

111TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To require the use of electronic on-board recording devices in motor carriers to improve compliance with hours of service regulations.

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IN THE SENATE OF THE UNITED STATES

Mr. PRYOR (for himself and Mr. ALEXANDER) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To require the use of electronic on-board recording devices in motor carriers to improve compliance with hours of service regulations.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commercial Driver  
5 Compliance Improvement Act”.

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

7 (a) AMENDMENTS.—Subchapter III of chapter 311  
8 of title 49, United States Code, is amended—

9 (1) in section 31132—

1 (A) by redesignating paragraphs (2)  
2 through (11) as paragraphs (4) through (13),  
3 respectively; and

4 (B) by inserting after paragraph (1) the  
5 following:

6 “(2) ‘driving time’ has the meaning given such  
7 term under section 395.2 of title 49, Code of Fed-  
8 eral Regulations.

9 “(3) ‘electronic on-board recording device’  
10 means an electronic device that—

11 “(A) is capable of recording a driver’s duty  
12 hours of service and duty status accurately and  
13 automatically; and

14 “(B) meets the requirements under section  
15 395.16(b) of title 49, Code of Federal Regula-  
16 tions.”; and

17 (2) in section 31137—

18 (A) in the section heading by striking  
19 “**Monitoring device**” and inserting “**Elec-**  
20 **tronic on-board recording devices**”;  
21 and

22 (B) by amending subsection (a) to read as  
23 follows:

24 “(a) ELECTRONIC ON-BOARD RECORDING DE-  
25 VICES.—

1           “(1) REQUIREMENT.—All commercial motor ve-  
2           hicles involved in interstate commerce and subject to  
3           both the hours of service and the record of duty sta-  
4           tus requirements under part 395 of title 49, Code of  
5           Federal Regulations, shall be equipped with an elec-  
6           tronic on-board recording device to improve compli-  
7           ance with hours of service regulations under such  
8           part.

9           “(2) LIMITATIONS OF INFORMATION RE-  
10          TRIEVAL.—

11           “(A) IN GENERAL.—Data recorded by an  
12           electronic on-board recording device that meets  
13           the requirements under part 395 of title 49,  
14           Code of Federal Regulations, is not admissible  
15           in any civil, criminal, or administrative pro-  
16           ceeding for any purpose other than establishing  
17           compliance or noncompliance with the applica-  
18           ble Federal hours-of-service rules governing the  
19           maximum driving time and minimum off-duty  
20           time applicable to motor carriers and drivers.

21           “(B) APPLICABILITY TO CIVIL AND CRIMI-  
22           NAL PROCEEDINGS.—The prohibition under  
23           subparagraph (A) shall apply to any civil or  
24           criminal action or proceeding, whether in Fed-  
25           eral or State court, and to any administrative

1 action, whether by Federal or State authorities,  
2 unless—

3 “(i) the owner consents to the re-  
4 trieval of the information; or

5 “(ii) the information—

6 “(I) is retrieved by a government  
7 motor vehicle safety agency or law en-  
8 forcement agency to determine compli-  
9 ance with hours of service regulations  
10 under part 395 of title 49, Code of  
11 Federal Regulations, and enforcing  
12 penalties for violating hours of service  
13 regulations under such part; and

14 “(II) is not used by any person  
15 or entity other than a government  
16 motor vehicle agency for the purposes  
17 set forth in subclause (I) without  
18 owner consent.

19 “(C) DEFINED TERM.—In this paragraph,  
20 the term ‘owner’ means a person or entity—

21 “(i) in whose name the motor vehicle,  
22 which is equipped with the device from  
23 which the data is retrieved, is registered or  
24 titled; or

1                   “(ii) entitled to possession of the  
2                   motor vehicle as lessee pursuant to a writ-  
3                   ten lease or rental agreement.”.

4           (b) **EFFECTIVE DATE.**—The amendments made  
5 under subsection (a) shall take effect on the effective date  
6 of the final regulations prescribed by the Secretary of  
7 Transportation pursuant to section 3.

8 **SEC. 3. RULEMAKING.**

9           (a) **IN GENERAL.**—Not later than 18 months after  
10 the date of the enactment of this Act, the Secretary of  
11 Transportation shall prescribe final regulations to carry  
12 out section 31137 of title 49, United States Code, as  
13 amended by section 2.

14           (b) **PERFORMANCE AND DESIGN STANDARDS.**—The  
15 regulations prescribed by the Secretary under this section  
16 shall establish performance and design standards that re-  
17 quire each electronic on-board recording device—

18                   (1) to be integrally linked or communicate with  
19                   the vehicle’s engine control module;

20                   (2) to identify each individual who operates the  
21                   vehicle;

22                   (3) to accurately record driving time;

23                   (4) to provide real-time tracking of the vehicle’s  
24                   location;

1           (5) to enable law enforcement personnel to ac-  
2           cess the information contained in the device during  
3           roadside inspections; and

4           (6) to be tamper resistant.

5           (c) **ADDITIONAL REQUIREMENTS.**—The regulations  
6           prescribed by the Secretary under this section shall—

7           (1) define a standardized user interface to aid  
8           vehicle operator compliance and law enforcement re-  
9           views;

10          (2) establish a secure process for standardized  
11          and unique vehicle operator identification, data ac-  
12          cess, data transfer for vehicle operators between  
13          motor vehicles, data storage for motor carriers, and  
14          data transfer and transportability for law enforce-  
15          ment;

16          (3) establish a standard security level for elec-  
17          tronic on-board recording devices to be tamper re-  
18          sistant; and

19          (4) establish a process for approving eligible  
20          electronic on-board recorder systems.

21          (d) **EFFECTIVE DATE; APPLICABILITY.**—The regula-  
22          tions prescribed under this section shall apply to all motor  
23          carriers, commercial motor vehicles, and vehicle operators  
24          subject to both the hours of service and the record of duty  
25          status requirements under part 395 of title 49, Code of

- 1 Federal Regulations, beginning on the date that is 3 years
- 2 after the date of the enactment of this Act.