

## Calendar No. 227

112TH CONGRESS  
1ST SESSION**S. 453****[Report No. 112-93]**

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 2, 2011

Mr. BROWN of Ohio (for himself, Mrs. HUTCHISON, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. LAUTENBERG, Mr. BLUMENTHAL, Mr. ROCKEFELLER, and Mr. WEBB) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 9, 2011

Reported by Mr. ROCKEFELLER, with an amendment

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

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**A BILL**

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

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) ~~SHORT TITLE.~~—This Act may be cited as the

5 ~~“Motorcoach Enhanced Safety Act of 2011”.~~

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

- See. 1: Short title; table of contents.
- See. 2: Definitions.
- See. 3: Regulations for improved occupant protection and motorcoach crash avoidance.
- See. 4: Standards for improved fire safety.
- See. 5: Occupant protection and collision avoidance research.
- See. 6: New entrants.
- See. 7: Reincarnated motor carriers.
- See. 8: Improved oversight of providers of motorcoach services and of other motorcoach carriers of passengers.
- See. 9: Motorcoach driver training.
- See. 10: Improved testing for the commercial driver's license passenger endorsement.
- See. 11: Improved physical fitness oversight and commercial driver medical certificates.
- See. 12: Safety and enforcement technology for motorcoaches.
- See. 13: Safety inspection program for commercial motor vehicles of passengers.
- See. 14: Distracted driving.
- See. 15: Motorcoach rental or leasing companies.
- See. 16: Regulations.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

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

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

14 (3) **COMMERCIAL MOTOR VEHICLE.**—Except as  
 15 otherwise specified, the term “commercial motor ve-

1        hicle” has the meaning given such 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        system” means a tire pressure monitoring system  
6        (as defined in section 571.138 of title 49, Code of  
7        Federal Regulations); that is capable of directly de-  
8        tecting when the air pressure level in any tire is sig-  
9        nificantly under-inflated and immediately providing  
10       the driver a low tire pressure warning as to which  
11       specific tire is significantly under-inflated.

12           (5) ELECTRONIC ON-BOARD RECORDER.—The  
13        term “electronic on-board recorder” means an elec-  
14        tronic device that acquires and stores data showing  
15        the record of duty status of the vehicle operator and  
16        performs the functions required of an automatic on-  
17        board recording device in section 395.15(b) of title  
18        49, Code of Federal Regulations.

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

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

1           (A) a motor carrier (as defined in section  
2           13102(14) of title 49, United States Code); or

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

5           (8) MOTORCOACH.—The term “motorcoach”  
6           has the meaning given the term “~~over-the-road bus~~”  
7           in section 3038(a)(3) of the Transportation Equity  
8           Act for the 21st Century (Public Law 105–178; 49  
9           U.S.C. 5310 note); but does not include—

10           (A) buses used in public transportation  
11           provided by a State or local government; or

12           (B) school buses, including multifunction  
13           school activity buses.

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

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

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

1 the motorcoach, permit the partial or complete ejection of any occupant from the motorcoach, including a young child.

4 (12) PROVIDER OF MOTORCOACH SERVICES.—

5 The term “provider of motorcoach services” means a motor carrier that provides passenger transportation services with a motorcoach, including per-trip compensation and contracted or chartered compensation.

10 (13) PUBLIC TRANSPORTATION.—The term

11 “public transportation” has the meaning given such term in section 5302(a)(10) of title 49, United States Code.

14 (14) SAFETY BELT.—The term “safety belt”

15 has the meaning given such term in section 153(i)(4)(B) of title 23, United States Code.

17 (15) SECRETARY.—The term “Secretary”

18 means the Secretary of Transportation.

19 **SEC. 3. REGULATIONS FOR IMPROVED OCCUPANT PROTECTION AND MOTORCOACH CRASH AVOIDANCE.**

21 (a) REGULATIONS REQUIRED WITHIN 1 YEAR.—Not

22 later than 1 year after the date of the enactment of this Act, the Secretary shall prescribe the following regulations:

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

4           (2) ROOF STRENGTH AND CRUSH RESIST-  
5           ANCE.—The Secretary shall establish improved roof  
6           standards for motorcoaches that substantially im-  
7           prove the resistance of motorcoach roofs to deforma-  
8           tion and intrusion to prevent serious occupant injury  
9           in rollover crashes involving motorcoaches.

10          (3) ANTI-EJECTION SAFETY COUNTER-  
11          MEASURES.—The Secretary shall require advanced  
12          glazing to be installed in each motorcoach portal to  
13          prevent partial or complete ejection of passengers of  
14          motorcoaches, including such passengers that are  
15          children.

16          (4) ROLLOVER CRASH AVOIDANCE.—The Sec-  
17          retary shall require motorcoaches to be equipped  
18          with stability enhancing technology, such as elec-  
19          tronic stability control, or torque vectoring, to re-  
20          duce the number and frequency of rollover crashes  
21          among motorcoaches.

22          (5) FIREFIGHTING EQUIPMENT.—The Secretary  
23          shall require the installation in motorcoaches of im-  
24          proved fire extinguishers or other readily available  
25          firefighting equipment for the purpose of effectively

1 extinguishing fires in motorcoaches to prevent pas-  
2 senger deaths and injuries.

3 (b) REGULATIONS REQUIRED WITHIN 2 YEARS.—

4 Not later than 2 years after the date of enactment of this  
5 Act, the Secretary shall prescribe the following commercial  
6 motor vehicle tire regulations:

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

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

17 (B) PERFORMANCE REQUIREMENTS.—The  
18 regulations prescribed by the Secretary under  
19 this section shall include performance require-  
20 ments to ensure that direct tire pressure moni-  
21 toring systems are capable of performing—

- 22 (i) at all times when the ignition lock-  
23 ing system is in the “On” position;
- 24 (ii) at all vehicle speeds;
- 25 (iii) on all road surfaces;

1                   (iv) during all weather conditions; and  
2                   (v) after a repair or other service is  
3                   performed on a tire.

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

8                   (c) APPLICATION OF REGULATIONS.—

9                   (1) NEW MOTORCOACHES.—Any regulation pre-  
10                  scribed pursuant to subsection (a) or (b) shall apply  
11                  to all motorcoaches that are manufactured more  
12                  than 2 years after the date on which the regulation  
13                  is published as a final rule.

14                 (2) RETROFIT REQUIREMENTS FOR EXISTING  
15                  MOTORCOACHES.—The Secretary may, by regula-  
16                  tion, provide for the application of any requirement  
17                  established under this section to motorcoaches man-  
18                  ufactured before the date on which the requirement  
19                  applies to new motorcoaches under paragraph (1)  
20                  based on an assessment of the feasibility, benefits,  
21                  and costs of retrofitting the older motorcoaches. The  
22                  Secretary shall complete an assessment with respect  
23                  to safety belt retrofits not later than 2 years after  
24                  the date of the enactment of this Act.



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

2 (a) **EVALUATIONS.**—Not later than 18 months after  
3 the date of the enactment of this Act, the Secretary shall  
4 complete an evaluation of the following:

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

11 (2) **SMOKE SUPPRESSION.**—The Secretary shall  
12 review Federal motor vehicle safety standard num-  
13 ber 302 (49 CFR 571.302; relating to flammability  
14 of interior materials) to consider more realistic tests  
15 to improve the resistance of motorcoach interiors  
16 and components to burning, prevent inhalation by  
17 passengers of toxic smoke and vapors, and permit  
18 sufficient time for the safe evacuation of passengers  
19 from motorcoaches.

20 (3) **PREVENTION OF, AND RESISTANCE TO,**  
21 **WHEEL WELL FIRES.**—The Secretary shall assess  
22 technologies to prevent and mitigate the propagation  
23 of wheel well fires into the passenger compartment  
24 and substantially reduce occupant deaths and inju-  
25 ries from such fires.

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

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

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

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

22          (b) PERFORMANCE REQUIREMENTS.—Not later than  
23  $\frac{3}{4}$  years after the date of the enactment of this Act, the  
24 Secretary shall issue performance requirements for im-

1 proved fire safety and passenger evacuation based on the  
 2 results of the evaluations conducted under subsection (a).

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

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

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

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

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

23 (b) STANDARDS AND REGULATIONS.—Not later than  
 24 2 years after the completion of each research initiative re-  
 25 quired under subsection (a), the Secretary shall prescribe

1 a standard or regulation based on the results of that re-  
 2 search.

3 **SEC. 6. NEW ENTRANTS.**

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

6 (1) by redesignating paragraphs (1) through  
 7 (8) as paragraphs (2) through (9), respectively; and

8 (2) by inserting before paragraph (2), as redес-  
 9 igned, the following:

10 “(1) ADDITIONAL REGISTRATION REQUIRE-  
 11 MENTS FOR PROVIDERS OR MOTORCOACH SERV-  
 12 ICES.—In addition to meeting the requirements  
 13 under subsection (a)(1), the Secretary may register  
 14 a person to provide motorcoach services only after  
 15 that person—

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

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

23 “(ii) the carrier’s system of compli-  
 24 ance with hours-of-service rules, including  
 25 hours-of-service records;

1           “(iii) the ability to obtain required in-  
2           surance;

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

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

13          “(vi) records of the State inspections,  
14          or of a Level I or Level V Commercial Ve-  
15          hicle Safety Alliance Inspection, for all ve-  
16          hicles that will be operated by the carrier;

17          “(vii) safety management programs,  
18          including vehicle maintenance and repair  
19          programs; and

20          “(viii) the ability to comply with the  
21          Americans with Disabilities Act of 1990  
22          (42 U.S.C. 12101 et seq.) and the Over-  
23          the-Road Bus Transportation Accessibility  
24          Act of 2007 (49 U.S.C. 10101 note);

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

4           “(C) has demonstrated, through the suc-  
5 cessful completion of a written examination de-  
6 veloped by the Secretary, proficiency to comply  
7 with and carry out the requirements and regu-  
8 lations described in subsection (a)(1).”.

9           (b) SAFETY REVIEWS OF NEW OPERATORS.—Section  
10 31144(g)(1) of title 49, United States Code, is amended  
11 to read as follows:

12           “(1) SAFETY REVIEW.—

13           “(A) IN GENERAL.—The Secretary shall  
14 require, by regulation, each owner and each op-  
15 erator granted new registration under section  
16 13902 to undergo a safety review not later than  
17 18 months after the date on which the owner  
18 or operator, as the case may be, begins oper-  
19 ations under such registration.

20           “(B) PROVIDERS OF MOTORCOACH SERV-  
21 ICES.—Safety reviews of owners and operators  
22 registered as providers of motorcoach services  
23 shall be conducted not later than 9 months  
24 after the owner or operator, as the case may be,  
25 begins operations under such registration.

1           ~~“(2) PRE-AUTHORIZATION SAFETY AUDIT.—~~

2           The pre-authorization safety audit required under  
3           paragraph ~~(1)(A)~~ shall be completed on-site not later  
4           than 90 days after the submission of an application  
5           for operating authority.”.

6           ~~(c) EFFECTIVE DATE.—~~The amendments made by  
7           this section shall take effect on the date that is 1 year  
8           after the date of the enactment of this Act.

9           **SEC. 7. REINCARNATED MOTOR CARRIERS.**

10          ~~(a) DENIAL, SUSPENSION, AMENDMENT, OR REV-~~  
11          ~~OCATION OF REGISTRATION.—~~Section 13905(d) of title  
12          49, United States Code, is amended—

13                 ~~(1) in paragraph (1)—~~

14                         ~~(A) by striking “On application” and in-~~  
15                         ~~serting the following:~~

16                                 ~~“(A) REGISTRANT APPLICATION.—On ap-~~  
17                                 ~~plication”;~~

18                         ~~(B) by striking “On complaint” and insert-~~  
19                         ~~ing the following:~~

20                                 ~~“(B) COMPLAINT.—On complaint”;~~

21                         ~~(C) by striking “the Secretary may (A)~~  
22                         ~~suspend,” and inserting the following: “the Sec-~~  
23                         ~~retary may—~~

24                                 ~~“(i) suspend”;~~

1           (D) by striking “registration; and (B) sus-  
2           pend” and inserting the following “registration;

3                           “(ii) suspend”;

4           (E) by striking “freight forwarder: (i) for  
5           failure” and inserting the following: “freight  
6           forwarder for—

7                           “(I) failure”;

8           (F) by striking “title; or (ii) for failure”  
9           and inserting the following: “title; or—

10                          “(II) failure”;

11           (G) by striking “penalty. Subparagraph  
12           (B) shall not apply” and inserting the following:

13                          “penalty; and

14                          “(iii) deny, suspend, amend, or revoke  
15                          all or part of a registration of a motor ear-  
16                          rier following a determination by the Sec-  
17                          retary that the motor carrier failed to dis-  
18                          close in its application for registration a  
19                          material fact relevant to its willingness and  
20                          ability to comply with—

21                                  “(I) this part;

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



1                   “~~(III)~~ a condition of its registra-  
2                   tion.

3                   “~~(C) EXCEPTION.—~~Subparagraph ~~(B)(ii)~~  
4                   shall not apply”; and

5                   (2) in paragraph (2), by striking “paragraph  
6                   (1)(B)” and inserting “paragraph (1)(B)(ii)”.

7                   (b) ~~PROCEDURE.—~~Section 13905(e)(1) of such title  
8 is amended by striking “registrant” and inserting “reg-  
9 istrant, or if the Secretary determines that the registrant  
10 has failed to disclose a material fact in its application for  
11 registration in accordance with subsection (d)(1)(B)(iii)”.

12                  (c) ~~DUTIES OF EMPLOYERS AND EMPLOYEES.—~~Sec-  
13 tion 31135 of such title is amended—

14                  (1) by redesignating subsection (d) as sub-  
15                  section (e); and

16                  (2) by inserting after subsection (e) the fol-  
17                  lowing:

18                  “~~(d) AVOIDING COMPLIANCE.—~~

19                  “~~(1) PROHIBITED ACTIONS.—~~Two or more em-  
20                  ployers may not use common ownership, common  
21                  management, common control, or common familial  
22                  relationship to enable any or all such employers to  
23                  avoid compliance, or mask or otherwise conceal non-  
24                  compliance, or a history of noncompliance, with com-  
25                  mercial motor vehicle safety regulations issued under

1 this subchapter, chapter 315, or an order of the Sec-  
 2 retary issued under this subchapter, chapter 315, or  
 3 such regulations.

4 “(2) CIVIL PENALTIES.—If the Secretary deter-  
 5 mines that an employer has engaged in any of the  
 6 prohibited actions described in paragraph (1), the  
 7 Secretary shall—

8 “(A) deny, suspend, amend, or revoke all  
 9 or part of any such employer’s registration  
 10 under section 13905; and

11 “(B) take into account such noncompliance  
 12 for purposes of determining the amount of the  
 13 civil penalty to be assessed under section  
 14 521(b)(2)(D).”.

15 **SEC. 8. IMPROVED OVERSIGHT OF PROVIDERS OF MOTOR-**  
 16 **COACH SERVICES AND OTHER MOTORCOACH**  
 17 **CARRIERS OF PASSENGERS.**

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

21 “(h) PERIODIC SAFETY REVIEWS OF PROVIDERS OF  
 22 MOTORCOACH SERVICES.—

23 “(1) SAFETY REVIEW.—Not later than 3 years  
 24 after the date of the enactment of the Motorcoach  
 25 Enhanced Safety Act of 2011, the Secretary shall—

1           “(A) determine the safety fitness of each  
2 provider of motorcoach services registered with  
3 the Federal Motor Carrier Safety Administra-  
4 tion; and

5           “(B) assign a safety fitness rating to each  
6 such provider.

7           “(2) PERIODIC REVIEW.—The Secretary shall  
8 establish a process, by regulation, for monitoring the  
9 safety performance of each provider of motorcoach  
10 services on a regular basis following the assignment  
11 of a safety fitness rating, including progressive inter-  
12 vention to correct unsafe practices.

13           “(3) ENFORCEMENT STRIKE FORCES.—In addi-  
14 tion to the enhanced monitoring and enforcement ac-  
15 tions required under paragraph (2), the Secretary  
16 may organize special enforcement strike forces tar-  
17 geting providers of motorcoach services, when and  
18 where the Secretary considers appropriate.

19           “(4) PERIODIC UPDATE OF SAFETY FITNESS  
20 RATING.—As part of the safety review required by  
21 this subsection, the Secretary shall reassess such  
22 rating not less frequently than every 3 years.

23           “(5) PROVIDER OF MOTORCOACH SERVICES DE-  
24 FINED.—In this subsection, the term ‘provider of  
25 motorcoach services’ has the meaning given such

1 term in section 2 of the Motorcoach Enhanced Safe-  
2 ty Act of 2011.”.

3 (b) REVISION OF SAFETY FITNESS RATING METH-  
4 ODOLOGY.—Not later than 1 year after the date of the  
5 enactment of this Act, the Secretary shall revise the safety  
6 fitness rating methodology of the Department of Trans-  
7 portation established pursuant to section 31144 of title  
8 49, United States Code, to meet the goals of the safety  
9 recommendation H-99-6 of the National Transportation  
10 Safety Board, issued on February 26, 1999.

11 (c) HIGH RISK CARRIER COMPLIANCE REVIEWS.—  
12 The second sentence of section 4138 of Public Law 109-  
13 59 (49 U.S.C. 31144 note) is amended by striking “is  
14 rated as category A or B for 2 consecutive months.” and  
15 inserting “meets the Safety Measurement System criteria  
16 for being a high risk motor carrier for 2 consecutive  
17 months.”.

18 **SEC. 9. MOTORCOACH DRIVER TRAINING.**

19 (a) ESTABLISHMENT OF TRAINING CURRICULUM.—

20 (1) IN GENERAL.—Not later than 18 months  
21 after the date of the enactment of this Act, the Sec-  
22 retary shall establish, by regulation, minimum cur-  
23 ricular requirements for entry-level drivers of  
24 motorcoaches and drivers upgrading from 1 class of  
25 commercial driver’s license to another class, to be

1 adopted by public and private schools and motor  
 2 carriers and motoreach operators that provide  
 3 training for such drivers.

4 (2) CURRICULAR REQUIREMENTS.—The cur-  
 5 ricular requirements under paragraph (1) shall in-  
 6 clude—

7 (A) classroom and behind-the-wheel in-  
 8 struction that is adequate for training entry-  
 9 level drivers of motoreaches and drivers up-  
 10 grading from 1 class of commercial driver's li-  
 11 cense to another class to safely operate  
 12 motoreaches and respond effectively to emer-  
 13 gency situations; and

14 (B) instruction in advanced knowledge and  
 15 skills that are necessary to operate  
 16 motoreaches safely, including knowledge and  
 17 skills necessary—

18 (i) to suppress motoreach fires; and

19 (ii) to evacuate passengers from  
 20 motoreaches safely.

21 (b) TRAINING REQUIRED.—

22 (1) IN GENERAL.—The Secretary shall require  
 23 each motoreach driver seeking a commercial driv-  
 24 er's license passenger endorsement to undergo a  
 25 training program that includes the minimum cur-

1       ricular requirements established under subsection (a)  
2       before taking a test for a commercial driver's license  
3       passenger endorsement.

4           (2) CERTIFICATE REQUIRED.—The Secretary  
5       shall require that—

6           (A) each trainer of a driver seeking a com-  
7       mercial driver's license passenger endorsement  
8       to issue a certificate to the trainee and the ap-  
9       propriate State licensing authority certifying  
10      that the trainee has completed a motoreoach  
11      driver training course that includes the cur-  
12      ricular requirements established under sub-  
13      section (a);

14          (B) each driver seeking to take the test for  
15      the commercial driver's license passenger en-  
16      dorsement to present the certificate to a State  
17      licensing authority;

18          (C) the State licensing authority to com-  
19      pare the certificate presented by the applicant  
20      with the certificate provided by the driver train-  
21      ing school; and

22          (D) the State licensing authority to refuse  
23      to administer the test if the certificates are not  
24      the same.

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

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

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

19           (1) **FINAL RULE.**—Not later than 6 months  
 20 after the date of the enactment of this Act, the Sec-  
 21 retary, after consultation with the American Associa-  
 22 tion of Motor Vehicle Administrators, shall issue a  
 23 final rule in Docket No. FMCSA 2007–27659: Com-  
 24 mercial Driver's License Testing and Commercial  
 25 Learner's Permit Standards that improves the qual-

1       ity and stringency of the examination for the com-  
 2       mercial driver's license passenger-carrying endorse-  
 3       ment.

4           (2) REQUIREMENTS.—The final rule issued  
 5       under paragraph (1) shall require—

6           (A) a more stringent knowledge test than  
 7       the test in effect on the day before the date of  
 8       the enactment of this Act; and

9           (B) a more stringent examination of the  
 10       driving skills necessary to operate safely a for-  
 11       hire passenger-carrying commercial motor vehi-  
 12       cle than the examination of such skills in effect  
 13       on the day before the date of the enactment of  
 14       this Act.

15       (b) MODIFICATION OF REQUIREMENTS FOR COM-  
 16       MERCIAL DRIVER'S LICENSE PASSENGER-CARRYING EN-  
 17       DORSEMENT.—The Secretary shall require, by regulation,  
 18       that any driver who transports not fewer than 9 and not  
 19       more than 15 passengers (including the driver) in inter-  
 20       state commerce through the operation of a commercial  
 21       motor vehicle (as defined in section 31301(4) of title 49,  
 22       United States Code)—

23           (1) has a commercial driver's license passenger-  
 24       carrying endorsement; and



1           (2) has been tested in accordance with a drug  
2           and alcohol testing program that is consistent with  
3           part 40 of title 49, Code of Federal Regulations.

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

7           (a) **MEDICAL REVIEW BOARD FUNCTIONS.**—Section  
8 31149(a)(1) of title 49, United States Code, is amended—

9                   (1) by striking “recommendations on medical  
10           standards” and inserting the following: “rec-  
11           ommendations concerning—

12                           “(A) medical standards”; and

13                   (2) by striking “medical research.” and insert-  
14           ing the following: “medical research; and

15                           “(B) the criteria to be used for evaluating  
16           medical examiners for admission to the national  
17           registry established under subsection (d).”.

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

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

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

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

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

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

18          (c) ~~MEDICAL EXAMINATION FORM COMPARISONS.~~—

19          Not later than 18 months after the date of the enactment  
20          of this Act, the Secretary shall prescribe a regulation that  
21          requires any medical examiner who performs a medical ex-  
22          amination to certify an applicant for a commercial driver’s  
23          license under section 391.43 of title 49, Code of Federal  
24          Regulations, to submit the form for such examination re-  
25          quired under subsection (f) of such section (as in effect

1 on the day before the date of the enactment of this Act)  
2 to the appropriate State licensing agency.

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

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

7 (2) in subparagraph (X), by striking the period  
8 at the end and inserting “; and”; and

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

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

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

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

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

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

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

6           “(G) annually review the licensing authori-  
7           ties of 10 States to assess the accuracy, valid-  
8           ity, and timeliness of physical examination re-  
9           ports and medical certificates submitted by cer-  
10          tified medical examiners to such State licensing  
11          agencies and the processing of such submissions  
12          by the licensing authorities.”.

13          (2) INTERNAL OVERSIGHT POLICY.—

14           (A) IN GENERAL.—Not later than 1 year  
15           after the date of the enactment of this Act, the  
16           Secretary shall establish an oversight policy and  
17           process within the Department of Transpor-  
18           tation for purposes of carrying out section  
19           31149(e)(1)(G) of title 49, United States Code,  
20           as added by paragraph (1)(C).

21           (B) EFFECTIVE DATE.—Section  
22           31149(e)(1)(G) of title 49, United States Code,  
23           as added by paragraph (1)(C), shall take effect  
24           on the date on which the oversight policies and

1 processes are established pursuant to subpara-  
 2 graph (A).

3 (f) **DEADLINE FOR ESTABLISHMENT OF NATIONAL**  
 4 **REGISTRY OF MEDICAL EXAMINERS.**—Not later than 6  
 5 months after the date of the enactment of this Act, the  
 6 Secretary shall establish a national registry of medical ex-  
 7 aminers as required under section 31149(d)(1) of title 49,  
 8 United States Code.

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

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

12 (1) **IN GENERAL.**—Not later than 1 year after  
 13 the date of the enactment of this Act, the Secretary  
 14 shall prescribe regulations requiring that all  
 15 motorcoaches used by any motor carrier in interstate  
 16 commerce be equipped with electronic on-board re-  
 17 corders.

18 (2) **PERFORMANCE REQUIREMENTS.**—The regu-  
 19 lations prescribed by the Secretary under paragraph  
 20 (1) shall include performance requirements to ensure  
 21 that electronic on-board recorders—

22 (A) accurately record commercial driver  
 23 hours of service;

24 (B) allow tracking of driver and vehicle lo-  
 25 cation; and

1           (C) are tamper resistant.

2           (3) EFFECTIVE DATE.—The regulations pre-  
3       scribed under this subsection shall—

4           (A) take effect on the date that is 2 years  
5       after the date on which the regulation is pub-  
6       lished as a final rule; and

7           (B) apply to all motorcoaches described in  
8       paragraph (1).

9       (b) EVENT DATA RECORDERS.—

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

21           (2) STANDARDS AND REGULATIONS.—Not later  
22       than 1 year after completing the evaluation required  
23       under paragraph (1), the Secretary shall issue  
24       standards and regulations based on the results of  
25       such evaluation.

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

3 Not later than 3 years after the date of the enact-  
 4 ment of this Act, the Secretary shall complete a rule-  
 5 making proceeding to consider requiring States to conduct  
 6 annual inspections of commercial motor vehicles designed  
 7 or used to transport passengers, including—

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

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

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

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

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

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

25 “(a) IN GENERAL.—Not later than 1 year after the  
 26 date of the enactment of the Motorcoach Enhanced Safety

1 Act of 2011, the Secretary of Transportation shall pre-  
 2 scribe regulations on the use of electronic or wireless de-  
 3 vices, including cell phones and other distracting devices,  
 4 by an individual employed as the operator of a motoreoach  
 5 (as defined in section 2(8) of that Act).

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

10 “(c) PROHIBITED USE.—Except as provided in sub-  
 11 section (d), the Secretary shall prohibit the use of the de-  
 12 vices set forth in subsection (a) in circumstances in which  
 13 the Secretary determines that their use interferes with the  
 14 driver’s safe operation of a motoreoach.

15 “(d) PERMITTED USE.—Under the regulations, the  
 16 Secretary may permit the use of a device otherwise prohib-  
 17 ited under subsection (c) if the Secretary determines that  
 18 such use is necessary for the safety of the driver or the  
 19 public in emergency circumstances.”

20 (b) CONFORMING AMENDMENT.—The table of con-  
 21 tents for chapter 311 of title 49, United States Code, is  
 22 amended by inserting after the item relating to section  
 23 31151 the following:

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



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

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

4 ~~“(3) ‘employer’—~~

5 ~~“(A) means a person engaged in a business~~  
6 ~~affecting interstate commerce that—~~

7 ~~“(i) owns or leases a commercial~~  
8 ~~motor vehicle in connection with that busi-~~  
9 ~~ness; or assigns and employee to operate~~  
10 ~~it; or~~

11 ~~“(ii) offers for rent or lease motor ve-~~  
12 ~~hicles designed or used to transport more~~  
13 ~~than 15 passengers, including the driver,~~  
14 ~~and from the same location or as part of~~  
15 ~~the same business provides names or con-~~  
16 ~~tact information of drivers; or holds itself~~  
17 ~~out to the public as a charter bus com-~~  
18 ~~pany; and~~

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

1 **SEC. 16. REGULATIONS.**

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

5 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

6 (a) *SHORT TITLE.*—*This Act may be cited as the “Mo-*  
 7 *torcoach Enhanced Safety Act of 2011”.*

8 (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 9 *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Definitions.*

*Sec. 3. Regulations for improved occupant protection and collision avoidance.*

*Sec. 4. Standards for improved fire safety.*

*Sec. 5. Occupant protection and collision avoidance research.*

*Sec. 6. New entrants.*

*Sec. 7. Reincarnated carriers.*

*Sec. 8. Improved oversight of motorcoach service providers.*

*Sec. 9. Motorcoach driver training.*

*Sec. 10. Improved testing for the commercial driver’s license passenger endorse-*  
*ment.*

*Sec. 11. Improved physical fitness oversight and commercial driver medical cer-*  
*tificates.*

*Sec. 12. Safety and enforcement technology for motorcoaches.*

*Sec. 13. Safety inspection program for commercial motor vehicles of passengers.*

*Sec. 14. Distracted driving.*

*Sec. 15. Motorcoach rental or leasing companies.*

*Sec. 16. Registration of brokers for motor carriers of passengers.*

*Sec. 17. Regulations.*

10 **SEC. 2. DEFINITIONS.**

11 *In this Act:*

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

1           (2) *BUS.*—*The term “bus” has the meaning*  
2 *given such term in section 571.3(b) of title 49, Code*  
3 *of Federal Regulations (as in effect on the day before*  
4 *the date of the 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 such 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 such title).

7           (8) *MOTORCOACH*.—The term “motorcoach”  
8       *means*—

9           (A) a bus with—

10           (i) a gross vehicle weight rating of  
11       26,000 pounds or greater;

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

14           (iii) at least 2 rows of passenger seats  
15       rearward of the driver’s seating position  
16       that are forward-facing or can be converted  
17       to forward-facing without the use of tools;  
18       and

19           (B) does not include—

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

22           (ii) a school bus, including a multi-  
23       function school activity bus.

1           (9) *MOTORCOACH SERVICES.*—*The term “motor-*  
2 *coach services” means passenger transportation by*  
3 *motorcoach for compensation.*

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

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

16          (12) *PROVIDER OF MOTORCOACH SERVICES.*—  
17 *The term “provider of motorcoach services” means a*  
18 *motor carrier that provides passenger transportation*  
19 *services with a motorcoach, including per-trip com-*  
20 *ensation and contracted or chartered compensation.*

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

24          (14) *SECRETARY.*—*The term “Secretary” means*  
25 *the Secretary of Transportation.*

1           (15) *TRANSIT SERVICE*.—The term “transit serv-  
 2           ice” means motorcoach service characterized by oper-  
 3           ating speeds of less than 45 miles per hour and fre-  
 4           quent stops.

5   **SEC. 3. REGULATIONS FOR IMPROVED OCCUPANT PROTEC-**  
 6                                   **TION AND COLLISION AVOIDANCE.**

7           (a) *REGULATIONS REQUIRED WITHIN 1 YEAR*.—Not  
 8           later than 1 year after the date of the enactment of this  
 9           Act, the Secretary shall prescribe the following regulations:

10           (1) *SAFETY BELTS*.—The Secretary shall issue a  
 11           final rule in Docket No. NHTSA 2010–0112: Federal  
 12           Motor Vehicle Standards; Motorcoach Definition; Oc-  
 13           cupant Crash Protection, to require safety belts to be  
 14           installed in motorcoaches at each designated seating  
 15           position.

16           (2) *FIREFIGHTING EQUIPMENT*.—The Secretary  
 17           shall require the installation in motorcoaches of im-  
 18           proved fire extinguishers or other readily available  
 19           firefighting equipment for the purpose of effectively  
 20           extinguishing fires in motorcoaches to prevent pas-  
 21           senger deaths and injuries.

22           (b) *REGULATIONS REQUIRED WITHIN 18 MONTHS*.—  
 23           Not later than 18 months after the date of the enactment  
 24           of this Act, the Secretary shall prescribe regulations—

1           (1) *establishing improved roof standards for*  
 2           *motorcoaches that substantially improve the resistance*  
 3           *of motorcoach roofs to deformation and intrusion to*  
 4           *prevent serious occupant injury in rollover crashes in-*  
 5           *volving motorcoaches; and*

6           (2) *requiring advanced glazing to be installed in*  
 7           *each motorcoach portal to prevent partial or complete*  
 8           *ejection of passengers of motorcoaches, including such*  
 9           *passengers that are children.*

10          (c) *REGULATIONS REQUIRED WITHIN 2 YEARS.—Not*  
 11          *later than 2 years after the date of the enactment of this*  
 12          *Act, the Secretary shall prescribe the following commercial*  
 13          *motor vehicle regulations:*

14               (1) *ROLLOVER CRASH AVOIDANCE.—The Sec-*  
 15               *retary shall require motorcoaches to be equipped with*  
 16               *stability enhancing technology, such as electronic sta-*  
 17               *bility control, or torque vectoring, to reduce the num-*  
 18               *ber and frequency of rollover crashes among*  
 19               *motorcoaches.*

20               (2) *COMMERCIAL MOTOR VEHICLE TIRE PRES-*  
 21               *SURE MONITORING SYSTEMS.—*

22                       (A) *IN GENERAL.—The Secretary shall pre-*  
 23                       *scribe regulations that require motorcoaches to be*  
 24                       *equipped with direct tire pressure monitoring*  
 25                       *systems that warn the operator of a commercial*

1           *motor vehicle when any tire exhibits a level of*  
2           *air pressure that is below a specified level of air*  
3           *pressure established by the Secretary.*

4           *(B) PERFORMANCE REQUIREMENTS.—The*  
5           *regulations prescribed by the Secretary under*  
6           *this paragraph shall include performance re-*  
7           *quirements to ensure that direct tire pressure*  
8           *monitoring systems are capable of—*

9                   *(i) providing a warning to the driver*  
10                   *when 1 or more tires are underinflated;*

11                   *(ii) activating in a specified time pe-*  
12                   *riod after the underinflation is detected;*  
13                   *and*

14                   *(iii) operating at different vehicle*  
15                   *speeds.*

16           *(3) TIRE PERFORMANCE STANDARD.—The Sec-*  
17           *retary shall upgrade performance standards for tires*  
18           *used on motorcoaches by conducting an enhanced en-*  
19           *durance test and a new high-speed performance test.*

20           *(d) APPLICATION OF REGULATIONS.—*

21                   *(1) NEW MOTORCOACHES.—A regulation pre-*  
22                   *scribed in accordance with subsection (a), (b), or (c)*  
23                   *shall apply to all motorcoaches manufactured more*  
24                   *than 2 years after the date on which the regulation*  
25                   *is published as a final rule.*



1           (2) *RETROFIT REQUIREMENTS FOR EXISTING*  
2           *MOTORCOACHES.*—*The Secretary may, by regulation,*  
3           *provide for the application of any requirement estab-*  
4           *lished under this section to motorcoaches manufac-*  
5           *tured before the date on which the requirement applies*  
6           *to new motorcoaches under paragraph (1) based on*  
7           *an assessment of the feasibility, benefits, and costs of*  
8           *retrofitting such motorcoaches. The Secretary shall*  
9           *complete such assessment with respect to safety belt*  
10          *retrofits no later than 2 years after the date of the en-*  
11          *actment of this Act.*

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

13          (a) *EVALUATIONS.*—*Not later than 18 months after the*  
14          *date of the enactment of this Act, the Secretary shall con-*  
15          *duct an evaluation of the following:*

16               (1) *FLAMMABILITY STANDARD FOR EXTERIOR*  
17               *COMPONENTS.*—*The Secretary shall examine the feasi-*  
18               *bility of establishing requirements for fire hardening*  
19               *or fire resistance of motorcoach exterior components*  
20               *to prevent fire and smoke inhalation injuries to occu-*  
21               *pants.*

22               (2) *SMOKE SUPPRESSION.*—*The Secretary shall*  
23               *review Federal motor vehicle safety standard number*  
24               *302 (49 C.F.R. 571.302; relating to flammability of*  
25               *interior materials) to consider more realistic tests to*

1 *improve the resistance of motorcoach interiors and*  
2 *components to burning and permit sufficient time for*  
3 *the safe evacuation of passengers from motorcoaches.*

4 (3) *PREVENTION OF, AND RESISTANCE TO,*  
5 *WHEEL WELL FIRES.—The Secretary shall assess tech-*  
6 *nologies to prevent and mitigate the propagation of*  
7 *wheel well fires into the passenger compartment and*  
8 *substantially reduce occupant deaths and injuries*  
9 *from such fires.*

10 (4) *PASSENGER EVACUATION.—The Secretary*  
11 *shall evaluate requirements for motorcoaches to be*  
12 *equipped with the following:*

13 (A) *IMPROVED EMERGENCY EVACUATION*  
14 *DESIGNS.—Improved emergency exit window,*  
15 *door, roof hatch, and wheelchair lift door designs*  
16 *to expedite access and use by passengers of*  
17 *motorcoaches under all emergency circumstances,*  
18 *including crashes and fires.*

19 (B) *EMERGENCY INTERIOR LIGHTING.—*  
20 *Emergency interior lighting systems, including*  
21 *luminescent or retroreflectorized delineation of*  
22 *evacuation paths and exits, which are triggered*  
23 *by a crash or other emergency incidents to ac-*  
24 *complish more rapid and effective evacuation of*  
25 *passengers.*

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

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

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

13          (a) *SAFETY RESEARCH INITIATIVES.*—*Not later than*  
 14          *2 years after the date of the enactment of this Act, the Sec-*  
 15          *retary shall complete research on the following:*

16               (1) *COMPARTMENTALIZATION SAFETY COUNTER-*  
 17               *MEASURES.*—*Enhanced compartmentalization safety*  
 18               *countermeasures for motorcoaches, including enhanced*  
 19               *seating designs, to reduce substantially the risk of*  
 20               *passengers being thrown from their seats and col-*  
 21               *liding with other passengers, interior surfaces, and*  
 22               *components in the event of a crash involving a motor-*  
 23               *coach.*

24               (2) *INTERIOR IMPACT PROTECTION.*—*Enhanced*  
 25               *occupant impact protection standards for motorcoach*

1       interiors to reduce substantially serious injuries for  
2       all passengers of motorcoaches.

3               (3) *COLLISION AVOIDANCE SYSTEMS.*—*Forward*  
4       *and lateral crash warning systems applications for*  
5       *motorcoaches.*

6               (b) *STANDARDS AND REGULATIONS.*—*Not later than*  
7       *2 years after the completion of each research initiative re-*  
8       *quired under subsection (a), the Secretary shall issue a*  
9       *standard or regulation based on the results of such research.*

10 **SEC. 6. NEW ENTRANTS.**

11       (a)       *REGISTRATION REQUIREMENTS.*—*Section*  
12       *13902(b) of title 49, United States Code, is amended—*

13               (1) *by redesignating paragraphs (1) through (8)*  
14       *as paragraphs (5) through (12), respectively; and*

15               (2) *by inserting before paragraph (5), as redesign-*  
16       *ated, the following:*

17               “(1) *ADDITIONAL REGISTRATION REQUIREMENTS*  
18       *FOR PROVIDERS OR MOTORCOACH SERVICES.*—*In ad-*  
19       *dition to meeting the requirements under subsection*  
20       *(a)(1), the Secretary may not register a person to*  
21       *provide motorcoach services until after such person—*

22               “(A) *undergoes a preauthorization safety*  
23       *audit, including verification, in a manner suffi-*  
24       *cient to demonstrate the ability to comply with*  
25       *Federal rules and regulations, of—*

1           “(i) a drug and alcohol testing pro-  
2           gram under part 40 of title 49, Code of Fed-  
3           eral Regulations;

4           “(ii) the carrier’s system of compliance  
5           with hours-of-service rules, including hours-  
6           of-service records;

7           “(iii) the ability to obtain required in-  
8           surance;

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

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

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

23          “(vii) safety management programs,  
24          including vehicle maintenance and repair  
25          programs; and

1                   “(viii) the ability to comply with the  
2                   *Americans with Disabilities Act of 1990 (42*  
3                   *U.S.C. 12101 et seq.) and the Over-the-Road*  
4                   *Bus Transportation Accessibility Act of*  
5                   *2007 (49 U.S.C. 10101 note);*

6                   “(B) has been interviewed to review safety  
7                   management controls and the carrier’s written  
8                   safety oversight policies and practices; and

9                   “(C) through the successful completion of a  
10                  written examination developed by the Secretary,  
11                  has demonstrated proficiency to comply with  
12                  and carry out the requirements and regulations  
13                  described in subsection (a)(1).

14                  “(2) *PRE-AUTHORIZATION SAFETY AUDIT.*—The  
15                  pre-authorization safety audit required under para-  
16                  graph (1)(A) shall be completed on-site not later than  
17                  90 days following the submission of an application  
18                  for operating authority.

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

1           (b) *SAFETY REVIEWS OF NEW OPERATORS.*—Section  
 2 31144(g)(1) of title 49, United States Code, is amended by  
 3 inserting “transporting property” after “each operator”.

4           (c) *EFFECTIVE DATE.*—The amendments made by this  
 5 section shall take effect 1 year after the date of the enact-  
 6 ment of this Act.

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

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

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

22           (b) *DENIAL, SUSPENSION, AMENDMENT, OR REVOCA-*  
 23 *TION OF REGISTRATION.*—Section 13905(d) of such title is  
 24 amended—

25                   (1) in paragraph (1)—

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

3           “(A) suspend”;

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

6           “(B) suspend”;

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

10           “(i) to pay”;

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

13           “(ii) to arrange”;

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

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

22           “(i) this part;

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



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

2                   and

3                   (F) by striking the last sentence; and

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

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

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

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

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

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

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

23                   “(2)(A) the Secretary”; and

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

1           “(1) the Secretary determines that the registrant  
2           has failed to disclose a material fact in its applica-  
3           tion for registration in accordance with subsection  
4           (d)(1)(C); or”.

5           (d) *DUTIES OF EMPLOYERS AND EMPLOYEES.*—Sec-  
6           tion 31135 of such title is amended—

7           (1) by redesignating subsection (d) as subsection  
8           (e); and

9           (2) by inserting after subsection (c) the fol-  
10          lowing:

11          “(d) *AVOIDING COMPLIANCE.*—

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

22           “(2) *EFFECT OF VIOLATION.*—If the Secretary  
23           determines that an employer has engaged in any ac-  
24           tion prohibited under paragraph (1), the Secretary  
25           shall—

1           “(A) deny, suspend, amend, or revoke all or  
2           part of such employer’s registration under sec-  
3           tion 13905; and

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

8   **SEC. 8. IMPROVED OVERSIGHT OF MOTORCOACH SERVICE**  
9           **PROVIDERS.**

10       (a) *IN GENERAL.*—Section 31144 of title 49, United  
11       States Code, is amended by adding at the end the following:

12       “(h) *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 the 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 motorcoach*  
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 the enactment of such Act.*

10           “(2) *PERIODIC REVIEW.—The Secretary shall es-*  
11           *tablish, by regulation, a process for monitoring the*  
12           *safety performance of each provider of motorcoach*  
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 motorcoach services.*

21           “(4) *PERIODIC UPDATE OF SAFETY FITNESS RAT-*  
22           *ING.—In conducting the safety reviews required under*  
23           *this subsection, the Secretary shall reassess the safety*  
24           *fitness rating of each provider not less frequently than*  
25           *once every 3 years.*

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

5           **(b) REVISION OF SAFETY FITNESS RATING METHOD-**  
 6           **LOGY.**—*Not later than 1 year after the date of the enact-*  
 7           *ment of this Act, the Secretary shall revise the safety fitness*  
 8           *rating methodology of the Department of Transportation es-*  
 9           *tablished pursuant to section 31144 of title 49, United*  
 10           *States Code, to meet the goals of the safety recommendation*  
 11           *H–99–6 of the National Transportation Safety Board,*  
 12           *which was issued on February 26, 1999.*

13           **(c) HIGH RISK CARRIER COMPLIANCE REVIEWS.**—  
 14           *Section 4138 of SAFETEA–LU (49 U.S.C. 31144 note) is*  
 15           *amended by striking “is rated as category A or B for 2*  
 16           *consecutive months.” and inserting “meets the Safety Meas-*  
 17           *urement System criteria for being a high risk motor carrier*  
 18           *for 2 consecutive months.”.*

19           **SEC. 9. MOTORCOACH DRIVER TRAINING.**

20           **(a) ESTABLISHMENT OF TRAINING CURRICULUM.**—

21           **(1) IN GENERAL.**—*Not later than 6 months after*  
 22           *the date of the enactment of this Act, the Secretary*  
 23           *shall establish, by regulation, minimum curricular re-*  
 24           *quirements for entry-level drivers of motorcoaches and*  
 25           *drivers upgrading from 1 class of commercial driver’s*

1       *license to another class, which shall be adopted by*  
2       *public and private schools and motor carriers and*  
3       *motorcoach operators that provide training for such*  
4       *drivers.*

5           (2) *CURRICULAR REQUIREMENTS.*—*The cur-*  
6       *ricular requirements under paragraph (1) shall in-*  
7       *clude—*

8           (A) *classroom and behind-the-wheel instruc-*  
9       *tion that is adequate for training entry-level*  
10       *drivers of motorcoaches and drivers upgrading*  
11       *from 1 class of commercial driver's license to an-*  
12       *other class to safely operate motorcoaches and re-*  
13       *pond effectively to emergency situations; and*

14           (B) *instruction in advanced knowledge and*  
15       *skills that are necessary to operate motorcoaches*  
16       *safely, including knowledge and skills nec-*  
17       *essary—*

18           (i) *to suppress motorcoach fires; and*

19           (ii) *to evacuate passengers from*  
20       *motorcoaches safely.*

21       (b) *TRAINING REQUIRED.*—

22           (1) *IN GENERAL.*—*The Secretary shall require*  
23       *each motorcoach driver seeking a commercial driver's*  
24       *license passenger endorsement to undergo a training*  
25       *program that includes the minimum curricular re-*

1        *quirements established under subsection (a) before*  
2        *taking a test for a commercial driver's license pas-*  
3        *senger endorsement.*

4            (2) *VERIFICATION REQUIRED.—The Secretary*  
5        *shall require that—*

6            (A) *each trainer of a driver seeking a com-*  
7        *mercial driver's license passenger endorsement*  
8        *shall submit to the appropriate State licensing*  
9        *authority information on any driver that has*  
10       *successfully completed a motorcoach driver train-*  
11       *ing course that includes the curricular require-*  
12       *ments established under subsection (a); and*

13           (B) *the State licensing authority may not*  
14       *administer the skills test for the passenger en-*  
15       *dorsement nor issue a passenger endorsement to*  
16       *a driver unless the State licensing authority*  
17       *verifies that the driver has successfully completed*  
18       *a motorcoach driver training course required*  
19       *under subparagraph (A).*

20           (c) *REPORT ON FEASIBILITY, BENEFITS, AND COSTS*  
21       *OF ESTABLISHING A SYSTEM OF CERTIFICATION OF TRAIN-*  
22       *ING PROGRAMS.—Not later than 2 years after the date of*  
23       *the enactment of this Act, the Secretary shall submit a re-*  
24       *port to the Committee on Commerce, Science, and Trans-*  
25       *portation of the Senate and the Committee on Transpor-*

1 *tation and Infrastructure of the House of*  
 2 *Representatives that describes the feasibility, benefits, and*  
 3 *costs of establishing a system of certification of public and*  
 4 *private schools and of motor carriers and motorcoach opera-*  
 5 *tors that provide motorcoach driver training in accordance*  
 6 *with the curricular requirements established by the Sec-*  
 7 *retary under subsection (a).*

8 *(d) NONPREEMPTION OF STATE PROGRAMS.—The*  
 9 *minimum curricular requirements required under this sec-*  
 10 *tion shall not preempt any State or local law or regulation*  
 11 *imposing additional or more stringent requirements unless*  
 12 *the Secretary determines that—*

13 *(1) the law or regulation is incompatible with*  
 14 *the regulation prescribed by the Secretary; or*

15 *(2) enforcement of the State law or the local law*  
 16 *or regulation would impose an unreasonable burden*  
 17 *on interstate commerce.*

18 **SEC. 10. IMPROVED TESTING FOR THE COMMERCIAL DRIV-**

19 **ER'S LICENSE PASSENGER ENDORSEMENT.**

20 *(a) INCREASED STRINGENCY OF EXAMINATION FOR*  
 21 *COMMERCIAL DRIVER'S LICENSE PASSENGER-CARRYING*  
 22 *ENDORSEMENT.—Not later than 6 months after the date of*  
 23 *the enactment of this Act, the Secretary, in consultation*  
 24 *with the American Association of Motor Vehicle Adminis-*  
 25 *trators, shall issue a final rule in Docket No. FMCSA 2007—*



1 *27659: Commercial Driver's License Testing and Commer-*  
2 *cial Learner's Permit Standards that—*

3           (1) *improves the quality and stringency of the*  
4 *examination for the commercial driver's license pas-*  
5 *senger-carrying endorsement;*

6           (2) *requires a more stringent knowledge test than*  
7 *the test in effect on the day before the date of enact-*  
8 *ment of this Act; and*

9           (3) *requires a more stringent examination of the*  
10 *driving skills necessary to operate safely a for-hire*  
11 *passenger-carrying commercial motor vehicle than the*  
12 *examination of such skills in effect on the day before*  
13 *the date of the enactment of this Act.*

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

22           (1) *have a commercial driver's license passenger-*  
23 *carrying endorsement in order to operate a commer-*  
24 *cial motor vehicle (as defined in section 31301(4) of*  
25 *title 49, United States Code) and transport not less*

1        *than 9 and not more than 15 passengers (including*  
 2        *a driver) in interstate commerce; and*

3                *(2) be tested in accordance with a drug and alco-*  
 4        *hol testing program under part 40 of title 49, Code*  
 5        *of Federal Regulations.*

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

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

11                *(1) by striking “recommendations on medical*  
 12        *standards” and inserting the following:*  
 13        *“recommendations on—*

14                        *“(A) medical standards”; and*

15                *(2) by striking “research.” and inserting the fol-*  
 16        *lowing: “research; and*

17                        *“(B) advice and recommendations con-*  
 18        *cerning the criteria to be used for evaluating*  
 19        *medical examiners for admission to the national*  
 20        *registry established under this section.”.*

21        *(b) EXAMINATION REQUIREMENTS FOR LISTING IN*  
 22    *THE NATIONAL REGISTRY OF MEDICAL EXAMINERS.—Sec-*  
 23    *tion 31149(c)(1)(D) of title 49, United States Code, is*  
 24    *amended to read as follows:*

1           “(D) develop requirements applicable to a  
2           medical examiner seeking to be listed in the na-  
3           tional registry, including—

4                   “(i) specific courses and materials that  
5                   must be completed to be listed in the na-  
6                   tional registry;

7                   “(ii) a rigorous written examination  
8                   for which a passing grade must be achieved  
9                   to be listed in the national registry;

10                  “(iii) certification (including self-cer-  
11                  tification), as appropriate, to verify that the  
12                  medical examiner has completed training,  
13                  including refresher courses, that the Sec-  
14                  retary determines are necessary to be listed  
15                  in the national registry; and

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

20           (c) *MEDICAL EXAMINATION FORM COMPARISONS.*—

21           Not later than 18 months after the date of the enactment  
22           of this Act, the Secretary shall require, by regulation, that  
23           each time a medical examiner performs a medical examina-  
24           tion to certify an applicant for a commercial driver’s li-  
25           cense under section 391.43 of title 49, Code of Federal Regu-

1 *lations, such medical examiner shall submit to the appro-*  
 2 *priate State licensing agency the form for such examination*  
 3 *required by section 391.43(f) of such title (as in effect on*  
 4 *the day before the date of the enactment of this Act).*

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

7 *(1) in subparagraph (W), by striking “and” at*  
 8 *the end; and*

9 *(2) in subparagraph (X), by striking the period*  
 10 *at the end and inserting the following: “; and*

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

20 *(e) ADDITIONAL OVERSIGHT OF LICENSING AUTHORI-*  
 21 *TIES.—*

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

24 *(A) in subparagraph (E), by striking “and”*  
 25 *at the end; and*

1           (B) in subparagraph (F), by striking the  
2           period at the end and inserting the following: ”;  
3           and

4           “(G) annually review the licensing authori-  
5           ties of 10 States to assess the accuracy, validity,  
6           and timeliness of physical examination reports  
7           and medical certificates submitted by certified  
8           medical examiners to such State licensing agen-  
9           cies and the processing of such submissions by  
10          the licensing authorities.”.

11          (2) *INTERNAL OVERSIGHT POLICY.*—

12           (A) *IN GENERAL.*—Not later than 1 year  
13           after the date of the enactment of this Act, the  
14           Secretary shall establish an oversight policy and  
15           process within the Department of Transportation  
16           for purposes of carrying out the requirement  
17           under section 31149(c)(1)(G) of title 49, United  
18           States Code, as added by paragraph (1).

19           (B) *EFFECTIVE DATE.*—The requirement  
20           under section 31149(c)(1)(G) of title 49, United  
21           States Code, shall take effect on the date on  
22           which the oversight policies and processes are es-  
23           tablished pursuant to subparagraph (A).

24          (f) *DEADLINE FOR ESTABLISHMENT OF NATIONAL*  
25          *REGISTRY OF MEDICAL EXAMINERS.*—Not later than 6

1 *months after the date of the enactment of this Act, the Sec-*  
 2 *retary shall establish a national registry of medical exam-*  
 3 *iners in accordance with section 31149(d)(1) of title 49,*  
 4 *United States Code.*

5 **SEC. 12. SAFETY AND ENFORCEMENT TECHNOLOGY FOR**  
 6 **MOTORCOACHES.**

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

8 *(1) IN GENERAL.—*

9 *(A) RULEMAKING.—Not later than 1 year*  
 10 *after the date of the enactment of this Act, the*  
 11 *Secretary shall prescribe regulations requiring*  
 12 *that all motorcoaches used by a motor carrier in*  
 13 *interstate commerce be equipped with electronic*  
 14 *on-board recorders.*

15 *(B) PERFORMANCE REQUIREMENTS.—The*  
 16 *regulations prescribed by the Secretary under*  
 17 *this section shall include performance require-*  
 18 *ments to ensure that electronic on-board record-*  
 19 *ers—*

20 *(i) accurately record commercial driver*  
 21 *hours of service;*

22 *(ii) allow tracking of driver and vehi-*  
 23 *cle location; and*

24 *(iii) are tamper resistant.*

1           (2) *APPLICABILITY.*—*The regulations prescribed*  
2 *under paragraph (1) shall apply to all motorcoaches*  
3 *described in such paragraph beginning on the date*  
4 *that is 2 years after the date on which the regulation*  
5 *is published as a final rule.*

6           (b) *EVENT DATA RECORDERS.*—

7           (1) *EVALUATION.*—*Not later than 1 year after*  
8 *the date of the enactment of this Act, the Secretary,*  
9 *after considering the performance requirements for*  
10 *event data recorders for passenger vehicles under part*  
11 *563 of title 49, Code of Federal Regulations, shall*  
12 *complete an evaluation of event data recorders, in-*  
13 *cluding requirements regarding specific types of vehi-*  
14 *cle operations, events and incidents, and systems in-*  
15 *formation to be recorded, for event data recorders to*  
16 *be used on motorcoaches used by motor carriers in*  
17 *interstate commerce.*

18           (2) *STANDARDS AND REGULATIONS.*—*Not later*  
19 *than 2 years after completing the evaluation required*  
20 *under paragraph (1), the Secretary shall issue stand-*  
21 *ards and regulations based on the results of that eval-*  
22 *uation.*

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

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

8 *(1) the risks associated with improperly main-*  
 9 *tained or inspected commercial motor vehicles de-*  
 10 *signed or used to transport passengers;*

11 *(2) the effectiveness of existing Federal standards*  
 12 *for the inspection of such vehicles in—*

13 *(A) mitigating the risks described in para-*  
 14 *graph (1); and*

15 *(B) ensuring the safe and proper operation*  
 16 *condition of such vehicles; and*

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

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

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

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

25 *“(a) IN GENERAL.—Not later than 1 year after the*  
 26 *date of the enactment of the Motorcoach Enhanced Safety*



1 *Act of 2011, the Secretary of Transportation shall prescribe*  
2 *regulations on the use of electronic or wireless devices, in-*  
3 *cluding cell phones and other distracting devices, by an in-*  
4 *dividual employed as the operator of a motorcoach (as de-*  
5 *finied in section 2(8) of such Act).*

6       “(b) *BASIS FOR REGULATIONS.*—*The Secretary shall*  
7 *base the regulations prescribed under subsection (a) on acci-*  
8 *dent data analysis, the results of ongoing research, and*  
9 *other information, as appropriate.*

10       “(c) *PROHIBITED USE.*—*Except as provided under*  
11 *subsection (d), the Secretary shall prohibit the use of the*  
12 *devices described in subsection (a) in circumstances in*  
13 *which the Secretary determines that their use interferes*  
14 *with the driver’s safe operation of a motorcoach.*

15       “(d) *PERMITTED USE.*—*The Secretary may permit the*  
16 *use of a device that is otherwise prohibited under subsection*  
17 *(c) if the Secretary determines that such use is necessary*  
18 *for the safety of the driver or the public in emergency cir-*  
19 *cumstances.”.*

20       “(b) *CONFORMING AMENDMENT.*—*The table of contents*  
21 *for chapter 311 of title 49, United States Code, is amended*  
22 *by inserting after the item relating to section 31151 the fol-*  
23 *lowing:*

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

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

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

4 *“(3) ‘employer’—*

5 *“(A) means a person engaged in a business*  
6 *affecting interstate commerce that—*

7 *“(i) owns or leases a commercial motor*  
8 *vehicle in connection with that business, or*  
9 *assigns and employee to operate it; or*

10 *“(ii) offers for rent or lease motor vehi-*  
11 *cles designed or used to transport more than*  
12 *15 passengers, including the driver, and*  
13 *from the same location or as part of the*  
14 *same business provides names or contact in-*  
15 *formation of drivers, arranges for a driver*  
16 *of the rented or leased passenger-carrying*  
17 *motor vehicle, or holds itself out to the pub-*  
18 *lic as a provider of transportation services;*  
19 *and*

20 *“(B) does not include an individual who is*  
21 *an employee of the United States Government, a*  
22 *State, or a political subdivision of a State acting*  
23 *in the course of that individual’s employment as*  
24 *such an employee.”.*

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

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

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

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

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

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

13 **SEC. 17. REGULATIONS.**

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

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**S. 453**

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**A BILL**

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

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NOVEMBER 9, 2011

Reported with an amendment