*
 6 *ority activities or projects.*

7 *“(4) ELIGIBLE ACTIVITIES.—An eligible activity*
 8 *will be in accordance with criteria that is—*

9 *“(A) developed by the Secretary; and*

10 *“(B) posted in the Federal Register in ad-*
 11 *vance of the grant application period.”.*

12 *(b) CONFORMING AMENDMENT.—The analysis of chap-*
 13 *ter 311 is amended by striking the item relating to section*
 14 *31102 and inserting the following:*

“31102. Compliance, safety, and accountability grants.”.

15 **SEC. 602. PERFORMANCE AND REGISTRATION INFORMA-**
 16 **TION SYSTEMS MANAGEMENT PROGRAM.**

17 *Section 31106(b) is amended—*

18 *(1) by amending paragraph (3)(C) to read as*
 19 *follows—*

20 *“(C) establish and implement a process—*

21 *“(i) to cancel the motor vehicle reg-*
 22 *istration and seize the registration plates of*
 23 *a vehicle when an employer is found liable*
 24 *under section 31310(j)(2)(C) for knowingly*
 25 *allowing or requiring an employee to oper-*

1 *ate such a commercial motor vehicle in vio-*
 2 *lation of an out-of-service order; and*

3 *“(ii) to reinstate the vehicle registra-*
 4 *tion or return the registration plates of the*
 5 *commercial motor vehicle, subject to sanc-*
 6 *tions under clause (i), if the Secretary per-*
 7 *mits such carrier to resume operations after*
 8 *the date of issuance of such order.”; and*

9 *(2) by striking paragraph (4).*

10 **SEC. 603. COMMERCIAL MOTOR VEHICLE DEFINED.**

11 *Section 31101(1) is amended to read as follows:*

12 *“(1) ‘commercial motor vehicle’ means (except*
 13 *under section 31106) a self-propelled or towed vehicle*
 14 *used on the highways in commerce to transport pas-*
 15 *sengers or property, if the vehicle—*

16 *“(A) has a gross vehicle weight rating or*
 17 *gross vehicle weight of at least 10,001 pounds,*
 18 *whichever is greater;*

19 *“(B) is designed or used to transport more*
 20 *than 8 passengers, including the driver, for com-*
 21 *ensation;*

22 *“(C) is designed or used to transport more*
 23 *than 15 passengers, including the driver, and is*
 24 *not used to transport passengers for compensa-*
 25 *tion; or*

1 “(D) is used in transporting material found
2 by the Secretary of Transportation to be haz-
3 ardous under section 5103 and transported in a
4 quantity requiring placarding under regulations
5 prescribed by the Secretary under section 5103.”.

6 **SEC. 604. DRIVER SAFETY FITNESS RATINGS.**

7 Section 31144, as amended by section 204 of this Act,
8 is amended by adding at the end the following:

9 “(i) **COMMERCIAL MOTOR VEHICLE DRIVERS.**—The
10 Secretary may maintain by regulation a procedure for de-
11 termining the safety fitness of a commercial motor vehicle
12 driver and for prohibiting the driver from operating in
13 interstate commerce. The procedure and prohibition shall
14 include the following:

15 “(1) Specific initial and continuing require-
16 ments that a driver must comply with to demonstrate
17 safety fitness.

18 “(2) The methodology and continually updated
19 safety performance data that the Secretary will use to
20 determine whether a driver is fit, including inspec-
21 tion results, serious traffic offenses, and crash involve-
22 ment data.

23 “(3) Specific time frames within which the Sec-
24 retary will determine whether a driver is fit.

1 “(4) A prohibition period or periods, not to ex-
2 ceed 1 year, that a driver that the Secretary deter-
3 mines is not fit will be prohibited from operating a
4 commercial motor vehicle in interstate commerce. The
5 period or periods shall begin on the 46th day after the
6 date of the fitness determination and continue until
7 the Secretary determines the driver is fit or until the
8 prohibition period expires.

9 “(5) A review by the Secretary, not later than 30
10 days after an unfit driver requests a review, of the
11 driver’s compliance with the requirements the driver
12 failed to comply with and that resulted in the Sec-
13 retary determining that the driver was not fit. The
14 burden of proof shall be on the driver to demonstrate
15 fitness.

16 “(6) The eligibility criteria for reinstatement, in-
17 cluding the remedial measures the unfit driver must
18 take for reinstatement.”.

19 **SEC. 605. UNIFORM ELECTRONIC CLEARANCE FOR COM-**
20 **MERCIAL MOTOR VEHICLE INSPECTIONS.**

21 (a) *IN GENERAL.*—Chapter 311 is amended by adding
22 after section 31109 the following:

1 **“§31110. Withholding amounts for State noncompli-**
2 **ance**

3 “(a) *FIRST FISCAL YEAR.*—Subject to criteria estab-
4 lished by the Secretary of Transportation, the Secretary
5 may withhold up to 50 percent of the amount a State is
6 otherwise eligible to receive under section 31102(b) on the
7 first day of the fiscal year after the first fiscal year fol-
8 lowing the date of enactment of the Commercial Motor Vehi-
9 cle Safety Enhancement Act of 2011 in which the State uses
10 for at least 180 days an electronic commercial motor vehicle
11 inspection selection system that does not employ a selection
12 methodology approved by the Secretary.

13 “(b) *SECOND FISCAL YEAR.*—The Secretary shall
14 withhold up to 75 percent of the amount a State is other-
15 wise eligible to receive under section 31102(b) on the first
16 day of the fiscal year after the second fiscal year following
17 the date of enactment of the Commercial Motor Vehicle Safe-
18 ty Enhancement Act of 2011 in which the State uses for
19 at least 180 days an electronic commercial motor vehicle
20 inspection selection system that does not employ a selection
21 methodology approved by the Secretary.

22 “(c) *SUBSEQUENT AVAILABILITY OF WITHHELD*
23 *FUNDS.*—The Secretary may make the amounts withheld
24 under subsection (a) or subsection (b) available to the State
25 if the Secretary determines that the State has substantially
26 complied with the requirement described under subsection

1 (a) or subsection (b) not later than 180 days after the begin-
 2 ning of the fiscal year in which amounts were withheld.”.

3 (b) *CONFORMING AMENDMENT.*—*The analysis of chap-*
 4 *ter 311 is amended by inserting after the item relating to*
 5 *section 31109 the following:*

“31110. *Withholding amounts for State noncompliance.*”.

6 **SEC. 606. AUTHORIZATION OF APPROPRIATIONS.**

7 *Section 31104 is amended to read as follows:*

8 **“§31104. Availability of amounts**

9 “(a) *IN GENERAL.*—*There are authorized to be appro-*
 10 *priated from Highway Trust Fund (other than the Mass*
 11 *Transit Account) for Federal Motor Carrier Safety Admin-*
 12 *istration programs the following:*

13 “(1) *COMPLIANCE, SAFETY, AND ACCOUNTABILITY*
 14 *GRANTS UNDER SECTION 31102.*—

15 “(A) \$249,717,000 for fiscal year 2012, pro-
 16 vided that the Secretary shall set aside not less
 17 than \$168,388,000 to carry out the motor carrier
 18 safety assistance program under section
 19 31102(b); and

20 “(B) \$253,814,000 for fiscal year 2013, pro-
 21 vided that the Secretary shall set aside not less
 22 than \$171,813,000 to carry out the motor carrier
 23 safety assistance program under section
 24 31102(b).

1 “(2) *DATA AND TECHNOLOGY GRANTS UNDER*
2 *SECTION 31109.—*

3 “(A) \$30,000,000 for fiscal year 2012; and

4 “(B) \$30,000,000 for fiscal year 2013.

5 “(3) *DRIVER SAFETY GRANTS UNDER SECTION*
6 *31313.—*

7 “(A) \$31,000,000 for fiscal year 2012; and

8 “(B) \$31,000,000 for fiscal year 2013.

9 “(4) *CRITERIA.—The Secretary shall develop cri-*
10 *teria to allocate the remaining funds under para-*
11 *graphs (1), (2), and (3) for fiscal year 2013 and for*
12 *each fiscal year thereafter not later than April 1 of*
13 *the prior fiscal year.*

14 “(b) *AVAILABILITY AND REALLOCATION OF*
15 *AMOUNTS.—*

16 “(1) *ALLOCATIONS AND REALLOCATIONS.—*
17 *Amounts made available under subsection (a)(1) re-*
18 *main available until expended. Allocations to a State*
19 *remain available for expenditure in the State for the*
20 *fiscal year in which they are allocated and for the*
21 *next fiscal year. Amounts not expended by a State*
22 *during those 2 fiscal years are released to the Sec-*
23 *retary for reallocation.*

24 “(2) *REDISTRIBUTION OF AMOUNTS.—The Sec-*
25 *retary may, after August 1 of each fiscal year, upon*

1 *a determination that a State does not qualify for*
2 *funding under section 31102(b) or that the State will*
3 *not expend all of its existing funding, reallocate the*
4 *State’s funding. In revising the allocation and redis-*
5 *tributing the amounts, the Secretary shall give pref-*
6 *erence to those States that require additional funding*
7 *to meet program goals under section 31102(b).*

8 “(3) *PERIOD OF AVAILABILITY FOR DATA AND*
9 *TECHNOLOGY GRANTS.—Amounts made available*
10 *under subsection (a)(2) remain available for obliga-*
11 *tion for the fiscal year and the next 2 years in which*
12 *they are appropriated. Allocations remain available*
13 *for expenditure in the State for 5 fiscal years after*
14 *they were obligated. Amounts not expended by a State*
15 *during those 3 fiscal years are released to the Sec-*
16 *retary for reallocation.*

17 “(4) *PERIOD OF AVAILABILITY FOR DRIVER*
18 *SAFETY GRANTS.—Amounts made available under*
19 *subsection (a)(3) of this section remain available for*
20 *obligation for the fiscal year and the next fiscal year*
21 *in which they are appropriated. Allocations to a*
22 *State remain available for expenditure in the State*
23 *for the fiscal year in which they are allocated and for*
24 *the following 2 fiscal years. Amounts not expended by*

1 *a State during those 3 fiscal years are released to the*
2 *Secretary for reallocation.*

3 “(5) *REALLOCATION.*—*The Secretary, upon a re-*
4 *quest by a State, may reallocate grant funds pre-*
5 *viously awarded to the State under a grant program*
6 *authorized by section 31102, 31109, or 31313 to an-*
7 *other grant program authorized by those sections*
8 *upon a showing by the State that it is unable to ex-*
9 *pend the funds within the 12 months prior to their*
10 *expiration provided that the State agrees to expend*
11 *the funds within the remaining period of expenditure.*

12 “(c) *GRANTS AS CONTRACTUAL OBLIGATIONS.*—*Ap-*
13 *proval by the Secretary of a grant under sections 31102,*
14 *31109, and 31313 is a contractual obligation of the Govern-*
15 *ment for payment of the Government’s share of costs in-*
16 *curred in developing and implementing programs to im-*
17 *prove commercial motor vehicle safety and enforce commer-*
18 *cial driver’s license regulations, standards, and orders.*

19 “(d) *DEDUCTION FOR ADMINISTRATIVE EXPENSES.*—

20 “(1) *IN GENERAL.*—*On October 1 of each fiscal*
21 *year or as soon after that as practicable, the Sec-*
22 *retary may deduct, from amounts made available*
23 *under—*

24 “(A) *subsection (a)(1) for that fiscal year,*
25 *not more than 1.5 percent of those amounts for*

1 *administrative expenses incurred in carrying out*
2 *section 31102 in that fiscal year;*

3 “(B) *subsection (a)(2) for that fiscal year,*
4 *not more than 1.4 percent of those amounts for*
5 *administrative expenses incurred in carrying out*
6 *section 31109 in that fiscal year; and*

7 “(C) *subsection (a)(3) for that fiscal year,*
8 *not more than 1.4 percent of those amounts for*
9 *administrative expenses incurred in carrying out*
10 *section 31313 in that fiscal year.*

11 “(2) *TRAINING.—The Secretary may use at least*
12 *50 percent of the amounts deducted from the amounts*
13 *made available under sections (a)(1) and (a)(3) to*
14 *train non-Government employees and to develop re-*
15 *lated training materials to carry out sections 31102,*
16 *31311, and 31313 of this title.*

17 “(3) *CONTRACTS.—The Secretary may use*
18 *amounts deducted under paragraph (1) to enter into*
19 *contracts and cooperative agreements with States,*
20 *local governments, associations, institutions, corpora-*
21 *tions, and other persons, if the Secretary determines*
22 *the contracts and cooperative agreements are cost-ef-*
23 *fective, benefit multiple jurisdictions of the United*
24 *States, and enhance safety programs and related en-*
25 *forcement activities.*

1 “(e) *ALLOCATION CRITERIA AND ELIGIBILITY.*—

2 “(1) *On October 1 of each fiscal year or as soon*
3 *as practicable after that date after making the deduc-*
4 *tion under subsection (d)(1)(A), the Secretary shall*
5 *allocate amounts made available to carry out section*
6 *31102(b) for such fiscal year among the States with*
7 *plans approved under that section. Allocation shall be*
8 *made under the criteria prescribed by the Secretary.*

9 “(2) *On October 1 of each fiscal year or as soon*
10 *as practicable after that date and after making the*
11 *deduction under subsection (d)(1)(B) or (d)(1)(C), the*
12 *Secretary shall allocate amounts made available to*
13 *carry out sections 31109(a) and 31313(b)(1).*

14 “(f) *INTRASTATE COMPATIBILITY.*—*The Secretary*
15 *shall prescribe regulations specifying tolerance guidelines*
16 *and standards for ensuring compatibility of intrastate com-*
17 *mercial motor vehicle safety laws and regulations with Gov-*
18 *ernment motor carrier safety regulations to be enforced*
19 *under section 31102(b). To the extent practicable, the guide-*
20 *lines and standards shall allow for maximum flexibility*
21 *while ensuring a degree of uniformity that will not dimin-*
22 *ish transportation safety. In reviewing State plans and al-*
23 *locating amounts or making grants under section 153 of*
24 *title 23, United States Code, the Secretary shall ensure that*
25 *the guidelines and standards are applied uniformly.*

1 “(g) *WITHHOLDING AMOUNTS FOR STATE NONCOMPLI-*
2 *ANCE.*—

3 “(1) *IN GENERAL.*—*Subject to criteria estab-*
4 *lished by the Secretary, the Secretary may withhold*
5 *up to 100 percent of the amounts a State is otherwise*
6 *eligible to receive under section 31102(b) on October*
7 *1 of each fiscal year beginning after the date of enact-*
8 *ment of the Commercial Motor Vehicle Safety En-*
9 *hancement Act of 2011 and continuing for the period*
10 *that the State does not comply substantially with a*
11 *requirement under section 31109(b).*

12 “(2) *SUBSEQUENT AVAILABILITY OF WITHHELD*
13 *FUNDS.*—*The Secretary may make the amounts with-*
14 *held in accordance with paragraph (1) available to a*
15 *State if the Secretary determines that the State has*
16 *substantially complied with a requirement under sec-*
17 *tion 31109(b) not later than 180 days after the begin-*
18 *ning of the fiscal year in which the amounts are*
19 *withheld.*

20 “(h) *ADMINISTRATIVE EXPENSES.*—

21 “(1) *AUTHORIZATION OF APPROPRIATIONS.*—
22 *There are authorized to be appropriated from the*
23 *Highway Trust Fund (other than the Mass Transit*
24 *Account) for the Secretary to pay administrative ex-*

1 *penses of the Federal Motor Carrier Safety Adminis-*
2 *tration—*

3 *“(A) \$250,819,000 for fiscal year 2012; and*

4 *“(B) \$248,523,000 for fiscal year 2013.*

5 *“(2) USE OF FUNDS.—The funds authorized by*
6 *this subsection shall be used for personnel costs, ad-*
7 *ministrative infrastructure, rent, information tech-*
8 *nology, programs for research and technology, infor-*
9 *mation management, regulatory development, the ad-*
10 *ministration of the performance and registration in-*
11 *formation system management, outreach and edu-*
12 *cation, other operating expenses, and such other ex-*
13 *penses as may from time to time be necessary to im-*
14 *plement statutory mandates of the Administration not*
15 *funded from other sources.*

16 *“(i) AVAILABILITY OF FUNDS.—*

17 *“(1) PERIOD OF AVAILABILITY.—The amounts*
18 *made available under this section shall remain avail-*
19 *able until expended.*

20 *“(2) INITIAL DATE OF AVAILABILITY.—Author-*
21 *izations from the Highway Trust Fund (other than*
22 *the Mass Transit Account) for this section shall be*
23 *available for obligation on the date of their appor-*
24 *tionment or allocation or on October 1 of the fiscal*

1 year for which they are authorized, whichever occurs
2 first.”.

3 **SEC. 607. HIGH RISK CARRIER REVIEWS.**

4 (a) *HIGH RISK CARRIER REVIEWS.*—Section
5 31104(h), as amended by section 606 of this Act, is amended
6 by adding at the end of paragraph (2) the following:

7 “From the funds authorized by this subsection, the Sec-
8 retary shall ensure that a review is completed on each motor
9 carrier that demonstrates through performance data that it
10 poses the highest safety risk. At a minimum, a review shall
11 be conducted whenever a motor carrier is among the highest
12 risk carriers for 2 consecutive months.”.

13 (b) *CONFORMING AMENDMENT.*—Section 4138 of the
14 Safe, Accountable, Flexible, Efficient Transportation Eq-
15 uity Act: A Legacy for Users (49 U.S.C. 31144 note) is re-
16 pealed.

17 **SEC. 608. DATA AND TECHNOLOGY GRANTS.**

18 (a) *IN GENERAL.*—Section 31109 is amended to read
19 as follows:

20 **“§ 31109. Data and technology grants**

21 “(a) *GENERAL AUTHORITY.*—The Secretary of Trans-
22 portation shall establish and administer a data and tech-
23 nology grant program to assist the States with the imple-
24 mentation and maintenance of data systems. The Secretary
25 shall allocate the funds in accordance with section 31104.

1 “(b) *PERFORMANCE GOALS.*—*The Secretary may*
2 *make a grant to a State to implement the performance and*
3 *registration information system management requirements*
4 *of section 31106(b) to develop, implement, and maintain*
5 *commercial vehicle information systems and networks, and*
6 *other innovative technologies that the Secretary determines*
7 *improve commercial motor vehicle safety.*

8 “(c) *ELIGIBILITY.*—*To be eligible for a grant to imple-*
9 *ment the requirements of section 31106(b), the State shall*
10 *design a program that—*

11 “(1) *links Federal motor carrier safety informa-*
12 *tion systems with the State’s motor carrier informa-*
13 *tion systems;*

14 “(2) *determines the safety fitness of a motor car-*
15 *rier or registrant when licensing or registering the*
16 *registrant or motor carrier or while the license or reg-*
17 *istration is in effect; and*

18 “(3) *denies, suspends, or revokes the commercial*
19 *motor vehicle registrations of a motor carrier or reg-*
20 *istrant that was issued an operations out-of-service*
21 *order by the Secretary.*

22 “(d) *REQUIRED PARTICIPATION.*—*The Secretary shall*
23 *require States that participate in the program under sec-*
24 *tion 31106 to—*

1 “(1) *comply with the uniform policies, proce-*
 2 *dures, and technical and operational standards pre-*
 3 *scribed by the Secretary under section 31106(b);*

4 “(2) *possess or seek the authority to possess for*
 5 *a time period not longer than determined reasonable*
 6 *by the Secretary, to impose sanctions relating to com-*
 7 *mercial motor vehicle registration on the basis of a*
 8 *Federal safety fitness determination; and*

9 “(3) *establish and implement a process to cancel*
 10 *the motor vehicle registration and seize the registra-*
 11 *tion plates of a vehicle when an employer is found*
 12 *liable under section 31310(j)(2)(C) for knowingly al-*
 13 *lowing or requiring an employee to operate such a*
 14 *commercial motor vehicle in violation of an out of*
 15 *service order.*

16 “(e) *FEDERAL SHARE.—The total Federal share of the*
 17 *cost of a project payable from all eligible Federal sources*
 18 *shall be at least 80 percent.”.*

19 (b) *CONFORMING AMENDMENT.—The analysis of chap-*
 20 *ter 311 is amended by striking the item relating to section*
 21 *31109 and inserting the following:*

 “31109. *Data and technology grants.*”.

22 **SEC. 609. DRIVER SAFETY GRANTS.**

23 (a) *DRIVER FOCUSED GRANT PROGRAM.—Section*
 24 *31313 is amended to read as follows:*

1 **“§ 31313. Driver safety grants**

2 “(a) *GENERAL AUTHORITY.*—*The Secretary shall*
3 *make and administer a driver focused grant program to*
4 *assist the States, local governments, entities, and other per-*
5 *sons with commercial driver’s license systems, programs,*
6 *training, fraud detection, reporting of violations and other*
7 *programs required to improve the safety of drivers as the*
8 *Federal Motor Carrier Safety Administration deems crit-*
9 *ical. The Secretary shall allocate the funds for the program*
10 *in accordance with section 31104.*

11 “(b) *COMMERCIAL DRIVER’S LICENSE PROGRAM IM-*
12 *PROVEMENT GRANTS.*—

13 “(1) *PROGRAM GOAL.*—*The Secretary of Trans-*
14 *portation may make a grant to a State in a fiscal*
15 *year—*

16 “(A) *to comply with the requirements of sec-*
17 *tion 31311;*

18 “(B) *in the case of a State that is making*
19 *a good faith effort toward substantial compliance*
20 *with the requirements of this section and section*
21 *31311, to improve its implementation of its com-*
22 *mmercial driver’s license program;*

23 “(C) *for research, development demonstra-*
24 *tion projects, public education, and other special*
25 *activities and projects relating to commercial*
26 *driver licensing and motor vehicle safety that are*

1 *of benefit to all jurisdictions of the United States*
2 *or are designed to address national safety con-*
3 *cerns and circumstances;*

4 *“(D) for commercial driver’s license pro-*
5 *gram coordinators;*

6 *“(E) to implement or maintain a system to*
7 *notify an employer of an operator of a commer-*
8 *cial motor vehicle of the suspension or revocation*
9 *of the operator’s commercial driver’s license con-*
10 *sistent with the standards developed under sec-*
11 *tion 304(b) of the Commercial Motor Vehicle*
12 *Safety Enhancement Act of 2011; or*

13 *“(F) to train operators of commercial motor*
14 *vehicles, as defined under section 31301, and to*
15 *train operators and future operators in the safe*
16 *use of such vehicles. Funding priority for this*
17 *discretionary grant program shall be to regional*
18 *or multi-state educational or nonprofit associa-*
19 *tions serving economically distressed regions of*
20 *the United States.*

21 *“(2) PRIORITY.—The Secretary shall give pri-*
22 *ority, in making grants under paragraph (1)(B), to*
23 *a State that will use the grants to achieve compliance*
24 *with the requirements of the Motor Carrier Safety Im-*
25 *provement Act of 1999 (113 Stat. 1748), including*

1 *the amendments made by the Commercial Motor Vehi-*
2 *cle Safety Enhancement Act of 2011.*

3 “(3) *RECIPIENTS.*—*The Secretary may allocate*
4 *grants to State agencies, local governments, and other*
5 *persons for carrying out activities and projects that*
6 *improve commercial driver’s license safety and com-*
7 *pliance with commercial driver’s license and commer-*
8 *cial motor vehicle safety regulations in accordance*
9 *with the program goals under paragraph (1) and that*
10 *train operators on commercial motor vehicles. The*
11 *Secretary may make a grant to a State to comply*
12 *with section 31311 for commercial driver’s license*
13 *program coordinators and for notification systems.*

14 “(4) *FEDERAL SHARE.*—*The Federal share of a*
15 *grant made under this program shall be at least 80*
16 *percent, except that the Federal share of grants for*
17 *commercial driver license program coordinators and*
18 *training commercial motor vehicle operators shall be*
19 *100 percent.”.*

20 (b) *CONFORMING AMENDMENT.*—*The analysis of chap-*
21 *ter 313 is amended by striking the item relating to section*
22 *31313 and inserting the following:*

“31313. Driver safety grants.”.

1 **SEC. 610. COMMERCIAL VEHICLE INFORMATION SYSTEMS**
 2 **AND NETWORKS.**

3 *Not later than 6 months after the date of enactment*
 4 *of this Act, the Secretary shall submit a report to the Com-*
 5 *mittee on Commerce, Science, and Transportation of the*
 6 *Senate and the Committee on Transportation and Infra-*
 7 *structure of the House of Representatives that includes—*

8 *(1) established time frames and milestones for re-*
 9 *suming the Commercial Vehicle Information Systems*
 10 *and Networks Program; and*

11 *(2) a strategic workforce plan for its grants*
 12 *management office to ensure that it has determined*
 13 *the skills and competencies that are critical to achiev-*
 14 *ing its mission goals.*

15 **TITLE VII—MOTORCOACH**
 16 **ENHANCED SAFETY ACT OF 2011**

17 **SEC. 701. SHORT TITLE.**

18 *This title may be cited as the “Motorcoach Enhanced*
 19 *Safety Act of 2011”.*

20 **SEC. 702. DEFINITIONS.**

21 *In this Act:*

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

1 (2) *BUS.*—*The term “bus” has the meaning*
2 *given the term in section 571.3(b) of title 49, Code of*
3 *Federal Regulations (as in effect on the day before the*
4 *date of enactment of this Act).*

5 (3) *COMMERCIAL MOTOR VEHICLE.*—*Except as*
6 *otherwise specified, the term “commercial motor vehi-*
7 *cle” has the meaning given the term in section*
8 *31132(1) of title 49, United States Code.*

9 (4) *DIRECT TIRE PRESSURE MONITORING SYS-*
10 *TEM.*—*The term “direct tire pressure monitoring sys-*
11 *tem” means a tire pressure monitoring system that is*
12 *capable of directly detecting when the air pressure*
13 *level in any tire is significantly under-inflated and*
14 *providing the driver a low tire pressure warning as*
15 *to which specific tire is significantly under-inflated.*

16 (5) *ELECTRONIC ON-BOARD RECORDER.*—*The*
17 *term “electronic on-board recorder” means an elec-*
18 *tronic device that acquires and stores data showing*
19 *the record of duty status of the vehicle operator and*
20 *performs the functions required of an automatic on-*
21 *board recording device in section 395.15(b) of title 49,*
22 *Code of Federal Regulations.*

23 (6) *EVENT DATA RECORDER.*—*The term “event*
24 *data recorder” has the meaning given that term in*
25 *section 563.5 of title 49, Code of Federal Regulations.*

1 (7) *MOTOR CARRIER.*—*The term “motor carrier”*
2 *means—*

3 (A) *a motor carrier (as defined in section*
4 *13102(14) of title 49, United States Code); or*

5 (B) *a motor private carrier (as defined in*
6 *section 13102(15) of that title).*

7 (8) *MOTORCOACH.*—*The term “motorcoach” has*
8 *the meaning given the term “over-the-road bus” in*
9 *section 3038(a)(3) of the Transportation Equity Act*
10 *for the 21st Century (49 U.S.C. 5310 note), but does*
11 *not include—*

12 (A) *a bus used in public transportation*
13 *provided by, or on behalf of, a public transpor-*
14 *tation agency; or*

15 (B) *a school bus, including a multifunction*
16 *school activity bus.*

17 (9) *MOTORCOACH SERVICES.*—*The term “motor-*
18 *coach services” means passenger transportation by*
19 *motorcoach for compensation.*

20 (10) *MULTIFUNCTION SCHOOL ACTIVITY BUS.*—
21 *The term “multifunction school activity bus” has the*
22 *meaning given the term in section 571.3(b) of title 49,*
23 *Code of Federal Regulations (as in effect on the day*
24 *before the date of enactment of this Act).*

1 (11) *PORTAL*.—The term “portal” means any
2 opening on the front, side, rear, or roof of a motor-
3 coach that could, in the event of a crash involving the
4 motorcoach, permit the partial or complete ejection of
5 any occupant from the motorcoach, including a young
6 child.

7 (12) *PROVIDER OF MOTORCOACH SERVICES*.—
8 The term “provider of motorcoach services” means a
9 motor carrier that provides passenger transportation
10 services with a motorcoach, including per-trip com-
11 pensation and contracted or chartered compensation.

12 (13) *PUBLIC TRANSPORTATION*.—The term “pub-
13 lic transportation” has the meaning given the term in
14 section 5302 of title 49, United States Code.

15 (14) *SAFETY BELT*.—The term “safety belt” has
16 the meaning given the term in section 153(i)(4)(B) of
17 title 23, United States Code.

18 (15) *SECRETARY*.—The term “Secretary” means
19 the Secretary of Transportation.

20 **SEC. 703. REGULATIONS FOR IMPROVED OCCUPANT PRO-**
21 **TECTION, PASSENGER EVACUATION, AND**
22 **CRASH AVOIDANCE.**

23 (a) *REGULATIONS REQUIRED WITHIN 1 YEAR*.—Not
24 later than 1 year after the date of enactment of this Act,
25 the Secretary shall prescribe regulations requiring safety

1 *belts to be installed in motorcoaches at each designated seat-*
2 *ing position.*

3 (b) *REGULATIONS REQUIRED WITHIN 2 YEARS.*—Not
4 *later than 2 years after the date of enactment of this Act,*
5 *the Secretary shall prescribe the following commercial*
6 *motor vehicle regulations:*

7 (1) *ROOF STRENGTH AND CRUSH RESISTANCE.*—
8 *The Secretary shall establish improved roof and roof*
9 *support standards for motorcoaches that substantially*
10 *improve the resistance of motorcoach roofs to deforma-*
11 *tion and intrusion to prevent serious occupant injury*
12 *in rollover crashes involving motorcoaches.*

13 (2) *ANTI-EJECTION SAFETY COUNTER-*
14 *MEASURES.*—*The Secretary shall require advanced*
15 *glazing to be installed in each motorcoach portal and*
16 *shall consider other portal improvements to prevent*
17 *partial and complete ejection of motorcoach pas-*
18 *sengers, including children. In prescribing such*
19 *standards, the Secretary shall consider the impact of*
20 *such standards on the use of motorcoach portals as a*
21 *means of emergency egress.*

22 (3) *ROLLOVER CRASH AVOIDANCE.*—*The Sec-*
23 *retary shall require motorcoaches to be equipped with*
24 *stability enhancing technology, such as electronic sta-*
25 *bility control and torque vectoring, to reduce the*

1 *number and frequency of rollover crashes among*
2 *motorcoaches.*

3 (c) *COMMERCIAL MOTOR VEHICLE TIRE PRESSURE*
4 *MONITORING SYSTEMS.*—*Not later than 3 years after the*
5 *date of enactment of this Act, the Secretary shall prescribe*
6 *the following commercial vehicle regulation:*

7 (1) *IN GENERAL.*—*The Secretary shall require*
8 *motorcoaches to be equipped with direct tire pressure*
9 *monitoring systems that warn the operator of a com-*
10 *mercial motor vehicle when any tire exhibits a level*
11 *of air pressure that is below a specified level of air*
12 *pressure established by the Secretary.*

13 (2) *PERFORMANCE REQUIREMENTS.*—*The regula-*
14 *tion prescribed by the Secretary under this subsection*
15 *shall include performance requirements to ensure that*
16 *direct tire pressure monitoring systems are capable*
17 *of—*

18 (A) *providing a warning to the driver when*
19 *1 or more tires are underinflated;*

20 (B) *activating in a specified time period*
21 *after the underinflation is detected; and*

22 (C) *operating at different vehicle speeds.*

23 (d) *APPLICATION OF REGULATIONS.*—

24 (1) *NEW MOTORCOACHES.*—*Any regulation pre-*
25 *scribed in accordance with subsection (a), (b), or (c)*

1 *shall apply to all motorcoaches manufactured more*
2 *than 2 years after the date on which the regulation*
3 *is published as a final rule.*

4 (2) *RETROFIT REQUIREMENTS FOR EXISTING*
5 *MOTORCOACHES.—*

6 (A) *IN GENERAL.—The Secretary may, by*
7 *regulation, provide for the application of any re-*
8 *quirement established under subsection (a) or*
9 *(b)(2) to motorcoaches manufactured before the*
10 *date on which the requirement applies to new*
11 *motorcoaches under paragraph (1) based on an*
12 *assessment of the feasibility, benefits, and costs of*
13 *retrofitting the older motorcoaches.*

14 (B) *ASSESSMENT.—The Secretary shall*
15 *complete an assessment with respect to safety belt*
16 *retrofits not later than 1 year after the date of*
17 *enactment of this Act and with respect to anti-*
18 *ejection countermeasure retrofits not later than 2*
19 *years after the date of enactment of this Act.*

20 (e) *FAILURE TO MEET DEADLINE.—If the Secretary*
21 *determines that a final rule cannot be issued before the*
22 *deadline established under this section, the Secretary*
23 *shall—*

24 (1) *submit a report to the Committee on Com-*
25 *merce, Science, and Transportation of the Senate and*

1 *the Committee on Energy and Commerce of the House*
2 *of Representatives that explains why the deadline*
3 *cannot be met; and*

4 *(2) establish a new deadline for the issuance of*
5 *the final rule.*

6 **SEC. 704. STANDARDS FOR IMPROVED FIRE SAFETY.**

7 *(a) EVALUATIONS.—Not later than 18 months after the*
8 *date of enactment of this Act, the Secretary shall initiate*
9 *the following rulemaking proceedings:*

10 *(1) FLAMMABILITY STANDARD FOR EXTERIOR*
11 *COMPONENTS.—The Secretary shall establish require-*
12 *ments for fire hardening or fire resistance of motor-*
13 *coach exterior components to prevent fire and smoke*
14 *inhalation injuries to occupants.*

15 *(2) SMOKE SUPPRESSION.—The Secretary shall*
16 *update Federal Motor Vehicle Safety Standard Num-*
17 *ber 302 (49 C.F.R. 571.302; relating to flammability*
18 *of interior materials) to improve the resistance of mo-*
19 *torcoach interiors and components to burning and*
20 *permit sufficient time for the safe evacuation of pas-*
21 *sengers from motorcoaches.*

22 *(3) PREVENTION OF, AND RESISTANCE TO,*
23 *WHEEL WELL FIRES.—The Secretary shall establish*
24 *requirements—*

1 (A) to prevent and mitigate the propagation
2 of wheel well fires into the passenger compart-
3 ment; and

4 (B) to substantially reduce occupant deaths
5 and injuries from such fires.

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

11 (5) *PASSENGER EVACUATION.*—The Secretary
12 shall establish requirements for motorcoaches to be
13 equipped with—

14 (A) improved emergency exit window, door,
15 roof hatch, and wheelchair lift door designs to ex-
16 pedite access and use by passengers of
17 motorcoaches under all emergency circumstances,
18 including crashes and fires; and

19 (B) emergency interior lighting systems, in-
20 cluding luminescent or retroreflectorized delineation
21 of evacuation paths and exits, which are
22 triggered by a crash or other emergency incident
23 to accomplish more rapid and effective evacu-
24 ation of passengers.

1 (6) *CAUSATION AND PREVENTION OF MOTOR-*
2 *COACH FIRES.*—*The Secretary shall examine the prin-*
3 *ciple causes of motorcoach fires and vehicle design*
4 *changes intended to reduce the number of motorcoach*
5 *fires resulting from those principle causes.*

6 (b) *DEADLINE.*—*Not later than 42 months after the*
7 *date of enactment of this Act, the Secretary shall—*

8 (1) *issue final rules in accordance with sub-*
9 *section (a); or*

10 (2) *if the Secretary determines that any stand-*
11 *ard is not warranted based on the requirements and*
12 *considerations set forth in subsection (a) and (b) of*
13 *section 30111 of title 49, United States Code, submit*
14 *a report that describes the reasons for not prescribing*
15 *such a standard to—*

16 (A) *the Committee on Commerce, Science,*
17 *and Transportation of the Senate; and*

18 (B) *the Committee on Energy and Com-*
19 *merce of the House of Representatives.*

20 (c) *TIRE PERFORMANCE STANDARD.*—*Not later than*
21 *3 years after the date of enactment of this Act, the Secretary*
22 *shall—*

23 (1) *issue a final rule upgrading performance*
24 *standards for tires used on motorcoaches, including*

1 *an enhanced endurance test and a new high-speed*
2 *performance test; or*

3 (2) *if the Secretary determines that a standard*
4 *is not warranted based on the requirements and con-*
5 *siderations set forth in subsections (a) and (b) of sec-*
6 *tion 30111 of title 49, United States Code, submit a*
7 *report that describes the reasons for not prescribing*
8 *such a standard to—*

9 (A) *the Committee on Commerce, Science,*
10 *and Transportation of the Senate; and*

11 (B) *the Committee on Energy and Com-*
12 *merce of the House of Representatives.*

13 **SEC. 705. OCCUPANT PROTECTION, COLLISION AVOIDANCE,**
14 **FIRE CAUSATION, AND FIRE EXTINGUISHER**
15 **RESEARCH AND TESTING.**

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

19 (1) *IMPROVED FIRE EXTINGUISHERS.—The Sec-*
20 *retary shall research and test the need to install im-*
21 *proved fire extinguishers or other readily available*
22 *firefighting equipment in motorcoaches to effectively*
23 *extinguish fires in motorcoaches and prevent pas-*
24 *senger deaths and injuries.*

1 (2) *INTERIOR IMPACT PROTECTION.*—*The Sec-*
2 *retary shall research and test enhanced occupant im-*
3 *part protection standards for motorcoach interiors to*
4 *reduce substantially serious injuries for all passengers*
5 *of motorcoaches.*

6 (3) *COMPARTMENTALIZATION SAFETY COUNTER-*
7 *MEASURES.*—*The Secretary shall require enhanced*
8 *compartmentalization safety countermeasures for*
9 *motorcoaches, including enhanced seating designs, to*
10 *substantially reduce the risk of passengers being*
11 *thrown from their seats and colliding with other pas-*
12 *sengers, interior surfaces, and components in the*
13 *event of a crash involving a motorcoach.*

14 (4) *COLLISION AVOIDANCE SYSTEMS.*—*The Sec-*
15 *retary shall research and test forward and lateral*
16 *crash warning systems applications for motorcoaches.*

17 (b) *RULEMAKING.*—*Not later than 2 years after the*
18 *completion of each research and testing initiative required*
19 *under subsection (a), the Secretary shall issue final motor*
20 *vehicle safety standards if the Secretary determines that*
21 *such standards are warranted based on the requirements*
22 *and considerations set forth in subsections (a) and (b) of*
23 *section 30111 of title 49, United States Code.*

1 **SEC. 706. MOTORCOACH REGISTRATION.**

2 (a) *REGISTRATION REQUIREMENTS.*—Section
3 13902(b) is amended—

4 (1) by redesignating paragraphs (1) through (8)
5 as paragraphs (4) through (11), respectively; and

6 (2) by inserting before paragraph (4), as redesign-
7 nated, the following:

8 “(1) *ADDITIONAL REGISTRATION REQUIREMENTS*
9 *FOR PROVIDERS OR MOTORCOACH SERVICES.*—In ad-
10 dition to meeting the requirements under subsection
11 (a)(1), the Secretary may not register a person to
12 provide motorcoach services until after the person—

13 “(A) undergoes a preauthorization safety
14 audit, including verification, in a manner suffi-
15 cient to demonstrate the ability to comply with
16 Federal rules and regulations, of—

17 “(i) a drug and alcohol testing pro-
18 gram under part 40 of title 49, Code of Fed-
19 eral Regulations;

20 “(ii) the carrier’s system of compliance
21 with hours-of-service rules, including hours-
22 of-service records;

23 “(iii) the ability to obtain required in-
24 surance;

25 “(iv) driver qualifications, including
26 the validity of the commercial driver’s li-

1 *cense of each driver who will be operating*
2 *under such authority;*

3 “(v) *disclosure of common ownership,*
4 *common control, common management,*
5 *common familial relationship, or other cor-*
6 *porate relationship with another motor car-*
7 *rier or applicant for motor carrier author-*
8 *ity during the past 3 years;*

9 “(vi) *records of the State inspections,*
10 *or of a Level I or V Commercial Vehicle*
11 *Safety Alliance Inspection, for all vehicles*
12 *that will be operated by the carrier;*

13 “(vii) *safety management programs,*
14 *including vehicle maintenance and repair*
15 *programs; and*

16 “(viii) *the ability to comply with the*
17 *Americans with Disabilities Act of 1990 (42*
18 *U.S.C. 12101 et seq.), and the Over-the-*
19 *Road Bus Transportation Accessibility Act*
20 *of 2007 (122 Stat. 2915);*

21 “(B) *has been interviewed to review safety*
22 *management controls and the carrier’s written*
23 *safety oversight policies and practices; and*

24 “(C) *through the successful completion of a*
25 *written examination developed by the Secretary,*

1 *has demonstrated proficiency to comply with*
2 *and carry out the requirements and regulations*
3 *described in subsection (a)(1).*

4 “(2) *PRE-AUTHORIZATION SAFETY AUDIT.*—*The*
5 *pre-authorization safety audit required under para-*
6 *graph (1)(A) shall be completed on-site not later than*
7 *90 days following the submission of an application*
8 *for operating authority.*

9 “(3) *FEE.*—*The Secretary may establish, under*
10 *section 9701 of title 31, a fee of not more than \$1,200*
11 *for new registrants that as nearly as possible covers*
12 *the costs of performing a preauthorization safety*
13 *audit. Amounts collected under this subsection shall*
14 *be deposited in the Highway Trust Fund (other than*
15 *the Mass Transit Account).”.*

16 “(b) *SAFETY REVIEWS OF NEW OPERATORS.*—*Section*
17 *31144(g)(1) is amended by inserting “transporting prop-*
18 *erty” after “each operator”.*

19 “(c) *CONFORMING AMENDMENT.*—*Section*
20 *24305(a)(3)(A)(i) is amended by striking “section*
21 *13902(b)(8)(A)” and inserting “section 13902(b)(11)(A)”.*

22 “(d) *EFFECTIVE DATE.*—*The amendments made by this*
23 *section shall take effect 1 year after the date of enactment*
24 *of this Act.*

1 **SEC. 707. IMPROVED OVERSIGHT OF MOTORCOACH SERV-**
 2 **ICE PROVIDERS.**

3 *Section 31144, as amended by sections 204 and 604*
 4 *of this Act, is amended by adding at the end the following:*

5 “(j) *PERIODIC SAFETY REVIEWS OF PROVIDERS OF*
 6 *MOTORCOACH SERVICES.—*

7 “(1) *SAFETY REVIEW.—*

8 “(A) *IN GENERAL.—The Secretary shall—*

9 “(i) *determine the safety fitness of all*
 10 *providers of motorcoach services registered*
 11 *with the Federal Motor Carrier Safety Ad-*
 12 *ministration; and*

13 “(ii) *assign a safety fitness rating to*
 14 *each such provider.*

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

17 “(i) *to any provider of motorcoach*
 18 *services registered with the Administration*
 19 *after the date of enactment of the Motor-*
 20 *coach Enhanced Safety Act of 2011 begin-*
 21 *ning not later than 2 years after the date*
 22 *of such registration; and*

23 “(ii) *to any provider of motorcoach*
 24 *services registered with the Administration*
 25 *on or before the date of enactment of that*

1 *Act beginning not later than 3 years after*
2 *the date of enactment of that Act.*

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

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

14 “(4) *PERIODIC UPDATE OF SAFETY FITNESS RAT-*
15 *ING.*—*In conducting the safety reviews required under*
16 *this subsection, the Secretary shall reassess the safety*
17 *fitness rating of each provider not less frequently than*
18 *once every 3 years.*

19 “(5) *MOTORCOACH SERVICES DEFINED.*—*In this*
20 *subsection, the term ‘provider of motorcoach services’*
21 *has the meaning given such term in section 702 of the*
22 *Motorcoach Enhanced Safety Act of 2011.’.*

1 **SEC. 708. REPORT ON FEASIBILITY, BENEFITS, AND COSTS**
2 **OF ESTABLISHING A SYSTEM OF CERTIFI-**
3 **CATION OF TRAINING PROGRAMS.**

4 *Not later than 2 years after the date of the enactment*
5 *of this Act, the Secretary shall submit a report to the Com-*
6 *mittee on Commerce, Science, and Transportation of the*
7 *Senate and the Committee on Transportation and Infra-*
8 *structure of the House of Representatives that describes the*
9 *feasibility, benefits, and costs of establishing a system of cer-*
10 *tification of public and private schools and of motor car-*
11 *riers and motorcoach operators that provide motorcoach*
12 *driver training.*

13 **SEC. 709. REPORT ON DRIVER'S LICENSE REQUIREMENTS**
14 **FOR 9- TO 15-PASSENGER VANS.**

15 *(a) IN GENERAL.—Not later than 18 months after the*
16 *date of enactment of this Act, the Secretary shall submit*
17 *a report to the Committee on Commerce, Science, and*
18 *Transportation of the Senate and the Committee on Trans-*
19 *portation and Infrastructure of the House of Representa-*
20 *tives that examines requiring all or certain classes of driv-*
21 *ers operating a vehicle, which is designed or used to trans-*
22 *port not fewer than 9 and not more than 15 passengers*
23 *(including a driver) in interstate commerce, to have a com-*
24 *mercial driver's license passenger-carrying endorsement*
25 *and be tested in accordance with a drug and alcohol testing*

1 *program under part 40 of title 49, Code of Federal Regula-*
2 *tions.*

3 (b) *CONSIDERATIONS.*—*In developing the report under*
4 *subsection (a), the Secretary shall consider—*

5 (1) *the safety benefits of the requirement de-*
6 *scribed in subsection (a);*

7 (2) *the scope of the population that would be im-*
8 *pacted by such requirement;*

9 (3) *the cost to the Federal Government and State*
10 *governments to meet such requirement; and*

11 (4) *the impact on safety benefits and cost from*
12 *limiting the application of such requirement to cer-*
13 *tain drivers of such vehicles, such as drivers who are*
14 *compensated for driving.*

15 **SEC. 710. EVENT DATA RECORDERS.**

16 (a) *EVALUATION.*—*Not later than 1 year after the date*
17 *of enactment of this Act, the Secretary, after considering*
18 *the performance requirements for event data recorders for*
19 *passenger vehicles under part 563 of title 49, Code of Fed-*
20 *eral Regulations, shall complete an evaluation of event data*
21 *recorders, including requirements regarding specific types*
22 *of vehicle operations, events and incidents, and systems in-*
23 *formation to be recorded, for event data recorders to be used*
24 *on motorcoaches used by motor carriers in interstate com-*
25 *merce.*

1 (b) *STANDARDS AND REGULATIONS.*—Not later than
2 2 years after completing the evaluation required under sub-
3 section (a), the Secretary shall issue standards and regula-
4 tions based on the results of that evaluation.

5 **SEC. 711. SAFETY INSPECTION PROGRAM FOR COMMERCIAL**
6 **MOTOR VEHICLES OF PASSENGERS.**

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

12 (1) *the risks associated with improperly main-*
13 *tained or inspected commercial motor vehicles de-*
14 *signed or used to transport passengers;*

15 (2) *the effectiveness of existing Federal standards*
16 *for the inspection of such vehicles in—*

17 (A) *mitigating the risks described in para-*
18 *graph (1); and*

19 (B) *ensuring the safe and proper operation*
20 *condition of such vehicles; and*

21 (3) *the costs and benefits of a mandatory State*
22 *inspection program.*

1 **SEC. 712. DISTRACTED DRIVING.**

2 (a) *IN GENERAL.*—Chapter 311, as amended by sec-
3 tions 113, 508, and 512 of this Act, is amended by adding
4 after section 31154 the following:

5 **“§31155. Regulation of the use of distracting devices**
6 **in motorcoaches**

7 “(a) *IN GENERAL.*—Not later than 1 year after the
8 date of enactment of the Motorcoach Enhanced Safety Act
9 of 2011, the Secretary of Transportation shall prescribe reg-
10 ulations on the use of electronic or wireless devices, includ-
11 ing cell phones and other distracting devices, by an indi-
12 vidual employed as the operator of a motorcoach (as defined
13 in section 702 of that Act).

14 “(b) *BASIS FOR REGULATIONS.*—The Secretary shall
15 base the regulations prescribed under subsection (a) on acci-
16 dent data analysis, the results of ongoing research, and
17 other information, as appropriate.

18 “(c) *PROHIBITED USE.*—Except as provided under
19 subsection (d), the Secretary shall prohibit the use of the
20 devices described in subsection (a) in circumstances in
21 which the Secretary determines that their use interferes
22 with a driver’s safe operation of a motorcoach.

23 “(d) *PERMITTED USE.*—The Secretary may permit the
24 use of a device that is otherwise prohibited under subsection
25 (c) if the Secretary determines that such use is necessary

1 *for the safety of the driver or the public in emergency cir-*
 2 *cumstances.”.*

3 (b) *CONFORMING AMENDMENT.—The analysis for*
 4 *chapter 311 is amended by inserting after the item relating*
 5 *to section 31154 the following:*

“31155. Regulation of the use of distracting devices in motorcoaches.”.

6 **SEC. 713. REGULATIONS.**

7 *Any standard or regulation prescribed or modified*
 8 *pursuant to the Motorcoach Enhanced Safety Act of 2011*
 9 *shall be prescribed or modified in accordance with section*
 10 *553 of title 5, United States Code.*

11 **TITLE VIII—SAFE HIGHWAYS**
 12 **AND INFRASTRUCTURE PRES-**
 13 **ERVATION**

14 **SEC. 801. COMPREHENSIVE TRUCK SIZE AND WEIGHT LIM-**
 15 **ITS STUDY.**

16 (a) *TRUCK SIZE AND WEIGHT LIMITS STUDY.—Not*
 17 *later than 90 days after the date of enactment of this Act,*
 18 *the Secretary, in consultation with each relevant State and*
 19 *other applicable Federal agencies, shall commence a com-*
 20 *prehensive truck size and weight limits study. The study*
 21 *shall—*

22 (1) *provide data on accident frequency and fac-*
 23 *tors related to accident risk of each route of the Na-*
 24 *tional Highway System in each State that allows a*
 25 *vehicle to operate with size and weight limits that are*

1 *in excess of the Federal law and regulations and its*
2 *correlation to truck size and weight limits;*

3 *(2) evaluate the impacts to the infrastructure of*
4 *each route of the National Highway System in each*
5 *State that allows a vehicle to operate with size and*
6 *weight limits that are in excess of the Federal law*
7 *and regulations, including—*

8 *(A) an analysis that quantifies the cost and*
9 *benefits of the impacts in dollars;*

10 *(B) an analysis of the percentage of trucks*
11 *operating in excess of the Federal size and*
12 *weight limits; and*

13 *(C) an analysis that examines the ability of*
14 *each State to recover the cost for the impacts, or*
15 *the benefits incurred;*

16 *(3) evaluate the impacts and frequency of viola-*
17 *tions in excess of the Federal size and weight law and*
18 *regulations to determine the cost of the enforcement of*
19 *the law and regulations, and the effectiveness of the*
20 *enforcement methods;*

21 *(4) examine the relationship between truck per-*
22 *formance and crash involvement and its correlation to*
23 *Federal size and weight limits, including the impacts*
24 *on crashes;*

1 (5) *assess the impacts that truck size and weight*
2 *limits in excess of the Federal law and regulations*
3 *have in the risk of bridge failure contributing to the*
4 *structural deficiencies of bridges or in the useful life*
5 *of a bridge, including the impacts resulting from the*
6 *number of bridge loadings;*

7 (6) *analyze the impacts on safety and infrastruc-*
8 *ture in each State that allows a truck to operate in*
9 *excess of Federal size and weight limitations in truck-*
10 *only lanes; and*

11 (7) *compare and contrast the safety and infra-*
12 *structure impacts of the Federal limits regarding*
13 *truck size and weight limits in relation to—*

14 (A) *six-axle and other alternative configura-*
15 *tions of tractor-trailers; and*

16 (B) *safety records of foreign nations with*
17 *truck size and weight limits and tractor-trailer*
18 *configurations that differ from the Federal law*
19 *and regulations.*

20 (b) *REPORT.—Not later than 2 years after the date*
21 *that the study is commenced under subsection (a), the Sec-*
22 *retary shall submit a final report on the study, including*
23 *all findings and recommendations, to the Committee on*
24 *Commerce, Science, and Transportation and the Committee*
25 *on Environment and Public Works of the Senate and the*

1 *Committee on Transportation and Infrastructure of the*
2 *House of Representatives.*

3 **SEC. 802. COMPILATION OF EXISTING STATE TRUCK SIZE**
4 **AND WEIGHT LIMIT LAWS.**

5 *(a) IN GENERAL.—Not later than 90 days after the*
6 *date of enactment of this Act, the Secretary, in consultation*
7 *with the States, shall begin to compile—*

8 *(1) a list for each State, as applicable, that de-*
9 *scribes each route of the National Highway System*
10 *that allows a vehicle to operate in excess of the Fed-*
11 *eral truck size and weight limits that—*

12 *(A) was authorized under State law on or*
13 *before the date of enactment of this Act; and*

14 *(B) was in actual and lawful operation on*
15 *a regular or periodic basis (including seasonal*
16 *operations) on or before the date of enactment of*
17 *this Act;*

18 *(2) a list for each State, as applicable, that de-*
19 *scribes—*

20 *(A) the size and weight limitations applica-*
21 *ble to each segment of the National Highway*
22 *System in that State as listed under paragraph*
23 *(1);*

24 *(B) each combination that exceeds the Inter-*
25 *state weight limit, but that the Department of*

1 *Transportation, other Federal agency, or a State*
2 *agency has determined on or before the date of*
3 *enactment of this Act, could be or could have*
4 *been lawfully operated in the State; and*

5 *(C) each combination that exceeds the Inter-*
6 *state weight limit, but that the Secretary deter-*
7 *mines could have been lawfully operated on a*
8 *non-Interstate segment of the National Highway*
9 *System in the State on or before the date of en-*
10 *actment of this Act; and*

11 *(3) a list of each State law that designates or al-*
12 *lows designation of size and weight limitations in ex-*
13 *cess of Federal law and regulations on routes of the*
14 *National Highway System, including nondivisible*
15 *loads.*

16 *(b) SPECIFICATIONS.—The Secretary, in consultation*
17 *with the States, shall specify whether the determinations*
18 *under paragraphs (1) and (2) of subsection (a) were made*
19 *by the Department of Transportation, other Federal agency,*
20 *or a State agency.*

21 *(c) REPORT.—Not later than 2 years after the date of*
22 *enactment of this Act, the Secretary shall submit a final*
23 *report of the compilation under subsection (a) to the Com-*
24 *mittee on Commerce, Science, and Transportation and the*
25 *Committee on Environment and Public Works of the Senate*

1 *and the Committee on Transportation and Infrastructure*
2 *of the House of Representatives.*

3 ***TITLE IX—MISCELLANEOUS***

4 ***SEC. 901. DETENTION TIME STUDY.***

5 *(a) STUDY.—Not later than 30 days after the date of*
6 *enactment of this Act, the Secretary shall task the Motor*
7 *Carrier Safety Advisory Committee to study the extent to*
8 *which detention time contributes to drivers violating hours*
9 *of service requirements and driver fatigue. In conducting*
10 *this study, the Committee shall—*

11 *(1) examine data collected from driver and vehi-*
12 *cle inspections;*

13 *(2) consult with—*

14 *(A) motor carriers and drivers, shippers,*
15 *and representatives of ports and other facilities*
16 *where goods are loaded and unloaded;*

17 *(B) government officials; and*

18 *(C) other parties as appropriate; and*

19 *(3) provide recommendations to the Secretary for*
20 *addressing issues identified in the study.*

21 *(b) REPORT.—Not later than 18 months after the date*
22 *of enactment of this Act, the Secretary shall provide a re-*
23 *port to the Committee on Commerce, Science, and Trans-*
24 *portation of the Senate and the Committee on Transpor-*
25 *tation and Infrastructure of the House of Representatives*

1 *that includes recommendations for legislation and for ad-*
 2 *ressing the results of the study.*

3 **SEC. 902. PROHIBITION OF COERCION.**

4 *Section 31136(a) is amended by—*

5 *(1) striking “and” at the end of paragraph (3);*

6 *(2) striking the period at the end of paragraph*

7 *(4) and inserting “; and”; and*

8 *(3) adding after subsection (4) the following:*

9 *“(5) an operator of a commercial motor vehicle*
 10 *is not coerced by a motor carrier, shipper, receiver, or*
 11 *transportation intermediary to operate a commercial*
 12 *motor vehicle in violation of a regulation promul-*
 13 *gated under this section, or chapter 51 or chapter 313*
 14 *of this title.”.*

15 **SEC. 903. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.**

16 *(a) MEMBERSHIP.—Section 4144(b)(1) of the Safe, Ac-*
 17 *countable, Flexible, Efficient Transportation Equity Act: A*
 18 *Legacy for Users (49 U.S.C. 31100 note), is amended by*
 19 *inserting “nonprofit employee labor organizations rep-*
 20 *resenting commercial motor vehicle drivers,” after “indus-*
 21 *try,”.*

22 *(b) TERMINATION DATE.—Section 4144(d) of the Safe,*
 23 *Accountable, Flexible, Efficient Transportation Equity Act:*
 24 *A Legacy for Users (49 U.S.C. 31100 note), is amended by*

1 *striking “March 31, 2012” and inserting “September 30,*
2 *2013”.*

3 **SEC. 904. WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS.**

4 (a) *WAIVER STANDARDS.—Section 31315(a) is amend-*
5 *ed—*

6 (1) *by inserting “and” at the end of paragraph*

7 *(2);*

8 *(2) by striking paragraph (3); and*

9 *(3) redesignating paragraph (4) as paragraph*
10 *(3).*

11 (b) *EXEMPTION STANDARDS.—Section 31315(b)(4) is*
12 *amended—*

13 (1) *in subparagraph (A), by inserting “(or, in*
14 *the case of a request for an exemption from the phys-*
15 *ical qualification standards for commercial motor ve-*
16 *hicle drivers, post on a web site established by the*
17 *Secretary to implement the requirements of section*
18 *31149)” after “Federal Register”;*

19 (2) *by amending subparagraph (B) to read as*
20 *follows:*

21 “(B) *UPON GRANTING A REQUEST.—Upon*
22 *granting a request and before the effective date of*
23 *the exemption, the Secretary shall publish in the*
24 *Federal Register (or, in the case of an exemption*
25 *from the physical qualification standards for*

1 *commercial motor vehicle drivers, post on a web*
2 *site established by the Secretary to implement*
3 *the requirements of section 31149) the name of*
4 *the person granted the exemption, the provisions*
5 *from which the person is exempt, the effective pe-*
6 *riod, and the terms and conditions of the exemp-*
7 *tion.”; and*

8 *(3) in subparagraph (C), by inserting “(or, in*
9 *the case of a request for an exemption from the phys-*
10 *ical qualification standards for commercial motor ve-*
11 *hicle drivers, post on a web site established by the*
12 *Secretary to implement the requirements of section*
13 *31149)” after “Federal Register”.*

14 *(c) PROVIDING NOTICE OF EXEMPTIONS TO STATE*
15 *PERSONNEL.—Section 31315(b)(7) is amended to read as*
16 *follows:*

17 *“(7) NOTIFICATION OF STATE COMPLIANCE AND*
18 *ENFORCEMENT PERSONNEL.—Before the effective date*
19 *of an exemption, the Secretary shall notify a State*
20 *safety compliance and enforcement agency, and re-*
21 *quire the agency pursuant to section 31102(b)(1)(Y)*
22 *to notify the State’s roadside inspectors, that a person*
23 *will be operating pursuant to an exemption and the*
24 *terms and conditions that apply to the exemption.”.*

1 (d) *PILOT PROGRAMS.*—Section 31315(c)(1) is amend-
2 ed by striking “in the Federal Register”.

3 (e) *REPORT TO CONGRESS.*—Section 31315 is amend-
4 ed by adding after subsection (d) the following:

5 “(e) *REPORT TO CONGRESS.*—The Secretary shall sub-
6 mit an annual report to the Committee on Commerce,
7 Science, and Transportation of the Senate and the Com-
8 mittee on Transportation and Infrastructure of the House
9 of Representatives listing the waivers, exemptions, and pilot
10 programs granted under this section, and any impacts on
11 safety.

12 “(f) *WEB SITE.*—The Secretary shall ensure that the
13 Federal Motor Carrier Safety Administration web site in-
14 cludes a link to the web site established by the Secretary
15 to implement the requirements under sections 31149 and
16 31315. The link shall be in a clear and conspicuous location
17 on the home page of the Federal Motor Carrier Safety Ad-
18 ministration web site and be easily accessible to the pub-
19 lic.”.

20 **SEC. 905. TRANSPORTATION OF HORSES.**

21 Section 80502 is amended—

22 (1) in subsection (c), by striking “This section
23 does not” and inserting “Subsections (a) and (b) shall
24 not”;

1 (2) *by redesignating subsection (d) as subsection*
2 *(e);*

3 (3) *by inserting after subsection (c) the fol-*
4 *lowing:*

5 “(d) *TRANSPORTATION OF HORSES.—*

6 “(1) *PROHIBITION.—No person may transport,*
7 *or cause to be transported, a horse from a place in*
8 *a State, the District of Columbia, or a territory or*
9 *possession of the United States through or to a place*
10 *in another State, the District of Columbia, or a terri-*
11 *tory or possession of the United States in a motor ve-*
12 *hicle containing 2 or more levels stacked on top of*
13 *each other.*

14 “(2) *MOTOR VEHICLE DEFINED.—In this sub-*
15 *section, the term ‘motor vehicle’—*

16 “(A) *means a vehicle driven or drawn by*
17 *mechanical power and manufactured primarily*
18 *for use on public highways; and*

19 “(B) *does not include a vehicle operated ex-*
20 *clusively on a rail or rails.”; and*

21 (4) *in subsection (e), as redesignated—*

22 (A) *by striking “A rail carrier” and insert-*
23 *ing the following:*

24 “(1) *IN GENERAL.—A rail carrier”;*

1 (B) by striking “this section” and inserting
2 “subsection (a) or (b)”; and

3 (C) by striking “On learning” and insert-
4 ing before “of a violation” the following:

5 “(2) *TRANSPORTATION OF HORSES IN MULTI-*
6 *LEVEL TRAILER.—*

7 “(A) *CIVIL PENALTY.—A person that know-*
8 *ingly violates subsection (d) is liable to the*
9 *United States Government for a civil penalty of*
10 *at least \$100 but not more than \$500 for each*
11 *violation. A separate violation occurs under sub-*
12 *section (d) for each horse that is transported, or*
13 *caused to be transported, in violation of sub-*
14 *section (d).*

15 “(B) *RELATIONSHIP TO OTHER LAWS.—The*
16 *penalty provided under subparagraph (A) shall*
17 *be in addition to any penalty or remedy avail-*
18 *able under any other law.*

19 “(3) *CIVIL ACTION.—On learning”.*

20 ***TITLE X—HOUSEHOLD GOODS***
21 ***TRANSPORTATION***

22 ***SEC. 1001. ADDITIONAL REGISTRATION REQUIREMENTS***
23 ***FOR HOUSEHOLD GOODS MOTOR CARRIERS.***

24 (a) *Section 13902(a)(2) is amended—*

1 (1) *in subparagraph (B), by striking “section*
2 *13702(c);” and inserting “section 13702(c); and”;*

3 (2) *by amending subparagraph (C) to read as*
4 *follows:*

5 *“(C) demonstrates, before being registered,*
6 *through successful completion of a proficiency ex-*
7 *amination established by the Secretary, knowl-*
8 *edge and intent to comply with applicable Fed-*
9 *eral laws relating to consumer protection, esti-*
10 *imating, consumers’ rights and responsibilities,*
11 *and options for limitations of liability for loss*
12 *and damage.”; and*

13 (3) *by striking subparagraph (D).*

14 (b) *COMPLIANCE REVIEWS OF NEW HOUSEHOLD*
15 *GOODS MOTOR CARRIERS.—Section 31144(g), as amended*
16 *by section 102 of this Act, is amended by adding at the*
17 *end the following:*

18 *“(6) ADDITIONAL REQUIREMENTS FOR HOUSE-*
19 *HOLD GOODS MOTOR CARRIERS.—(A) In addition to*
20 *the requirements of this subsection, the Secretary shall*
21 *require, by regulation, each registered household goods*
22 *motor carrier to undergo a consumer protection*
23 *standards review not later than 18 months after the*
24 *household goods motor carrier begins operations under*
25 *such authority.*

1 *found holding a household goods shipment hostage return*
 2 *the goods to an aggrieved shipper.”.*

3 **SEC. 1003. SETTLEMENT AUTHORITY.**

4 (a) *SETTLEMENT OF GENERAL CIVIL PENALTIES.—*
 5 *Section 14901 is amended by adding at the end the fol-*
 6 *lowing:*

7 “(h) *SETTLEMENT OF HOUSEHOLD GOODS CIVIL PEN-*
 8 *ALTIES.—Nothing in this section shall be construed to pro-*
 9 *hibit the Secretary from accepting partial payment of a*
 10 *civil penalty as part of a settlement agreement in the public*
 11 *interest, or from holding imposition of any part of a civil*
 12 *penalty in abeyance.”.*

13 (b) *SETTLEMENT OF HOUSEHOLD GOODS CIVIL PEN-*
 14 *ALTIES.—Section 14915(a) is amended by adding at the*
 15 *end the following:*

16 “(4) *SETTLEMENT AUTHORITY.—Nothing in this*
 17 *section shall be construed as prohibiting the Secretary*
 18 *from accepting partial payment of a civil penalty as*
 19 *part of a settlement agreement in the public interest,*
 20 *or from holding imposition of any part of a civil pen-*
 21 *alty in abeyance.”.*

22 **SEC. 1004. HOUSEHOLD GOODS TRANSPORTATION ASSIST-**
 23 **ANCE PROGRAM.**

24 (a) *JOINT ASSISTANCE PROGRAM.—Not later than 18*
 25 *months after the date of enactment of this Act, the Secretary*

1 *shall develop and implement a joint assistance program,*
2 *through the Federal Motor Carrier Safety Administra-*
3 *tion—*

4 (1) *to educate consumers about the household*
5 *goods motor carrier industry pursuant to the rec-*
6 *ommendations of the task force established under sec-*
7 *tion 1005 of this Act;*

8 (2) *to improve the Federal Motor Carrier Safety*
9 *Administration’s implementation, monitoring, and*
10 *coordination of Federal and State household goods en-*
11 *forcement activities;*

12 (3) *to assist a consumer with the timely resolu-*
13 *tion of an interstate household goods hostage situa-*
14 *tion, as appropriate; and*

15 (4) *to conduct other enforcement activities as*
16 *designated by the Secretary.*

17 (b) *JOINT ASSISTANCE PROGRAM PARTNERSHIP.—The*
18 *Secretary—*

19 (1) *may partner with 1 or more household goods*
20 *motor carrier industry groups to implement the joint*
21 *assistance program under subsection (a); and*

22 (2) *shall ensure that each participating house-*
23 *hold goods motor carrier industry group—*

24 (A) *implements the joint assistance pro-*
25 *gram in the best interest of the consumer;*

1 (B) implements the joint assistance pro-
2 gram in the public interest;

3 (C) accurately represents its financial inter-
4 ests in providing household goods mover services
5 in the normal course of business and in assisting
6 consumers resolving hostage situations;

7 (D) does not hold itself out or misrepresent
8 itself as an agent of the Federal government;

9 (E) abides by Federal regulations and
10 guidelines for the provision of assistance and re-
11 ceipt of compensation for household goods mover
12 services; and

13 (F) accurately represents the Federal and
14 State remedies that are available to consumers
15 for resolving interstate household goods hostage
16 situations.

17 (c) *REPORT.*—The Secretary shall submit a report an-
18 nually to the Committee on Commerce, Science, and Trans-
19 portation of the Senate and the Committee on Transpor-
20 tation and Infrastructure of the House of Representatives
21 providing a detailed description of the joint assistance pro-
22 gram under subsection (a).

23 (d) *PROHIBITION.*—The joint assistance program
24 under subsection (a) may not include the provision of funds

1 *by the United States to a consumer for lost, stolen, or dam-*
2 *aged items.*

3 **SEC. 1005. HOUSEHOLD GOODS CONSUMER EDUCATION**
4 **PROGRAM.**

5 (a) *TASK FORCE.*—*The Secretary of Transportation*
6 *shall establish a task force to develop recommendations to*
7 *ensure that a consumer is informed of Federal law con-*
8 *cerning the transportation of household goods by a motor*
9 *carrier, including recommendations—*

10 (1) *on how to condense publication ESA 03005*
11 *of the Federal Motor Carrier Safety Administration*
12 *into a format that can be more easily used by a con-*
13 *sumer; and*

14 (2) *on the use of state-of-the-art education tech-*
15 *niques and technologies, including the use of the*
16 *Internet as an educational tool.*

17 (b) *TASK FORCE MEMBERS.*—*The task force shall be*
18 *comprised of—*

19 (1) *individuals with expertise in consumer af-*
20 *fairs;*

21 (2) *educators with expertise in how people learn*
22 *most effectively; and*

23 (3) *representatives of the household goods moving*
24 *industry.*

1 (c) *RECOMMENDATIONS.*—Not later than 1 year after
 2 the date of enactment of this Act, the task force shall com-
 3 plete its recommendations under subsection (a). Not later
 4 than 1 year after the task force completes its recommenda-
 5 tions under subsection (a), the Secretary shall issue regula-
 6 tions implementing the recommendations, as appropriate.

7 (d) *FEDERAL ADVISORY COMMITTEE ACT EXEMP-*
 8 *TION.*—The Federal Advisory Committee Act (5 U.S.C.
 9 App.) shall not apply to the task force.

10 (e) *TERMINATION.*—The task force shall terminate 2
 11 years after the date of enactment of this Act.

12 **TITLE XI—TECHNICAL** 13 **AMENDMENTS**

14 **SEC. 1101. UPDATE OF OBSOLETE TEXT.**

15 (a) Section 31137(e), as redesignated by section 301
 16 of this Act, is amended by striking “Not later than Decem-
 17 ber 1, 1990, the Secretary shall prescribe” and inserting
 18 “The Secretary shall maintain”.

19 (b) Section 31151(a) is amended—

20 (1) by amending paragraph (1) to read as fol-
 21 lows:

22 “(1) *IN GENERAL.*—The Secretary of Transpor-
 23 tation shall maintain a program to ensure that inter-
 24 modal equipment used to transport intermodal con-
 25 tainers is safe and systematically maintained.”; and

1 (2) *by striking paragraph (4).*

2 (c) *Section 31307(b) is amended by striking “Not later*
3 *than December 18, 1994, the Secretary shall prescribe” and*
4 *inserting “The Secretary shall maintain”.*

5 (d) *Section 31310(g)(1) is amended by striking “Not*
6 *later than 1 year after the date of enactment of this Act,*
7 *the” and inserting “The”.*

8 (e) *Section 4123(f) of the Safe, Accountable, Flexible,*
9 *Efficient Transportation Equity Act: A Legacy for Users*
10 *(119 Stat. 1736), is amended by striking “Not later than*
11 *1 year after the date of enactment of this Act, the” and*
12 *inserting “The”.*

13 **SEC. 1102. CORRECTION OF INTERSTATE COMMERCE COM-**
14 **MISSION REFERENCES.**

15 (a) *SAFETY INFORMATION AND INTERVENTION IN*
16 *INTERSTATE COMMERCE COMMISSION PROCEEDINGS.—*
17 *Chapter 3 is amended—*

18 (1) *by repealing section 307;*

19 (2) *in the analysis, by striking the item relating*
20 *to section 307;*

21 (3) *in section 333(d)(1)(C), by striking “Inter-*
22 *state Commerce Commission” and inserting “Surface*
23 *Transportation Board”; and*

24 (4) *in section 333(e)—*

1 (A) by striking “Interstate Commerce Com-
2 mission” and inserting “Surface Transportation
3 Board”; and

4 (B) by striking “Commission” and insert-
5 ing “Board”.

6 (b) *FILING AND PROCEDURE FOR APPLICATION TO*
7 *ABANDON OR DISCONTINUE.*—Section 10903(b)(2) is
8 amended by striking “24706(c) of this title” and inserting
9 “24706(c) of this title before May 31, 1998”.

10 (c) *RIGHTS AND REMEDIES OF PERSONS INJURED BY*
11 *CARRIERS OR BROKERS.*—

12 (1) Section 14704 is amended—

13 (A) in subsection (a)—

14 (i) by striking “IN GENERAL.—” and
15 all that follows through “injured” and in-
16 serting “ENFORCEMENT OF ORDER.—A per-
17 son injured”; and

18 (ii) by redesignating paragraph (2) as
19 subsection (b)(1); and

20 (B) in subsection (b)—

21 (i) by redesignating subsection (b) as
22 paragraph (2);

23 (ii) by striking “LIABILITY AND DAM-
24 AGES FOR EXCEEDING TARIFF RATE.—”
25 and all that follows through “A carrier”

1 and inserting “*EXCEEDING TARIFF RATE.—*”
2 ”; and

3 (iii) by striking “*DAMAGES FOR VIOLA-*
4 *TIONS.—*” in paragraph (1), as redesign-
5 ated, and inserting “*OTHER VIOLA-*
6 *TIONS.—*”.

7 (2) Section 14705(c) is amended by striking
8 “14704(b)” and inserting “14704(b)(2)”.

9 (d) *TECHNICAL AMENDMENTS TO PART C OF SUB-*
10 *TITLE V.—*

11 (1) Section 24307(b)(3) is amended by striking
12 “*Interstate Commerce Commission*” and inserting
13 “*Surface Transportation Board*”.

14 (2) Section 24311 is amended—

15 (A) by striking “*Interstate Commerce Com-*
16 *mission*” and inserting “*Surface Transportation*
17 *Board*”;

18 (B) by striking “*Commission*” each place it
19 appears and inserting “*Board*”; and

20 (C) by striking “*Commission’s*” and insert-
21 ing “*Board’s*”.

22 (3) Section 24902 is amended—

23 (A) by striking “*Interstate Commerce Com-*
24 *mission*” each place it appears and inserting
25 “*Surface Transportation Board*”; and

1 (B) by striking “Commission” each place it
2 appears and inserting “Board”.

3 (4) Section 24904 is amended—

4 (A) by striking “Interstate Commerce Com-
5 mission” and inserting “Surface Transportation
6 Board”; and

7 (B) by striking “Commission” each place it
8 appears and inserting “Board”.

9 **SEC. 1103. TECHNICAL AND CONFORMING AMENDMENTS.**

10 (a) Section 14504a(c)(1) is amended—

11 (1) in subparagraph (C), by striking “sections”
12 and inserting “section”; and

13 (2) in subparagraph (D)(ii)(II) by striking the
14 period at the end and inserting “; and”.

15 (b) Section 31103(a) is amended by striking “section
16 31102(b)(1)(E)” and inserting “section 31102(b)(2)(E)”.

17 (c) Section 31103(b) is amended by striking “author-
18 ized by section 31104(f)(2)”.

19 (d) Section 31309(b)(2) is amended by striking
20 “31308(2)” and inserting “31308(3)”.

1 **TITLE XII—SURFACE TRANSPOR-**
 2 **TATION AND FREIGHT POLICY**
 3 **ACT OF 2011**

4 **SEC. 1201. SHORT TITLE.**

5 *This title may be cited as the “Surface Transportation*
 6 *and Freight Policy Act of 2011”.*

7 **SEC. 1202. ESTABLISHMENT OF A NATIONAL SURFACE**
 8 **TRANSPORTATION AND FREIGHT POLICY.**

9 *(a) IN GENERAL.—Subchapter I of chapter 3, as*
 10 *amended by section 1102 of this Act, is amended—*

11 *(1) by redesignating sections 304 through 306 as*
 12 *sections 307 through 309, respectively;*

13 *(2) by redesignating sections 308 and 309 as sec-*
 14 *tions 310 and 311, respectively;*

15 *(3) by redesignating sections 303 and 303a as*
 16 *sections 305 and 306, respectively; and*

17 *(4) by inserting after section 302 the following:*

18 **“§ 303. National surface transportation policy**

19 *“(a) POLICY.—It is the policy of the United States to*
 20 *develop a comprehensive national surface transportation*
 21 *system that advances the national interest and defense,*
 22 *interstate and foreign commerce, the efficient and safe inter-*
 23 *state mobility of people and goods, and the protection of*
 24 *the environment. The system shall be built, maintained,*
 25 *managed, and operated as a partnership between the Fed-*

1 eral, State, and local governments and the private sector
2 and shall be coordinated with the overall transportation
3 system of the United States, including the Nation's air, rail,
4 pipeline, and water transportation systems. The Secretary
5 of Transportation shall be responsible for carrying out this
6 policy and for defining the Federal government's role in the
7 system.

8 “(b) *OBJECTIVES.*—The objectives of the policy shall
9 be to facilitate and advance—

10 “(1) the improved accessibility and reduced trav-
11 el times for persons and goods within and between
12 nations, regions, States, and metropolitan areas;

13 “(2) the safety and health of the public;

14 “(3) the security of the Nation and the public;

15 “(4) environmental protection;

16 “(5) energy conservation and security, including
17 reducing transportation-related energy use;

18 “(6) international and interstate freight move-
19 ment, trade enhancement, job creation, and economic
20 development;

21 “(7) responsible planning to address population
22 distribution and employment and sustainable devel-
23 opment;

1 “(8) *the preservation and adequate performance*
2 *of system-critical transportation assets, as defined by*
3 *the Secretary;*

4 “(9) *reasonable access to the national surface*
5 *transportation system for all system users, including*
6 *rural communities;*

7 “(10) *the sustainable, balanced, and adequate fi-*
8 *nancing of the national surface transportation sys-*
9 *tem; and*

10 “(11) *innovation in transportation services, in-*
11 *frastructure, and technology.*

12 “(c) *GOALS.—*

13 “(1) *SPECIFIC GOALS.—The goals of the policy*
14 *shall be—*

15 “(A) *to reduce average per capita peak pe-*
16 *riod travel times on an annual basis;*

17 “(B) *to reduce national motor vehicle-re-*
18 *lated and truck-related fatalities by 50 percent*
19 *by 2030;*

20 “(C) *to reduce national surface transpor-*
21 *tation delays per capita on an annual basis;*

22 “(D) *to improve the access to employment*
23 *opportunities and other economic activities;*

24 “(E) *to increase the percentage of system-*
25 *critical surface transportation assets, as defined*

1 *by the Secretary, that are in a state of good re-*
2 *pair by 20 percent by 2030;*

3 “(F) *to improve access to public transpor-*
4 *tation, intercity passenger rail services, and non-*
5 *motorized transportation where travel demand*
6 *warrants;*

7 “(G) *to reduce passenger and freight trans-*
8 *portation infrastructure-related delays entering*
9 *into and out of international points of entry on*
10 *an annual basis;*

11 “(H) *to increase travel time reliability on*
12 *major freight corridors that connect major popu-*
13 *lation centers to freight generators and inter-*
14 *national gateways on an annual basis;*

15 “(I) *to ensure adequate transportation of*
16 *domestic energy supplies and promote energy se-*
17 *curity;*

18 “(J) *to maintain or reduce the percentage of*
19 *gross domestic product consumed by transpor-*
20 *tation costs; and*

21 “(K) *to reduce transportation-related im-*
22 *pacts on the environment and on communities*
23 *on an annual basis.*

24 “(2) *BASELINES.—Not later than 2 years after*
25 *the date of enactment of the Surface Transportation*

1 *and Freight Policy Act of 2011, the Secretary shall*
2 *develop baselines for the goals and shall determine ap-*
3 *propriate methods of data collection to measure the*
4 *attainment of the goals.”.*

5 ***(b) FREIGHT POLICY.***—*Subchapter I of chapter 3, as*
6 *amended by section 1202(a) of this Act, is amended by add-*
7 *ing at the end the following:*

8 **“§ 312. National freight transportation policy.**

9 **“(a) NATIONAL FREIGHT TRANSPORTATION POLICY.**—
10 *It is the policy of the United States to improve the effi-*
11 *ciency, operation, and security of the national transpor-*
12 *tation system to move freight by leveraging investments and*
13 *promoting partnerships that advance interstate and foreign*
14 *commerce, promote economic competitiveness and job cre-*
15 *ation, improve the safe and efficient mobility of goods, and*
16 *protect the public health and the environment.*

17 **“(b) OBJECTIVES.**—*The objectives of the policy are—*

18 **“(1) to target investment in freight transpor-**
19 *tation projects that strengthen the economic competi-*
20 *tiveness of the United States with a focus on domestic*
21 *industries and businesses and the creation and reten-*
22 *tion of high-value jobs;*

23 **“(2) to promote and advance energy conservation**
24 *and the environmental sustainability of freight move-*
25 *ments;*

1 “(3) to facilitate and advance the safety and
2 health of the public, including communities adjacent
3 to freight movements;

4 “(4) to provide for systematic and balanced in-
5 vestment to improve the overall performance and reli-
6 ability of the national transportation system to move
7 freight, including ensuring trade facilitation and
8 transportation system improvements are mutually
9 supportive;

10 “(5) to promote partnerships between Federal,
11 State, and local governments, the private sector, and
12 other transportation stakeholders to leverage invest-
13 ments in freight transportation projects; and

14 “(6) to encourage adoption of operational poli-
15 cies, such as intelligent transportation systems, to im-
16 prove the efficiency of freight-related transportation
17 movements and infrastructure.”.

18 (c) *CONFORMING AMENDMENTS.*—*The table of contents*
19 *for chapter 3 is amended—*

20 (1) *by redesignating the items relating to sec-*
21 *tions 304 through 306 as sections 307 through 309,*
22 *respectively;*

23 (2) *by redesignating the items relating to sec-*
24 *tions 308 and 309 as sections 310 and 311, respec-*
25 *tively;*

1 (3) by redesignating the items relating to sec-
2 tions 303 and 303a as sections 305 and 306, respec-
3 tively;

4 (4) by inserting after the item relating to section
5 302 the following:

“303. National surface transportation policy.”; and

6 (5) by inserting after the item relating to section
7 311 the following:

“312. National freight transportation policy.”.

8 **SEC. 1203. SURFACE TRANSPORTATION AND FREIGHT STRA-**
9 **TEGIC PLAN.**

10 (a) *SURFACE TRANSPORTATION AND FREIGHT STRA-*
11 *TEGIC PLAN.*—Subchapter I of chapter 3, as amended by
12 *section 1202 of this Act, is amended by inserting after sec-*
13 *tion 303 the following—*

14 **“§304. National surface transportation and freight**
15 **strategic performance plan.**

16 “(a) *DEVELOPMENT.*—Not later than 2 years after the
17 *date of enactment of the Surface Transportation and*
18 *Freight Policy Act of 2011, the Secretary of Transportation*
19 *shall develop and implement a National Surface Transpor-*
20 *tation and Freight Performance Plan to achieve the policy,*
21 *objectives, and goals set forth in sections 303 and 312 .*

22 “(b) *CONTENTS.*—The plan shall include—

23 “(1) an assessment of the current performance of
24 the national surface transportation system and an

1 *analysis of the system’s ability to achieve the policy,*
2 *objectives, and goals set forth in sections 303 and 312;*

3 *“(2) an analysis of emerging and long-term pro-*
4 *jected trends, including economic and national trade*
5 *policies, that will impact the performance, needs, and*
6 *uses of the national surface transportation system, in-*
7 *cluding the system to move freight;*

8 *“(3) a description of the major challenges to ef-*
9 *fectively meeting the policy, objectives, and goals set*
10 *forth in sections 303 and 312 and a plan to address*
11 *such challenges;*

12 *“(4) a comprehensive strategy and investment*
13 *plan to meet the policy, objectives, and goals set forth*
14 *in sections 303 and 312, including a strategy to de-*
15 *velop the coalitions, partnerships, and other collabo-*
16 *rative financing efforts necessary to ensure stable, re-*
17 *liable funding and completion of freight corridors and*
18 *projects;*

19 *“(5) initiatives to improve transportation mod-*
20 *eling, research, data collection, and analysis, includ-*
21 *ing those to assess impacts on public health, and envi-*
22 *ronmental conditions;*

23 *“(6) a plan for any reorganization of the De-*
24 *partment of Transportation or its agencies necessary*

1 to meet the policy, objectives, and goals set forth in
2 sections 303 and 312;

3 “(7) guidelines to encourage the appropriate bal-
4 ance of means to finance the national transportation
5 system to move freight to implement the plan and the
6 investment plan proposed under paragraph (4); and

7 “(8) a list of priority freight corridors and gate-
8 ways to be improved and developed to meet the policy,
9 objectives, and goals set forth in section 312.

10 “(c) CONSULTATION.—In developing the plan required
11 by subsection (a), the Secretary shall—

12 “(1) consult with appropriate Federal agencies,
13 local, State, and tribal governments, public and pri-
14 vate transportation stakeholders, non-profit organiza-
15 tions representing transportation employees, appro-
16 priate foreign governments, and other interested par-
17 ties;

18 “(2) consider on-going Federal, State, and cor-
19 ridor-wide transportation plans;

20 “(3) provide public notice and hearings and so-
21 licit public comments on the plan, and

22 “(4) as appropriate, establish advisory commit-
23 tees to assist with developing the plan.

24 “(d) SUBMITTAL AND PUBLICATION.—The Secretary
25 shall—

1 “(1) submit the completed plan to the Committee
2 on Commerce, Science, and Transportation of the
3 Senate and the Committee on Transportation and In-
4 frastructure of the House of Representatives; and

5 “(2) post the completed plan on the Department
6 of Transportation’s public web site.

7 “(e) *PROGRESS REPORTS.*—The Secretary shall sub-
8 mit biennial progress reports on the implementation of the
9 plan beginning 2 years after the date of submittal of the
10 plan under subsection (d)(1). Each progress report shall—

11 “(1) describe progress made toward fully imple-
12 menting the plan and achieving the policies, objec-
13 tives, and goals established under sections 303 and
14 312;

15 “(2) describe challenges and obstacles to full im-
16 plementation;

17 “(3) describe updates to the plan necessary to re-
18 flect changed circumstances or new developments; and

19 “(4) make policy and legislative recommenda-
20 tions the Secretary believes are necessary and appro-
21 priate to fully implement the plan.

22 “(f) *DATA.*—The Secretary shall have the authority to
23 conduct studies, gather information, and require the pro-
24 duction of data necessary to develop or update this plan,
25 consistent with Federal privacy standards.

1 “(g) *IMPLEMENTATION.*—*The Secretary shall—*

2 “(1) *develop appropriate performance criteria*
3 *and data collections systems for each Federal surface*
4 *transportation program to evaluate:*

5 “(A) *whether such programs are consistent*
6 *with the policy, objectives, and goals established*
7 *by sections 303 and 312; and*

8 “(B) *how effective such programs are in*
9 *contributing to the achievement of the policy, ob-*
10 *jectives, and goals established by sections 303*
11 *and 312;*

12 “(2) *using the criteria developed under para-*
13 *graph (1), periodically evaluate each such program*
14 *and provide the results to the public;*

15 “(3) *based on the evaluation performed under*
16 *paragraph (2), make any necessary changes or im-*
17 *provements to such programs to ensure such consist-*
18 *ency and effectiveness;*

19 “(4) *implement this section in a manner that is*
20 *consistent with sections 302, 5503, 10101, and 13101*
21 *of this title and section 101 of title 23 to the extent*
22 *that such sections do not conflict with the policy, ob-*
23 *jectives, and goals established by sections 303 and*
24 *312;*

1 “(5) review, update, and reissue all relevant sur-
2 face transportation planning requirements to ensure
3 that such requirements require that regional, State,
4 and local surface transportation planning efforts
5 funded with Federal funds are consistent with the pol-
6 icy, objectives, and goals established by this section;
7 and

8 “(6) require States and metropolitan planning
9 organizations to annually report on the use of Federal
10 surface transportation funds, including a description
11 of—

12 “(A) which projects and priorities were
13 funded with such funds;

14 “(B) the rationale and method employed for
15 apportioning such funds to the projects and pri-
16 orities; and

17 “(C) how the obligation of such funds is
18 consistent with or advances the policy, objectives,
19 and goals established by sections 303 and 312.”.

20 (b) *CONFORMING AMENDMENT.*—*The table of contents*
21 *for chapter 3 is amended by inserting after the item relating*
22 *to section 303 the following:*

 “304. National surface transportation and freight strategic performance plan.”.

1 **SEC. 1204. TRANSPORTATION INVESTMENT DATA AND**
2 **PLANNING TOOLS.**

3 (a) *IN GENERAL.*—Not later than 2 years after the
4 date of enactment of this Act, the Secretary shall—

5 (1) *develop new tools or improve existing tools to*
6 *support an outcome-oriented, performance-based ap-*
7 *proach to evaluate proposed freight-related and other*
8 *surface transportation projects. These new or im-*
9 *proved tools shall include—*

10 (A) *a systematic cost-benefit analysis;*

11 (B) *an evaluation of external effects on con-*
12 *gestion, pollution, the environment, and the pub-*
13 *lic health;*

14 (C) *a valuation of modal alternatives; and*

15 (D) *other elements to assist in effective*
16 *transportation planning; and*

17 (2) *facilitate the collection of transportation-re-*
18 *lated data to support a broad range of evaluation*
19 *methods and techniques such as demand forecasts,*
20 *modal diversion forecasts, estimates of the effect of*
21 *proposed investments on congestion, pollution, public*
22 *health, and other factors, to assist in making trans-*
23 *portation investment decisions. At a minimum, the*
24 *Secretary, in consultation with other relevant Federal*
25 *agencies, shall consider any improvements to the*
26 *Commodity Flow Survey that reduce identified freight*

1 *data gaps and deficiencies and help evaluate forecasts*
2 *of transportation demand.*

3 (b) *CONSULTATION.*—*To the extent practicable, the*
4 *Secretary shall consult with Federal, State, and local trans-*
5 *portation planners to develop, improve, and implement the*
6 *tools and collect the data under subsection (a).*

7 (c) *ESTABLISHMENT OF PILOT PROGRAM.*—

8 (1) *ESTABLISHMENT.*—*To assist in the develop-*
9 *ment of tools under subsection (a) and to inform the*
10 *National Surface Transportation and Freight Per-*
11 *formance Plan required by section 304 of title 49,*
12 *United States Code, the Secretary shall establish a*
13 *pilot program under which the Secretary shall con-*
14 *duct case studies of States and metropolitan planning*
15 *organizations that are designed—*

16 (A) *to provide more detailed, in-depth anal-*
17 *ysis and data collection with respect to transpor-*
18 *tation programs; and*

19 (B) *to apply rigorous methods of measuring*
20 *and addressing the effectiveness of program par-*
21 *ticipants in achieving national transportation*
22 *goals.*

23 (2) *PRELIMINARY REQUIREMENTS.*—

24 (A) *SOLICITATION.*—*The Secretary shall so-*
25 *licit applications to participate in the pilot pro-*

1 *gram from States and metropolitan planning or-*
2 *ganizations.*

3 *(B) NOTIFICATION.—A State or metropoli-*
4 *tan planning organization that desires to par-*
5 *ticipate in the pilot program shall notify the*
6 *Secretary of such desire before a date determined*
7 *by the Secretary.*

8 *(C) SELECTION.—*

9 *(i) NUMBER OF PROGRAM PARTICI-*
10 *PANTS.—The Secretary shall select to par-*
11 *ticipate in the pilot program—*

12 *(I) not fewer than 3, and not*
13 *more than 5, States; and*

14 *(II) not fewer than 3, and not*
15 *more than 5, metropolitan planning*
16 *organizations.*

17 *(ii) TIMING.—The Secretary shall se-*
18 *lect program participants not later than 3*
19 *months after the date of enactment of this*
20 *Act.*

21 *(iii) DIVERSITY OF PROGRAM PARTICI-*
22 *PANTS.—The Secretary shall, to the extent*
23 *practicable, select program participants*
24 *that represent a broad range of geographic*
25 *and demographic areas (including rural*

1 and urban areas) and types of transpor-
2 tation programs.

3 (d) *CASE STUDIES.*—

4 (1) *BASELINE REPORT.*—Not later than 6
5 months after the date of enactment of this Act, each
6 program participant shall submit to the Secretary a
7 baseline report that—

8 (A) describes the reporting and data collec-
9 tion processes of the program participant for
10 transportation investments that are in effect on
11 the date of the report;

12 (B) assesses how effective the program par-
13 ticipant is in achieving the national surface
14 transportation goals in section 303 of title 49,
15 United States Code;

16 (C) describes potential improvements to the
17 methods and metrics used to measure the effec-
18 tiveness of the program participant in achieving
19 national surface transportation goals in section
20 303 of title 49, United States Code, and the chal-
21 lenges to implementing such improvements; and

22 (D) includes an assessment of whether, and
23 specific reasons why, the preparation and sub-
24 mission of the baseline report may be limited,
25 incomplete, or unduly burdensome, including

1 *any recommendations for facilitating the prepara-*
2 *tion and submission of similar reports in the*
3 *future.*

4 (2) *EVALUATION.*—*Each program participant*
5 *shall work cooperatively with the Secretary to evalu-*
6 *ate the methods and metrics used to measure the effec-*
7 *tiveness of the program participant in achieving na-*
8 *tional surface transportation goals in section 303 of*
9 *title 49, United States Code, including—*

10 (A) *by considering the degree to which such*
11 *methods and metrics take into account—*

12 (i) *the factors that influence the effec-*
13 *tiveness of the program participant in*
14 *achieving the national surface transpor-*
15 *tation goals;*

16 (ii) *all modes of transportation; and*

17 (iii) *the transportation program as a*
18 *whole, rather than individual projects with-*
19 *in the transportation program; and*

20 (B) *by identifying steps that could be used*
21 *to implement the potential improvements identi-*
22 *fied under paragraph (1)(C).*

23 (3) *FINAL REPORT.*—*Not later than 18 months*
24 *after the date of enactment of this section, each pro-*

1 *gram participant shall submit to the Secretary a*
 2 *comprehensive final report that—*

3 *(A) contains an updated assessment of the*
 4 *effectiveness of the program participant in*
 5 *achieving national surface transportation goals*
 6 *under section 303 of title 49, United States Code;*
 7 *and*

8 *(B) describes the ways in which the per-*
 9 *formance of the program participant in col-*
 10 *lecting and reporting data and carrying out the*
 11 *transportation program of the program partici-*
 12 *part has improved or otherwise changed since*
 13 *the date of submission of the baseline report*
 14 *under subparagraph (A).*

15 **SEC. 1205. NATIONAL FREIGHT INFRASTRUCTURE INVEST-**
 16 **MENT GRANTS.**

17 *(a) ESTABLISHMENT OF PROGRAM.—Chapter 55 is*
 18 *amended by adding at the end the following:*

19 *“SUBCHAPTER III—FINANCIAL ASSISTANCE*
 20 **“§5581. National freight infrastructure investment**
 21 ***grants.***

22 *“(a) ESTABLISHMENT OF PROGRAM.—The Secretary*
 23 *of Transportation shall establish a competitive grant pro-*
 24 *gram to provide financial assistance for capital investments*

1 *that improve the efficiency of the national transportation*
2 *system to move freight.*

3 “(b) *ELIGIBLE PROJECTS.*—*An applicant is eligible*
4 *for a grant under this section for—*

5 “(1) *a port development or improvement project;*

6 “(2) *a multimodal terminal facility project;*

7 “(3) *a land port of entry project;*

8 “(4) *a freight rail improvement or capacity ex-*
9 *pansion project;*

10 “(5) *an intelligent transportation system project*
11 *primarily for freight benefit that reduces congestion*
12 *or improves safety;*

13 “(6) *a project that improves access to a port or*
14 *terminal facility;*

15 “(7) *a highway project to reduce congestion or*
16 *improve safety; or*

17 “(8) *planning, preparation, or design of any*
18 *project described in paragraph (1), (2), (3), (4), (5),*
19 *(6), or (7).*

20 “(c) *PROJECT SELECTION CRITERIA.*—*In determining*
21 *whether to award a grant to an eligible applicant under*
22 *this section, the Secretary shall consider the extent to which*
23 *the project—*

1 “(1) supports the objectives of the National Sur-
2 face Transportation and Freight Performance Plan
3 developed under section 304;

4 “(2) leverages Federal investment by encouraging
5 non-Federal contributions to the project, including
6 contributions from public-private partnerships;

7 “(3) improves the mobility of goods and com-
8 modities;

9 “(4) incorporates new and innovative tech-
10 nologies, including freight-related intelligent transpor-
11 tation systems;

12 “(5) improves energy efficiency or reduces green-
13 house gas emissions;

14 “(6) helps maintain or protect the environment,
15 including reducing air and water pollution;

16 “(7) reduces congestion;

17 “(8) improves the condition of the freight infra-
18 structure, including bringing it into a state of good
19 repair;

20 “(9) improves safety, including reducing trans-
21 portation accidents, injuries, and fatalities;

22 “(10) demonstrates that the proposed project can-
23 not be readily and efficiently realized without Federal
24 support and participation; and

1 “(11) enhances national or regional economic de-
2 velopment, growth, and competitiveness.

3 “(d) *PRIORITY.*—*The Secretary shall give priority to*
4 *projects that have the highest system performance improve-*
5 *ment relative to their benefit-cost analysis, as measured by*
6 *the tools developed under section 1204 of the Surface Trans-*
7 *portation and Freight Policy Act of 2011 and those that*
8 *support domestic manufacturing of goods.*

9 “(e) *LETTERS OF INTENT.*—

10 “(1) *IN GENERAL.*—*The Secretary may issue a*
11 *letter of intent to an applicant announcing an inten-*
12 *tion to obligate, for a major capital project under this*
13 *section, an amount from future available budget au-*
14 *thority specified in law that is not more than the*
15 *amount stipulated as the financial participation of*
16 *the Secretary in the project.*

17 “(2) *WRITTEN NOTICE.*—*Not later than 30 days*
18 *before issuing a letter under paragraph (1), the Sec-*
19 *retary shall provide written notice of the proposed let-*
20 *ter or agreement to the Committee on Commerce,*
21 *Science, and Transportation of the Senate and the*
22 *Committee on Transportation and Infrastructure of*
23 *the House of Representatives. The Secretary shall in-*
24 *clude with the notification a copy of the proposed let-*
25 *ter or agreement, the criteria used under subsection*

1 (c) for selecting the project for a grant award, and a
2 description of how the project meets such criteria.

3 “(3) *SUBJECT TO AVAILABILITY OF FUNDS.*—An
4 obligation or administrative commitment may be
5 made only when amounts are made available. Each
6 letter of intent shall state that the contingent commit-
7 ment is not an obligation of the Federal Government,
8 and is subject to the availability of funds under Fed-
9 eral law and to Federal laws in force or enacted after
10 the date of the contingent commitment.

11 “(f) *FEDERAL SHARE OF NET PROJECT COST.*—

12 “(1) *IN GENERAL.*—Based on engineering stud-
13 ies, studies of economic feasibility, and information
14 on the expected use of equipment or facilities, the Sec-
15 retary shall estimate the net project cost.

16 “(2) *FEDERAL SHARE.*—The Federal share of a
17 grant for the project shall not exceed 80 percent of the
18 project net capital cost.

19 “(3) *PRIORITY.*—The Secretary shall give pri-
20 ority in allocating future obligations and contingent
21 commitments to incur obligations to grant requests
22 seeking a lower Federal share of the project net cap-
23 ital cost.

24 “(g) *COOPERATIVE AGREEMENTS.*—

1 “(1) *IN GENERAL.*—*An applicant may enter into*
2 *an agreement with any public, private, or nonprofit*
3 *entity to cooperatively implement any project funded*
4 *with a grant under this subchapter.*

5 “(2) *FORMS OF PARTICIPATION.*—*Participation*
6 *by an entity under paragraph (1) may consist of—*

7 “(A) *ownership or operation of any land,*
8 *facility, vehicle, or other physical asset associ-*
9 *ated with the project;*

10 “(B) *cost-sharing of any project expense or*
11 *non-Federal share of the project cost, including*
12 *in kind contributions;*

13 “(C) *carrying out administration, construc-*
14 *tion management, project management, project*
15 *operation, or any other management or oper-*
16 *ational duty associated with the project; and*

17 “(D) *any other form of participation ap-*
18 *proved by the Secretary.*

19 “(h) *OVERSIGHT PROGRAM.*—

20 “(1) *ESTABLISHMENT.*—

21 “(A) *IN GENERAL.*—*The Secretary shall es-*
22 *tablish an oversight program to monitor the ef-*
23 *fective and efficient use of funds authorized to*
24 *carry out this section.*

1 “(B) *MINIMUM REQUIREMENT.*—*At a min-*
2 *imum, the oversight program shall be responsive*
3 *to all areas relating to financial integrity and*
4 *project delivery.*

5 “(2) *FINANCIAL INTEGRITY.*—

6 “(A) *FINANCIAL MANAGEMENT SYSTEMS.*—
7 *The Secretary shall perform annual reviews that*
8 *address elements of the applicant’s financial*
9 *management systems that affect projects ap-*
10 *proved under subsection (a).*

11 “(B) *PROJECT COSTS.*—*The Secretary shall*
12 *develop minimum standards for estimating*
13 *project costs and shall periodically evaluate the*
14 *practices of applicants for estimating project*
15 *costs, awarding contracts, and reducing project*
16 *costs.*

17 “(3) *PROJECT DELIVERY.*—*The Secretary shall*
18 *perform annual reviews that address elements of the*
19 *project delivery system of an applicant, which ele-*
20 *ments include 1 or more activities that are involved*
21 *in the life cycle of a project from conception to com-*
22 *pletion of the project.*

23 “(4) *RESPONSIBILITY OF THE APPLICANTS.*—

24 “(A) *IN GENERAL.*—*Each applicant shall*
25 *submit to the Secretary for approval such plans,*

1 *specifications, and estimates for each proposed*
2 *project as the Secretary may require.*

3 “(B) *APPLICANT SUBRECIPIENTS.*—*The ap-*
4 *plicant shall be responsible for determining that*
5 *a subrecipient of Federal funds under this sec-*
6 *tion—*

7 “(i) *has adequate project delivery sys-*
8 *tems for projects approved under this sec-*
9 *tion; and*

10 “(ii) *has sufficient accounting controls*
11 *to properly manage such Federal funds.*

12 “(C) *PERIODIC REVIEW.*—*The Secretary*
13 *shall periodically review the monitoring of sub-*
14 *recipients by the applicant.*

15 “(5) *SPECIFIC OVERSIGHT RESPONSIBILITIES.*—
16 *Nothing in this section shall affect or discharge any*
17 *oversight responsibility of the Secretary specifically*
18 *provided for under this title or other Federal law.*

19 “(i) *MAJOR PROJECTS.*—

20 “(1) *IN GENERAL.*—*A recipient of a grant for a*
21 *project under this section with an estimated total cost*
22 *of \$500,000,000 or more, and a recipient for such*
23 *other projects as may be identified by the Secretary,*
24 *shall submit to the Secretary for each project—*

25 “(A) *a project management plan; and*

1 “(B) *an annual financial plan.*

2 “(2) *PROJECT MANAGEMENT PLAN.—A project*
3 *management plan shall document—*

4 “(A) *the procedures and processes that are*
5 *in effect to provide timely information to the*
6 *project decisionmakers to effectively manage the*
7 *scope, costs, schedules, and quality of, and the*
8 *Federal requirements applicable to, the project;*
9 *and*

10 “(B) *the role of the agency leadership and*
11 *management team in the delivery of the project.*

12 “(3) *FINANCIAL PLAN.—A financial plan shall—*

13 “(A) *be based on detailed estimates of the*
14 *cost to complete the project; and*

15 “(B) *provide for the annual submission of*
16 *updates to the Secretary that are based on rea-*
17 *sonable assumptions, as determined by the Sec-*
18 *retary, of future increases in the cost to complete*
19 *the project.*

20 “(j) *OTHER PROJECTS.—A recipient of Federal finan-*
21 *cial assistance for a project under this title with an esti-*
22 *mated total cost of \$100,000,000 or more that is not covered*
23 *by subsection (i) shall prepare an annual financial plan.*
24 *Annual financial plans prepared under this subsection shall*

1 *be made available to the Secretary for review upon the re-*
2 *quest of the Secretary.*

3 “(k) *OTHER TERMS AND CONDITIONS.*—*The Secretary*
4 *shall determine what additional grant terms and conditions*
5 *are necessary and appropriate to meet the requirements of*
6 *this section.*

7 “(l) *REGULATIONS.*—*Not later than 1 year after the*
8 *date of enactment of the Surface Transportation and*
9 *Freight Policy Act of 2011, the Secretary shall prescribe*
10 *regulations to implement this section.*

11 “(m) *APPLICANT DEFINED.*—*In this subchapter, the*
12 *term ‘applicant’ includes a State, a political subdivision*
13 *of a State, a metropolitan planning organization, govern-*
14 *ment-sponsored authorities and corporations, and the Dis-*
15 *trict of Columbia.*

16 “(n) *SECRETARIAL OVERSIGHT.*—

17 “(1) *IN GENERAL.*—*The Secretary may use not*
18 *more than 1 percent of amounts made available in a*
19 *fiscal year for capital projects under this subchapter*
20 *to enter into contracts to oversee the construction of*
21 *such projects.*

22 “(2) *PERMISSIBLE USES.*—*The Secretary may*
23 *use amounts available under paragraph (1) to make*
24 *contracts for safety, procurement, management, and*

1 *financial compliance reviews and audits of a recipi-*
 2 *ent of amounts under paragraph (1).*

3 “(3) *COST.*—*The Federal Government shall pay*
 4 *the entire cost of carrying out a contract under this*
 5 *subsection.”.*

6 (b) *CONFORMING AMENDMENT.*—*The table of contents*
 7 *for chapter 55 is amended by adding at the end the fol-*
 8 *lowing:*

“SUBCHAPTER III. FINANCIAL ASSISTANCE”

“5581. National freight infrastructure investment grants.”.

9 ***SEC. 1206. PORT INFRASTRUCTURE DEVELOPMENT INITIA-***
 10 ***TIVE.***

11 *Section 50302(c)(3)(C) of title 46, United States Code,*
 12 *is amended to read as follows:*

13 “(C) *TRANSFERS.*—*Amounts appropriated*
 14 *or otherwise made available for any fiscal year*
 15 *for a marine facility or intermodal facility that*
 16 *includes maritime transportation may be trans-*
 17 *ferred, at the option of the recipient of such*
 18 *amounts, to the Fund and administered by the*
 19 *Administrator as a component of a project under*
 20 *the program.”.*

21 ***SEC. 1207. OFFICE OF FREIGHT PLANNING AND DEVELOP-***
 22 ***MENT.***

23 (a) *IN GENERAL.*—*Section 102 is amended—*

1 (1) *by redesignating subsection (h) as subsection*
 2 *(i); and*

3 (2) *by inserting after subsection (g) the fol-*
 4 *lowing:*

5 “(h) *OFFICE OF FREIGHT PLANNING AND DEVELOP-*
 6 *MENT.—*

7 “(1) *ESTABLISHMENT.—There is established*
 8 *within the Office of the Secretary an Office of Freight*
 9 *Planning and Development. The Office shall—*

10 “(A) *coordinate investment of Federal fund-*
 11 *ing to improve the efficiency of the national*
 12 *transportation system to move freight consistent*
 13 *with the policy and objectives of section 312;*

14 “(B) *facilitate communication among gov-*
 15 *ernment, public, and private freight transpor-*
 16 *tation stakeholders;*

17 “(C) *support the Secretary in the develop-*
 18 *ment of the National Freight Transportation*
 19 *Strategic Plan; and*

20 “(D) *carry out other duties, as prescribed*
 21 *by the Secretary.*

22 “(2) *ORGANIZATION.—The head of the Office*
 23 *shall be the Assistant Secretary of Freight Planning*
 24 *and Development.”.*

25 (b) *CONFORMING AMENDMENTS.—*

1 (1) *Section 102(e) is amended by striking “4”*
2 *and inserting “5”.*

3 (2) *Section 5315 of title 5, United States Code,*
4 *is amended by striking “(4)” in the item relating to*
5 *Assistant Secretaries of Transportation and inserting*
6 *“(5)”.*

7 **SEC. 1208. SAFETY FOR MOTORIZED AND NONMOTORIZED**
8 **USERS.**

9 (a) *IN GENERAL.*—*Chapter 4 of title 23, United States*
10 *Code, is amended by adding at the end the following:*

11 **“§ 413. Safety for motorized and nonmotorized users**

12 “(a) *IN GENERAL.*—*Not later than 2 years after the*
13 *date of enactment of the Surface Transportation and*
14 *Freight Policy Act of 2011, subject to subsection (b), the*
15 *Secretary shall establish standards to ensure that the design*
16 *of Federal surface transportation projects provides for the*
17 *safe and adequate accommodation, in all phases of project*
18 *planning, development, and operation, of all users of the*
19 *transportation network, including motorized and non-*
20 *motorized users.*

21 “(b) *WAIVER FOR STATE LAW OR POLICY.*—*The Sec-*
22 *retary may waive the application of standards established*
23 *under subsection (a) to a State that has adopted a law or*
24 *policy that provides for the safe and adequate accommoda-*
25 *tion as certified by the State (or other grantee), in all*

1 *phases of project planning and development, of users of the*
2 *transportation network on federally funded surface trans-*
3 *portation projects, as determined by the Secretary.*

4 “(c) *COMPLIANCE.*—

5 “(1) *IN GENERAL.*—*Each State department of*
6 *transportation shall submit to the Secretary, at such*
7 *time, in such manner, and containing such informa-*
8 *tion as the Secretary shall require, a report describing*
9 *the implementation by the State of measures to*
10 *achieve compliance with this section.*

11 “(2) *DETERMINATION BY SECRETARY.*—*On re-*
12 *ceipt of a report under paragraph (1), the Secretary*
13 *shall determine whether the applicable State has*
14 *achieved compliance with this section.”.*

15 “(b) *CONFORMING AMENDMENT.*—*The analysis for*
16 *chapter 4 of title 23, United States Code, is amended by*
17 *adding at the end the following:*

“413. *Safety for motorized and nonmotorized users.*”.

Calendar No. 543

112TH CONGRESS
2^D SESSION

S. 1950

[Report No. 112-238]

A BILL

To amend title 49, United States Code, to improve commercial motor vehicle safety and reduce commercial motor vehicle-related accidents and fatalities, to authorize the Federal Motor Carrier Safety Administration, and for other purposes.

NOVEMBER 13, 2012

Reported with an amendment