

# ***Moving Ahead for Progress in the 21st Century Act (MAP-21)***

112<sup>th</sup> Congress, H.R.4348  
Signed into law on July 6, 2012

## **DIVISION C--TRANSPORTATION SAFETY AND SURFACE TRANSPORTATION POLICY**

### **TITLE II--COMMERCIAL MOTOR VEHICLE SAFETY ENHANCEMENT ACT OF 2012**

Sec. 32001. Short title.

Sec. 32002. References to title 49, United States Code.

#### **Subtitle A--Commercial Motor Vehicle Registration**

Sec. 32101. Registration of motor carriers.

Sec. 32102. Safety fitness of new operators.

Sec. 32103. Reincarnated carriers.

Sec. 32104. Financial responsibility requirements.

Sec. 32105. USDOT number registration requirement.

Sec. 32106. Registration fee system.

Sec. 32107. Registration update.

Sec. 32108. Increased penalties for operating without registration.

Sec. 32109. Revocation of registration for imminent hazard.

Sec. 32110. Revocation of registration and other penalties for failure to respond to subpoena.

Sec. 32111. Fleetwide out of service order for operating without required registration.

Sec. 32112. Motor carrier and officer patterns of safety violations.

#### **Subtitle B--Commercial Motor Vehicle Safety**

Sec. 32201. Crashworthiness standards.

Sec. 32202. Canadian safety rating reciprocity.

Sec. 32203. State reporting of foreign commercial driver convictions.

Sec. 32204. Authority to disqualify foreign commercial drivers.

Sec. 32205. Revocation of foreign motor carrier operating authority for failure to pay civil penalties.

Sec. 32206. Rental truck accident study.

#### **Subtitle C--Driver Safety**

Sec. 32301. Hours of service study and electronic logging devices.

Sec. 32302. Driver medical qualifications.

Sec. 32303. Commercial driver's license notification system.

- Sec. 32304. Commercial motor vehicle operator training.
- Sec. 32305. Commercial driver's license program.
- Sec. 32306. Commercial motor vehicle driver information systems.
- Sec. 32307. Employer responsibilities.
- Sec. 32308. Program to assist Veterans to acquire commercial driver's licenses.

## **Subtitle D--Safe Roads Act of 2012**

- Sec. 32401. Short title.
- Sec. 32402. National clearinghouse for controlled substance and alcohol test results of commercial motor vehicle operators.

## **Subtitle E--Enforcement**

- Sec. 32501. Inspection demand and display of credentials.
- Sec. 32502. Out of service penalty for denial of access to records.
- Sec. 32503. Penalties for violation of operation out of service orders.
- Sec. 32504. Impoundment and immobilization of commercial motor vehicles for imminent hazard.
- Sec. 32505. Increased penalties for evasion of regulations.
- Sec. 32506. Violations relating to commercial motor vehicle safety regulation and operators.
- Sec. 32507. Emergency disqualification for imminent hazard.
- Sec. 32508. Disclosure to State and local law enforcement agencies.
- Sec. 32509. Grade crossing safety regulations.

## **Subtitle F--Compliance, Safety, Accountability**

- Sec. 32601. Motor carrier safety assistance program.
- Sec. 32602. Performance and registration information systems management program.
- Sec. 32603. Authorization of appropriations.
- Sec. 32604. Grants for commercial driver's license program implementation.
- Sec. 32605. Commercial vehicle information systems and networks.

## **Subtitle G--Motorcoach Enhanced Safety Act of 2012**

- Sec. 32701. Short title.
- Sec. 32702. Definitions.
- Sec. 32703. Regulations for improved occupant protection, passenger evacuation, and crash avoidance.
- Sec. 32704. Fire prevention and mitigation.
- Sec. 32705. Occupant protection, collision avoidance, fire causation, and fire extinguisher research and testing.
- Sec. 32706. Concurrence of research and rulemaking.
- Sec. 32707. Improved oversight of motorcoach service providers.
- Sec. 32708. Report on feasibility, benefits, and costs of establishing a system of certification of training programs.

Sec. 32709. Commercial driver's license passenger endorsement requirements.

Sec. 32710. Safety inspection program for commercial motor vehicles of passengers.

Sec. 32711. Regulations.

## **Subtitle H--Safe Highways and Infrastructure Preservation**

Sec. 32801. Comprehensive truck size and weight limits study.

Sec. 32802. Compilation of existing State truck size and weight limit laws.

## **Subtitle I--Miscellaneous**

### **PART I--Miscellaneous**

Sec. 32911. Prohibition of coercion.

Sec. 32912. Motor carrier safety advisory committee.

Sec. 32913. Waivers, exemptions, and pilot programs.

Sec. 32914. Registration requirements.

Sec. 32915. Additional motor carrier registration requirements.

Sec. 32916. Registration of freight forwarders and brokers.

Sec. 32917. Effective periods of registration.

Sec. 32918. Financial security of brokers and freight forwarders.

Sec. 32919. Unlawful brokerage activities.

### **PART II--Household Goods Transportation**

Sec. 32921. Additional registration requirements for household goods motor carriers.

Sec. 32922. Failure to give up possession of household goods.

Sec. 32923. Settlement authority.

### **PART III--Technical Amendments**

Sec. 32931. Update of obsolete text.

Sec. 32932. Correction of interstate commerce commission references.

Sec. 32933. Technical and conforming amendments.

Sec. 32934. Exemptions from requirements for covered farm vehicles.

## **TITLE III--HAZARDOUS MATERIALS TRANSPORTATION SAFETY IMPROVEMENT ACT OF 2012**

Sec. 33001. Short title.

Sec. 33002. Definition.

Sec. 33003. References to title 49, United States Code.

Sec. 33004. Training for emergency responders.

Sec. 33005. Paperless Hazard Communications Pilot Program.

Sec. 33006. Improving data collection, analysis, and reporting.

- Sec. 33007. Hazardous material technical assessment, research and development, and analysis program.
- Sec. 33008. Hazardous Material Enforcement Training.
- Sec. 33009. Inspections.
- Sec. 33010. Civil penalties.
- Sec. 33011. Reporting of fees.
- Sec. 33012. Special permits, approvals, and exclusions.
- Sec. 33013. Highway routing disclosures.
- Sec. 33014. Motor carrier safety permits.
- Sec. 33015. Wetlines.
- Sec. 33016. Hazmat employee training requirements and grants.
- Sec. 33017. Authorization of appropriations.

### **SEC. 32001. SHORT TITLE.**

This title may be cited as the 'Commercial Motor Vehicle Safety Enhancement Act of 2012'.

### **SEC. 32002. REFERENCES TO TITLE 49, UNITED STATES CODE.**

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

## **Subtitle A--Commercial Motor Vehicle Registration**

### **SEC. 32101. REGISTRATION OF MOTOR CARRIERS.**

(a) Registration Requirements- Section 13902(a)(1) is amended to read as follows:

- ` (1) IN GENERAL- Except as otherwise provided in this section, the Secretary of Transportation shall register a person to provide transportation subject to jurisdiction under subchapter I of chapter 135 as a motor carrier only if the Secretary determines that the person--
  - ` (A) is willing and able to comply with--
    - ` (i) this part and the applicable regulations of the Secretary and the Board;
    - ` (ii) any safety regulations imposed by the Secretary;
    - ` (iii) the duties of employers and employees established by the Secretary under section 31135;
    - ` (iv) the safety fitness requirements established by the Secretary under section 31144;
    - ` (v) the accessibility requirements established by the Secretary under subpart H of part 37 of title 49, Code of Federal Regulations (or successor regulations), for transportation provided by an over-the-road bus; and
    - ` (vi) the minimum financial responsibility requirements established by the Secretary under sections 13906, 31138, and 31139;

- ` (B) has been issued a USDOT number under section 31134;
- ` (C) has disclosed any relationship involving common ownership, common management, common control, or common familial relationship between that person and any other motor carrier, freight forwarder, or broker, or any other applicant for motor carrier, freight forwarder, or broker registration, if the relationship occurred in the 3-year period preceding the date of the filing of the application for registration; and
- ` (D) after the Secretary establishes a written proficiency examination pursuant to section 32101(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2012, has passed the written proficiency examination.'

(b) Written Proficiency Examination-

Not later than 18 months after the date of enactment of this Act, the Secretary shall establish through a rulemaking a written proficiency examination for applicant motor carriers pursuant to section 13902(a)(1)(D) of title 49, United States Code. The written proficiency examination shall test a person's knowledge of applicable safety regulations, standards, and orders of the Federal government.

(c) Conforming Amendment- Section 210(b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31144 note) is amended--

- (1) by inserting ` , commercial regulations, and provisions of subpart H of part 37 of title 49, Code of Federal Regulations, or successor regulations' after ` applicable safety regulations'; and
- (2) by striking ` consider the establishment of' and inserting ` establish'.

(d) Transportation of Agricultural Commodities and Farm Supplies- Section 229(a)(1) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note) is amended to read as follows:

- ` (1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES- Regulations prescribed by the Secretary under sections 31136 and 31502 regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply during planting and harvest periods, as determined by each State, to--
  - ` (A) drivers transporting agricultural commodities from the source of the agricultural commodities to a location within a 150 air-mile radius from the source;
  - ` (B) drivers transporting farm supplies for agricultural purposes from a wholesale or retail distribution point of the farm supplies to a farm or other location where the farm supplies are intended to be used within a 150 air-mile radius from the distribution point; or
  - ` (C) drivers transporting farm supplies for agricultural purposes from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies within a 150 air-mile radius from the wholesale distribution point.'

**SEC. 32102. SAFETY FITNESS OF NEW OPERATORS.**

(a) Safety Reviews of New Operators- Section 31144(g)(1) is amended to read as follows:

- ` (1) SAFETY REVIEW-

` (A) IN GENERAL- Except as provided under subparagraph (B), the Secretary shall require, by regulation, each owner and each operator granted new registration under section 13902 or 31134 to undergo a safety review not later than 12 months after the owner or operator, as the case may be, begins operations under such registration.

` (B) PROVIDERS OF MOTORCOACH SERVICES- The Secretary shall require, by regulation, each owner and each operator granted new registration to transport passengers under section 13902 or 31134 to undergo a safety review not later than 120 days after the owner or operator, as the case may be, begins operations under such registration.'

(b) Effective Date- The amendments made by subsection (a) shall take effect 1 year after the date of enactment of this Act.

### **SEC. 32103. REINCARNATED CARRIERS.**

(a) Effective Periods of Registration-

(1) SUSPENSIONS, AMENDMENTS, AND REVOCATIONS- Section 13905(d) is amended--

(A) by redesignating paragraph (2) as paragraph (4);

(B) by striking paragraph (1) and inserting the following:

` (1) APPLICATIONS- On application of the registrant, the Secretary may amend or revoke a registration.

` (2) COMPLAINTS AND ACTIONS ON SECRETARY'S OWN INITIATIVE- On complaint or on the Secretary's own initiative and after notice and an opportunity for a proceeding, the Secretary may--

` (A) suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder for willful failure to comply with--

` (i) this part;

` (ii) an applicable regulation or order of the Secretary or the Board, including the accessibility requirements established by the Secretary under subpart H of part 37 of title 49, Code of Federal Regulations (or successor regulations), for transportation provided by an over-the-road bus; or

` (iii) a condition of its registration;

` (B) withhold, suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder for failure--

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

` (ii) to arrange and abide by an acceptable payment plan for such civil penalty, not later than 90 days after the date specified by order of the Secretary for the payment of such penalty; or

` (iii) for failure to obey a subpoena issued by the Secretary;

` (C) withhold, suspend, amend, or revoke any part of a registration of a motor carrier, broker, or freight forwarder following a determination by the Secretary that the motor carrier, broker, or freight forwarder failed to disclose, in its application for registration, a material fact relevant to its willingness and ability to comply with--

` (i) this part;

^ (ii) an applicable regulation or order of the Secretary or the Board; or

^ (iii) a condition of its registration; or

^ (D) withhold, suspend, amend, or revoke any part of a registration of a motor carrier, broker, or freight forwarder if the Secretary finds that-

^ (i) the motor carrier, broker, or freight forwarder does not disclose any relationship through common ownership, common management, common control, or common familial relationship to any other motor carrier, broker, or freight forwarder, or any other applicant for motor carrier, broker, or freight forwarder registration that the Secretary determines is or was unwilling or unable to comply with the relevant requirements listed in section 13902, 13903, or 13904

^ (3) LIMITATION- Paragraph (2)(B) shall not apply to a person who is unable to pay a civil penalty because the person is a debtor in a case under chapter 11 of title 11.'; and

(C) in paragraph (4), as redesignated by section 32103(a)(1)(A) of this Act, by striking ^ paragraph (1)(B)' and inserting ^ paragraph (2)(B)'.

(2) PROCEDURE- Section 13905(e) is amended by inserting ^ or if the Secretary determines that the registrant failed to disclose a material fact in an application for registration in accordance with subsection (d)(2)(C),' after ^ registrant,'.

(b) Information Systems- Section 31106(a)(3) is amended--

(1) in subparagraph (F), by striking ^ and' at the end;

(2) in subparagraph (G), by striking the period at the end and inserting ^ ; and'; and

(3) by adding at the end the following:

^ (H) determine whether a person or employer is or was related, through common ownership, common management, common control, or common familial relationship, to any other person, employer, or any other applicant for registration under section 13902 or 31134.'.

#### **SEC. 32104. FINANCIAL RESPONSIBILITY REQUIREMENTS.**

Not later than 6 months after the date of enactment of this Act, and every 4 years thereafter, the Secretary shall--

(1) issue a report on the appropriateness of--

(A) the current minimum financial responsibility requirements under sections 31138 and 31139 of title 49, United States Code; and

(B) the current bond and insurance requirements under sections 13904(f), 13903, and 13906 of title 49, United States Code; and

(2) submit the report issued under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

#### **SEC. 32105. USDOT NUMBER REGISTRATION REQUIREMENT.**

(a) In General- Chapter 311 is amended by inserting after section 31133 the following:

Sec. 31134. Requirement for registration and USDOT number

(a) In General- Upon application, and subject to subsections (b) and (c), the Secretary shall register an employer or person subject to the safety jurisdiction of this subchapter. An employer or person may operate a commercial motor vehicle in interstate commerce only if the employer or person is registered by the Secretary under this section and receives a USDOT number. Nothing in this section shall preclude registration by the Secretary of an employer or person not engaged in interstate commerce. An employer or person subject to jurisdiction under subchapter I of chapter 135 of this title shall apply for commercial registration under section 13902 of this title.

(b) Withholding Registration- The Secretary shall register an employer or person under subsection (a) only if the Secretary determines that--

(1) the employer or person seeking registration is willing and able to comply with the requirements of this subchapter and the regulations prescribed thereunder and chapter 51 and the regulations prescribed thereunder;

(2)(A) during the 3-year period before the date of the filing of the application, the employer or person is not or was not related through common ownership, common management, common control, or common familial relationship to any other person or applicant for registration subject to this subchapter who, during such 3-year period, is or was unfit, unwilling, or unable to comply with the requirements listed in subsection (b)(1); or

(3) the employer or person has disclosed to the Secretary any relationship involving common ownership, common management, common control, or common familial relationship to any other person or applicant for registration subject to this subchapter.

(c) Revocation or Suspension of Registration- The Secretary shall revoke the registration of an employer or person issued under subsection (a) after notice and an opportunity for a proceeding, or suspend the registration after giving notice of the suspension to the employer or person, if the Secretary determines that--

(1) the employer's or person's authority to operate pursuant to chapter 139 of this title is subject to revocation or suspension under sections 13905(d)(1) or 13905(f) of this title;

(2) the employer or person has knowingly failed to comply with the requirements listed in subsection (b)(1);

(3) the employer or person has not disclosed any relationship through common ownership, common management, common control, or common familial relationship to any other person or applicant for registration subject to this subchapter that the Secretary determines is or was unfit, unwilling, or unable to comply with the requirements listed in subsection (b)(1);

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

(d) Periodic Registration Update- The Secretary may require an employer to update a registration under this section not later than 30 days after a change in the employer's address, other contact information, officers, process agent, or other essential information, as determined by the Secretary.



` (e) State Authority- Nothing in this section shall be construed as affecting the authority of a State to issue a Department of Transportation number under State law to a person operating in intrastate commerce.'

(b) Conforming Amendment- The analysis of chapter 311 is amended by inserting after the item relating to section 31133 the following:

` 31134. Requirement for registration and USDOT number.'

### **SEC. 32106. REGISTRATION FEE SYSTEM.**

Section 13908(d)(1) is amended by striking `but shall not exceed \$300'.

### **SEC. 32107. REGISTRATION UPDATE.**

(a) Motor Carrier Update- Section 13902 is amended by adding at the end the following:

` (h) Update of Registration-

` (1) IN GENERAL- The Secretary shall require a registrant to update its registration under this section not later than 30 days after a change in the registrant's address, other contact information, officers, process agent, or other essential information, as determined by the Secretary.

` (2) MOTOR CARRIERS OF PASSENGERS- In addition to the requirements of paragraph (1), the Secretary shall require a motor carrier of passengers to update its registration information, including numbers of vehicles, annual mileage, and individuals responsible for compliance with Federal safety regulations quarterly for the first 2 years after being issued a registration under this section.'

(b) Freight Forwarder Update- Section 13903 is amended by adding at the end the following:

` (c) Update of Registration- The Secretary shall require a freight forwarder to update its registration under this section not later than 30 days after a change in the freight forwarder's address, other contact information, officers, process agent, or other essential information, as determined by the Secretary.'

(c) Broker Update- Section 13904 is amended by adding at the end the following:

` (e) Update of Registration- The Secretary shall require a broker to update its registration under this section not later than 30 days after a change in the broker's address, other contact information, officers, process agent, or other essential information, as determined by the Secretary.'

### **SEC. 32108. INCREASED PENALTIES FOR OPERATING WITHOUT REGISTRATION.**

(a) Penalties- Section 14901(a) is amended--

(1) by striking ` \$500' and inserting ` \$1,000';

(2) by striking ` who is not registered under this part to provide transportation of passengers,';

(3) by striking ` with respect to providing transportation of passengers,' and inserting ` or section 13902(c) of this title,'; and

(4) by striking ` \$2,000 for each violation and each additional day the violation continues' and inserting ` \$10,000 for each violation, or \$25,000 for each violation relating to providing transportation of passengers'.

(b) Transportation of Hazardous Wastes- Section 14901(b) is amended by striking `not to exceed \$20,000' and inserting `not less than \$20,000, but not to exceed \$40,000'.

#### **SEC. 32109. REVOCATION OF REGISTRATION FOR IMMINENT HAZARD.**

Section 13905(f)(2) is amended to read as follows:

`(2) IMMINENT HAZARD TO PUBLIC HEALTH- Notwithstanding subchapter II of chapter 5 of title 5, the Secretary shall revoke the registration of a motor carrier if the Secretary finds that the carrier is or was conducting unsafe operations that are or were an imminent hazard to public health or property.'

#### **SEC. 32110. REVOCATION OF REGISTRATION AND OTHER PENALTIES FOR FAILURE TO RESPOND TO SUBPOENA.**

Section 525 is amended--

- (1) by striking `subpenas' in the section heading and inserting `subpoenas';
- (2) by striking `subpena' and inserting `subpoena';
- (3) by striking `\$100' and inserting `\$1,000';
- (4) by striking `\$5,000' and inserting `\$10,000'; and
- (5) by adding at the end the following:

`The Secretary may withhold, suspend, amend, or revoke any part of the registration of a person required to register under chapter 139 for failing to obey a subpoena or requirement of the Secretary under this chapter to appear and testify or produce records.'

#### **SEC. 32111. FLEETWIDE OUT OF SERVICE ORDER FOR OPERATING WITHOUT REQUIRED REGISTRATION.**

Section 13902(e)(1) is amended--

- (1) by striking `motor vehicle' and inserting `motor carrier' after `the Secretary determines that a'; and
- (2) by striking `order the vehicle' and inserting `order the motor carrier operations' after `the Secretary may'.

#### **SEC. 32112. MOTOR CARRIER AND OFFICER PATTERNS OF SAFETY VIOLATIONS.**

Section 31135 is amended--

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

`(b) Noncompliance-

`(1) MOTOR CARRIERS- Two or more motor carriers, employers, or persons shall not use common ownership, common management, common control, or common familial relationship to enable any or all such motor carriers, employers, or persons to avoid compliance, or mask or otherwise conceal non-compliance, or a history of non-compliance, with regulations prescribed under this subchapter or an order of the Secretary issued under this subchapter.

`(2) PATTERN- If the Secretary finds that a motor carrier, employer, or person engaged in a pattern or practice of avoiding compliance, or masking or otherwise concealing noncompliance, with regulations prescribed under this subchapter, the Secretary--

` (A) may withhold, suspend, amend, or revoke any part of the motor carrier's, employer's, or person's registration in accordance with section 13905 or 31134; and

` (B) shall take into account such non-compliance for purposes of determining civil penalty amounts under section 521(b)(2)(D).

` (3) OFFICERS- If the Secretary finds, after notice and an opportunity for proceeding, that an officer of a motor carrier, employer, or owner or operator has engaged in a pattern or practice of, or assisted a motor carrier, employer, or owner or operator in avoiding compliance, or masking or otherwise concealing noncompliance, while serving as an officer or such motor carrier, employer, or owner or operator, the Secretary may suspend, amend, or revoke any part of a registration granted to the officer individually under section 13902 or 31134.'

## **Subtitle B--Commercial Motor Vehicle Safety**

### **SEC. 32201. CRASHWORTHINESS STANDARDS.**

(a) In General- Not later than 18 months after the date of enactment of this Act, the Secretary shall conduct a comprehensive analysis on the need for crashworthiness standards on property-carrying commercial motor vehicles with a gross vehicle weight rating or gross vehicle weight of at least 26,001 pounds involved in interstate commerce, including an evaluation of the need for roof strength, pillar strength, air bags, and other occupant protections standards, and frontal and back wall standards.

(b) Report- Not later than 90 days after completing the comprehensive analysis under subsection (a), the Secretary shall report the results of the analysis and any recommendations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

### **SEC. 32202. CANADIAN SAFETY RATING RECIPROCITY.**

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

` (h) Recognition of Canadian Motor Carrier Safety Fitness Determinations-

` (1) If an authorized agency of the Canadian federal government or a Canadian Territorial or Provincial government determines, by applying the procedure and standards prescribed by the Secretary under subsection (b) or pursuant to an agreement under paragraph (2), that a Canadian employer is unfit and prohibits the employer from operating a commercial motor vehicle in Canada or any Canadian Province, the Secretary may prohibit the employer from operating such vehicle in interstate and foreign commerce until the authorized Canadian agency determines that the employer is fit.

` (2) The Secretary may consult and participate in negotiations with authorized officials of the Canadian federal government or a Canadian Territorial or Provincial government, as necessary, to provide reciprocal recognition of each country's motor carrier safety fitness determinations. An agreement shall provide, to the maximum extent practicable, that each country will follow the procedure and standards prescribed by the Secretary under subsection (b) in making motor carrier safety fitness determinations.'

**SEC. 32203. STATE REPORTING OF FOREIGN COMMERCIAL DRIVER CONVICTIONS.**

- (a) Definition of Foreign Commercial Driver- Section 31301 is amended--
- (1) by redesignating paragraphs (10) through (14) as paragraphs (11) through (15), respectively; and
  - (2) by inserting after paragraph (9) the following:
    - ` (10) ` foreign commercial driver' means an individual licensed to operate a commercial motor vehicle by an authority outside the United States, or a citizen of a foreign country who operates a commercial motor vehicle in the United States.'
- (b) State Reporting of Convictions- Section 31311(a) is amended by adding after paragraph (21) the following:
- ` (22) The State shall report a conviction of a foreign commercial driver by that State to the Federal Convictions and Withdrawal Database, or another information system designated by the Secretary to record the convictions. A report shall include--
    - ` (A) for a driver holding a foreign commercial driver's license--
      - ` (i) each conviction relating to the operation of a commercial motor vehicle; and
      - ` (ii) each conviction relating to the operation of a non-commercial motor vehicle; and
    - ` (B) for an unlicensed driver or a driver holding a foreign non-commercial driver's license, each conviction relating to the operation of a commercial motor vehicle.'

**SEC. 32204. AUTHORITY TO DISQUALIFY FOREIGN COMMERCIAL DRIVERS.**

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

- ` (k) Foreign Commercial Drivers- A foreign commercial driver shall be subject to disqualification under this section.'

**SEC. 32205. REVOCATION OF FOREIGN MOTOR CARRIER OPERATING AUTHORITY FOR FAILURE TO PAY CIVIL PENALTIES.**

Section 13905(d)(2), as amended by section 32103(a) of this Act, is amended by inserting ` foreign motor carrier, foreign motor private carrier,' after ` registration of a motor carrier,' each place it appears.

**SEC. 32206. RENTAL TRUCK ACCIDENT STUDY.**

- (a) Definitions- In this section:
- (1) RENTAL TRUCK- The term ` rental truck' means a motor vehicle with a gross vehicle weight rating of between 10,000 and 26,000 pounds that is made available for rental by a rental truck company.
  - (2) RENTAL TRUCK COMPANY- The term ` rental truck company' means a person or company that is in the business of renting or leasing rental trucks to the public or for private use.
- (b) Study-
- (1) IN GENERAL- The Secretary shall conduct a study of the safety of rental trucks during the 7-year period ending on December 31, 2011.
  - (2) REQUIREMENTS- The study conducted under paragraph (1) shall--

- (A) evaluate available data on the number of crashes, fatalities, and injuries involving rental trucks and the cause of such crashes, utilizing police accident reports and other sources;
- (B) estimate the property damage and costs resulting from a subset of crashes involving rental truck operations, which the Secretary believes adequately reflect all crashes involving rental trucks;
- (C) analyze State and local laws regulating rental truck companies, including safety and inspection requirements;
- (D) assess the rental truck maintenance programs of a selection of small, medium, and large rental truck companies, as selected by the Secretary, including the frequency of rental truck maintenance inspections, and compare such programs with inspection requirements for passenger vehicles and commercial motor vehicles;
- (E) include any other information available regarding the safety of rental trucks; and
- (F) review any other information that the Secretary determines to be appropriate.

(c) Report- Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains--

- (1) the findings of the study conducted pursuant to subsection (b); and
- (2) any recommendations for legislation that the Secretary determines to be appropriate.

### **Subtitle C--Driver Safety**

#### **SEC. 32301. HOURS OF SERVICE STUDY AND ELECTRONIC LOGGING DEVICES.**

(a) Hours of Service Study-

(1) FIELD STUDY-

(A) IN GENERAL- Not later than March 31, 2013, the Secretary shall complete a field study on the efficacy of the restart rule published on December 27, 2011 (in this section referred to as the `2011 restart rule'), applicable to operators of commercial motor vehicles of property subject to maximum driving time requirements of the Secretary.

(B) REQUIREMENT- The field study shall expand upon the results of the laboratory-based study relating to commercial motor vehicle driver fatigue sponsored by the Federal Motor Carrier Safety Administration presented in the report of December 2010 titled `Investigation into Motor Carrier Practices to Achieve Optimal Commercial Motor Vehicle Driver Performance: Phase I'.

(C) CRITERIA- In conducting the field study, the Secretary shall ensure that--

(i) the methodology for the field study is consistent, to the maximum extent possible, with the laboratory-based study methodology;

(ii) the data collected is representative of the drivers and motor carriers regulated by the hours of service regulations, including

those drivers and carriers affected by the maximum driving time requirements;

(iii) the analysis is statistically valid; and

(iv) the field study follows the plan for the 'Scheduling and Fatigue Recovery Project' developed by the Federal Motor Carrier Safety Administration.

(D) REPORT TO CONGRESS- Not later than September 30, 2013, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the results of the field study.

(b) General Authority- Section 31137 is amended--

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

'Sec. 31137. Electronic logging devices and brake maintenance regulations';

(2) by redesignating subsection (b) as subsection (g); and

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

'(a) Use of Electronic Logging Devices- Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the Secretary of Transportation shall prescribe regulations--

'(1) requiring a commercial motor vehicle involved in interstate commerce and operated by a driver subject to the hours of service and the record of duty status requirements under part 395 of title 49, Code of Federal Regulations, be equipped with an electronic logging device to improve compliance by an operator of a vehicle with hours of service regulations prescribed by the Secretary; and

'(2) ensuring that an electronic logging device is not used to harass a vehicle operator.

'(b) Electronic Logging Device Requirements-

'(1) IN GENERAL- The regulations prescribed under subsection (a) shall--

'(A) require an electronic logging device--

'(i) to accurately record commercial driver hours of service;

'(ii) to record the location of a commercial motor vehicle;

'(iii) to be tamper resistant; and

'(iv) to be synchronized to the operation of the vehicle engine or be capable of recognizing when the vehicle is being operated;

'(B) allow law enforcement to access the data contained in the device during a roadside inspection; and

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

'(2) PERFORMANCE AND DESIGN STANDARDS- The regulations prescribed under subsection (a) shall establish performance standards--

'(A) defining a standardized user interface to aid vehicle operator compliance and law enforcement review;

'(B) establishing a secure process for standardized--

'(i) and unique vehicle operator identification;

'(ii) data access;

'(iii) data transfer for vehicle operators between motor vehicles;



` (A) is capable of recording a driver's hours of service and duty status accurately and automatically; and

` (B) meets the requirements established by the Secretary through regulation.

` (2) TAMPER RESISTANT- The term `tamper resistant' means resistant to allowing any individual to cause an electronic device to record the incorrect date, time, and location for changes to on-duty driving status of a commercial motor vehicle operator under part 395 of title 49, Code of Federal Regulations, or to subsequently alter the record created by that device.'

(c) Civil Penalties- Section 30165(a)(1) is amended by striking `or 30141 through 30147' and inserting `30141 through 30147, or 31137'.

(d) Conforming Amendment- The analysis for chapter 311 is amended by striking the item relating to section 31137 and inserting the following:

` 31137. Electronic logging devices and brake maintenance regulations.'

### **SEC. 32302. DRIVER MEDICAL QUALIFICATIONS.**

(a) Deadline for Establishment of National Registry of Medical Examiners- Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a national registry of medical examiners in accordance with section 31149(d)(1) of title 49, United States Code.

(b) Examination Requirement for National Registry of Medical Examiners- Section 31149(c)(1)(D) is amended to read as follows:

` (D) not later than 1 year after enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, develop requirements for a medical examiner to be listed in the national registry under this section, including--

` (i) the completion of specific courses and materials;

` (ii) certification, including, at a minimum, self-certification, if the Secretary determines that self-certification is necessary for sufficient participation in the national registry, to verify that a medical examiner completed specific training, including refresher courses, that the Secretary determines necessary to be listed in the national registry;

` (iii) an examination that requires a passing grade; and

` (iv) demonstration of a medical examiner's willingness to meet the reporting requirements established by the Secretary;'

(c) Additional Oversight of Licensing Authorities-

(1) IN GENERAL- Section 31149(c)(1) is amended--

(A) by amending subparagraph (E) to read as follows:

` (E) require medical examiners to transmit electronically, on a monthly basis, the name of the applicant, a numerical identifier, and additional information contained on the medical examiner's certificate for any completed medical examination report required under section 391.43 of title 49, Code of Federal Regulations, to the chief medical examiner;';

(B) in subparagraph (F), by striking the period at the end and inserting `; and'; and

(C) by adding at the end the following:



^ (G) annually review the implementation of commercial driver's license requirements by not fewer than 10 States to assess the accuracy, validity, and timeliness of--

^ (i) the submission of physical examination reports and medical certificates to State licensing agencies; and

^ (ii) the processing of the submissions by State licensing agencies.'

(2) INTERNAL OVERSIGHT POLICY-

(A) IN GENERAL- Not later than 2 years after the date of enactment of this Act, the Secretary shall establish an oversight policy and procedure to carry out section 31149(c)(1)(G) of title 49, United States Code, as added by section 32302(c)(1) of this Act.

(B) EFFECTIVE DATE- The amendments made by section 32303(c)(1) of this Act shall take effect on the date the oversight policies and procedures are established pursuant to subparagraph (A).

(d) Electronic Filing of Medical Examination Certificates- Section 31311(a), as amended by sections 32203(b) and 32305(b) of this Act, is amended by adding at the end the following:

^ (25) Not later than 5 years after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the State shall establish and maintain, as part of its driver information system, the capability to receive an electronic copy of a medical examiner's certificate, from a certified medical examiner, for each holder of a commercial driver's license issued by the State who operates or intends to operate in interstate commerce.'

(e) Funding- The Secretary is authorized to utilize funds provided under section 4101(c)(1) of SAFETEA-LU (119 Stat. 1715) to support development of costs of the information technology needed to carry out section 31311(a)(25) of title 49, United States Code.

**SEC. 32303. COMMERCIAL DRIVER'S LICENSE NOTIFICATION SYSTEM.**

(a) In General- Section 31304 is amended--

(1) by striking 'An employer' and inserting the following:

^ (a) In General- An employer'; and

(2) by adding at the end the following:

^ (b) Driver Violation Records-

^ (1) PERIODIC REVIEW- Except as provided in paragraph (3), an employer shall ascertain the driving record of each driver it employs--

^ (A) by making an inquiry at least once every 12 months to the appropriate State agency in which the driver held or holds a commercial driver's license or permit during such time period;

^ (B) by receiving occurrence-based reports of changes in the status of a driver's record from 1 or more driver record notification systems that meet minimum standards issued by the Secretary; or

^ (C) by a combination of inquiries to States and reports from driver record notification systems.

^ (2) RECORD KEEPING- A copy of the reports received under paragraph (1) shall be maintained in the driver's qualification file.

^ (3) EXCEPTIONS TO RECORD REVIEW REQUIREMENT- Paragraph (1) shall not apply to a driver employed by an employer who, in any 7-day period, is employed or used as a driver by more than 1 employer--

^ (A) if the employer obtains the driver's identification number, type, and issuing State of the driver's commercial motor vehicle license; or

^ (B) if the information described in subparagraph (A) is furnished by another employer and the employer that regularly employs the driver meets the other requirements under this section.

^ (4) DRIVER RECORD NOTIFICATION SYSTEM DEFINED- In this section, the term ^ driver record notification system' means a system that automatically furnishes an employer with a report, generated by the appropriate agency of a State, on the change in the status of an employee's driver's license due to a conviction for a moving violation, a failure to appear, an accident, driver's license suspension, driver's license revocation, or any other action taken against the driving privilege.'

(b) Standards for Driver Record Notification Systems- Not later than 1 year after the date of enactment of this Act, the Secretary shall issue minimum standards for driver notification systems, including standards for the accuracy, consistency, and completeness of the information provided.

(c) Plan for National Notification System-

(1) DEVELOPMENT- Not later than 2 years after the date of enactment of this Act, the Secretary shall develop recommendations and a plan for the development and implementation of a national driver record notification system, including--

(A) an assessment of the merits of achieving a national system by expanding the Commercial Driver's License Information System; and

(B) an estimate of the fees that an employer will be charged to offset the operating costs of the national system.

(2) SUBMISSION TO CONGRESS- Not later than 90 days after the recommendations and plan are developed under paragraph (1), the Secretary shall submit a report on the recommendations and plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

#### **SEC. 32304. COMMERCIAL MOTOR VEHICLE OPERATOR TRAINING.**

(a) In General- Section 31305 is amended by adding at the end the following:

^ (c) Standards for Training- Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the Secretary shall issue final regulations establishing minimum entry-level training requirements for an individual operating a commercial motor vehicle--

^ (1) addressing the knowledge and skills that--

^ (A) are necessary for an individual operating a commercial motor vehicle to safely operate a commercial motor vehicle; and

^ (B) must be acquired before obtaining a commercial driver's license for the first time or upgrading from one class of commercial driver's license to another class;

^ (2) addressing the specific training needs of a commercial motor vehicle operator seeking passenger or hazardous materials endorsements;

` (3) requiring effective instruction to acquire the knowledge, skills, and training referred to in paragraphs (1) and (2), including classroom and behind-the-wheel instruction;

` (4) requiring certification that an individual operating a commercial motor vehicle meets the requirements established by the Secretary; and

` (5) requiring a training provider (including a public or private driving school, motor carrier, or owner or operator of a commercial motor vehicle) that offers training that results in the issuance of a certification to an individual under paragraph (4) to demonstrate that the training meets the requirements of the regulations, through a process established by the Secretary.'.

(b) Commercial Driver's License Uniform Standards- Section 31308(1) is amended to read as follows:

` (1) an individual issued a commercial driver's license--

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

` (B) present certification of completion of driver training that meets the requirements established by the Secretary under section 31305(c);'.

(c) Conforming Amendment- The section heading for section 31305 is amended to read as follows:

` Sec. 31305. General driver fitness, testing, and training'.

(d) Conforming Amendment- The analysis for chapter 313 is amended by striking the item relating to section 31305 and inserting the following:

` 31305. General driver fitness, testing, and training.'.

### **SEC. 32305. COMMERCIAL DRIVER'S LICENSE PROGRAM.**

(a) In General- Section 31309 is amended--

(1) in subsection (e)(4), by amending subparagraph (A) to read as follows:

` (A) IN GENERAL- The plan shall specify--

` (i) a date by which all States shall be operating commercial driver's license information systems that are compatible with the modernized information system under this section; and

` (ii) that States must use the systems to receive and submit conviction and disqualification data.'; and

(2) in subsection (f), by striking `use' and inserting `use, subject to section 31313(a),'.

(b) Requirements for State Participation- Section 31311 is amended--

(1) in subsection (a), as amended by section 32203(b) of this Act--

(A) in paragraph (5), by striking `At least' and all that follows through `regulation),' and inserting: `Not later than the time period prescribed by the Secretary by regulation,'; and

(B) by adding at the end the following:

` (23) Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the State shall implement a system and practices for the exclusive electronic exchange of driver history

record information on the system the Secretary maintains under section 31309, including the posting of convictions, withdrawals, and disqualifications.

ˆ (24) Before renewing or issuing a commercial driver's license to an individual, the State shall request information pertaining to the individual from the drug and alcohol clearinghouse maintained under section 31306a.'; and

(2) by adding at the end the following:

ˆ (d) State Commercial Driver's License Program Plan-

ˆ (1) IN GENERAL- A State shall submit a plan to the Secretary for complying with the requirements under this section during the period beginning on the date the plan is submitted and ending on September 30, 2016.

ˆ (2) CONTENTS- A plan submitted by a State under paragraph (1) shall identify--

ˆ (A) the actions that the State will take to address any deficiencies in the State's commercial driver's license program, as identified by the Secretary in the most recent audit of the program; and

ˆ (B) other actions that the State will take to comply with the requirements under subsection (a).

ˆ (3) PRIORITY-

ˆ (A) IMPLEMENTATION SCHEDULE- A plan submitted by a State under paragraph (1) shall include a schedule for the implementation of the actions identified under paragraph (2). In establishing the schedule, the State shall prioritize actions to address any deficiencies highlighted by the Secretary as critical in the most recent audit of the program.

ˆ (B) DEADLINE FOR COMPLIANCE WITH REQUIREMENTS- A plan submitted by a State under paragraph (1) shall include assurances that the State will take the necessary actions to comply with the requirements of subsection (a) not later than September 30, 2015.

ˆ (4) APPROVAL AND DISAPPROVAL- The Secretary shall--

ˆ (A) review each plan submitted under paragraph (1);

ˆ (B)(i) approve a plan if the Secretary determines that the plan meets the requirements under this subsection and promotes the goals of this chapter; and

ˆ (ii) disapprove a plan that the Secretary determines does not meet the requirements or does not promote the goals.

ˆ (5) MODIFICATION OF DISAPPROVED PLANS- If the Secretary disapproves a plan under paragraph (4), the Secretary shall--

ˆ (A) provide a written explanation of the disapproval to the State; and

ˆ (B) allow the State to modify the plan and resubmit it for approval.

ˆ (6) PLAN UPDATES- The Secretary may require a State to review and update a plan, as appropriate.

ˆ (e) Annual Comparison of State Levels of Compliance- The Secretary shall annually--

ˆ (1) compare the relative levels of compliance by States with the requirements under subsection (a); and

ˆ (2) make the results of the comparison available to the public.'.

## **SEC. 32306. COMMERCIAL MOTOR VEHICLE DRIVER INFORMATION SYSTEMS.**

Section 31106(c) is amended--

(1) by striking the heading and inserting ` (1) In General.';

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

(3) by adding at the end the following:

` (2) ACCESS TO RECORDS- The Secretary may require a State, as a condition of an award of grant money under this section, to provide the Secretary access to all State licensing status and driver history records via an electronic information system, subject to section 2721 of title 18.'

### **SEC. 32307. EMPLOYER RESPONSIBILITIES.**

Section 31304, as amended by section 32303 of this Act, is amended in subsection (a)--

(1) by striking ` knowingly'; and

(2) by striking ` in which' and inserting ` that the employer knows or should reasonably know that'.

### **SEC. 32308. PROGRAM TO ASSIST VETERANS TO ACQUIRE COMMERCIAL DRIVER'S LICENSES.**

(a) Study-

(1) IN GENERAL- Not later than 90 days after the date of enactment of this Act, the Secretary, in coordination with the Secretary of Defense, and in consultation with the States and other relevant stakeholders, shall commence a study to assess Federal and State regulatory, economic, and administrative challenges faced by members and former members of the Armed Forces, who received safety training and operated qualifying motor vehicles during their service, in obtaining commercial driver's licenses (as defined in section 31301(3) of title 49, United States Code).

(2) REQUIREMENTS- The study under this subsection shall--

(A) identify written and behind-the-wheel safety training, qualification standards, knowledge and skills tests, or other operating experience members of the Armed Forces must meet that satisfy the minimum standards prescribed by the Secretary of Transportation for the operation of commercial motor vehicles under section 31305 of title 49, United States Code;

(B) compare the alcohol and controlled substances testing requirements for members of the Armed Forces with those required for holders of a commercial driver's license;

(C) evaluate the cause of delays in reviewing applications for commercial driver's licenses of members and former members of the Armed Forces;

(D) identify duplicative application costs;

(E) identify residency, domicile, training and testing requirements, and other safety or health assessments that affect or delay the issuance of commercial driver's licenses to members and former members of the Armed Forces; and

(F) include other factors that the Secretary determines to be appropriate to meet the requirements of the study.

(b) Report-

(1) IN GENERAL- Not later than 180 days after the commencement of the study under subsection (a), the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Financial Services of the House of Representatives that contains the findings and recommendations from the study.

(2) ELEMENTS- The report under paragraph (1) shall include--

(A) findings related to the study requirements under subsection (a)(2);

(B) recommendations for the Federal and State legislative, regulatory, and administrative actions necessary to address challenges identified in subparagraph (A); and

(C) a plan to implement the recommendations for which the Secretary has authority.

(c) Implementation- Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Defense and in cooperation with the States, shall implement the recommendations identified in subsection (b) and establish accelerated licensing procedures to assist veterans to acquire commercial driver's licenses.

(d) Accelerated Licensing Procedures- The procedures established under subsection (a) shall be designed to be applicable to any veteran who--

(1) is attempting to acquire a commercial driver's license; and

(2) obtained, during military service, documented driving experience that, in the determination of the Secretary, makes the use of accelerated licensing procedures appropriate.

(e) Definitions- In this section:

(1) COMMERCIAL DRIVER'S LICENSE- The term `commercial driver's license' has the meaning given that term in section 31301 of title 49, United States Code.

(2) STATE- The term `State' has the meaning given that term in section 31301 of title 49, United States Code.

(3) VETERAN- The term `veteran' has the meaning given that term in section 101 of title 38, United States Code.

## **Subtitle D--Safe Roads Act of 2012**

### **SEC. 32401. SHORT TITLE.**

This subtitle may be cited as the `Safe Roads Act of 2012'.

### **SEC. 32402. NATIONAL CLEARINGHOUSE FOR CONTROLLED SUBSTANCE AND ALCOHOL TEST RESULTS OF COMMERCIAL MOTOR VEHICLE OPERATORS.**

(a) In General- Chapter 313 is amended--

(1) in section 31306(a), by inserting `and section 31306a' after `this section'; and

(2) by inserting after section 31306 the following:

`Sec. 31306a. National clearinghouse for controlled substance and alcohol test results of commercial motor vehicle operators

`(a) Establishment-

- ˘ (1) IN GENERAL- Not later than 2 years after the date of enactment of the Safe Roads Act of 2012, the Secretary of Transportation shall establish, operate, and maintain a national clearinghouse for records relating to alcohol and controlled substances testing of commercial motor vehicle operators.
- ˘ (2) PURPOSES- The purposes of the clearinghouse shall be--
  - ˘ (A) to improve compliance with the Department of Transportation's alcohol and controlled substances testing program applicable to commercial motor vehicle operators; and
  - ˘ (B) to enhance the safety of our United States roadways by reducing accident and injuries involving the misuse of alcohol or use of controlled substances by operators of commercial motor vehicles.
- ˘ (3) CONTENTS- The clearinghouse shall function as a repository for records relating to the positive test results and test refusals of commercial motor vehicle operators and violations by such operators of prohibitions set forth in subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).
- ˘ (4) ELECTRONIC EXCHANGE OF RECORDS- The Secretary shall ensure that records can be electronically submitted to, and requested from, the clearinghouse by authorized users.
- ˘ (5) AUTHORIZED OPERATOR- The Secretary may authorize a qualified private entity to operate and maintain the clearinghouse and to collect fees on behalf of the Secretary under subsection (e). The entity shall operate and maintain the clearinghouse and permit access to driver information and records from the clearinghouse in accordance with this section.
- ˘ (b) Design of Clearinghouse-
  - ˘ (1) USE OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION RECOMMENDATIONS- In establishing the clearinghouse, the Secretary shall consider--
    - ˘ (A) the findings and recommendations contained in the Federal Motor Carrier Safety Administration's March 2004 report to Congress required under section 226 of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31306 note); and
    - ˘ (B) the findings and recommendations contained in the Government Accountability Office's May 2008 report to Congress entitled 'Motor Carrier Safety: Improvements to Drug Testing Programs Could Better Identify Illegal Drug Users and Keep Them off the Road.'
  - ˘ (2) DEVELOPMENT OF SECURE PROCESSES- In establishing the clearinghouse, the Secretary shall develop a secure process for--
    - ˘ (A) administering and managing the clearinghouse in compliance with applicable Federal security standards;
    - ˘ (B) registering and authenticating authorized users of the clearinghouse;
    - ˘ (C) registering and authenticating persons required to report to the clearinghouse under subsection (g);
    - ˘ (D) preventing the unauthorized access of information from the clearinghouse;
    - ˘ (E) storing and transmitting data;





subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations), will be reported to the clearinghouse.

- ^ (d) Privacy- A release of information from the clearinghouse shall--
  - ^ (1) comply with applicable Federal privacy laws, including the fair information practices under the Privacy Act of 1974 (5 U.S.C. 552a);
  - ^ (2) comply with applicable sections of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); and
  - ^ (3) not be made to any person or entity unless expressly authorized or required by law.
- ^ (e) Fees-
  - ^ (1) AUTHORITY TO COLLECT FEES- Except as provided under paragraph (3), the Secretary may collect a reasonable, customary, and nominal fee from an authorized user of the clearinghouse for a request for information from the clearinghouse.
  - ^ (2) USE OF FEES- Fees collected under this subsection shall be used for the operation and maintenance of the clearinghouse.
  - ^ (3) LIMITATION- The Secretary may not collect a fee from an individual requesting information from the clearinghouse that pertains to the record of that individual.
- ^ (f) Employer Requirements-
  - ^ (1) DETERMINATION CONCERNING USE OF CLEARINGHOUSE- The Secretary shall determine if an employer is authorized to use the clearinghouse to meet the alcohol and controlled substances testing requirements under title 49, Code of Federal Regulations.
  - ^ (2) APPLICABILITY OF EXISTING REQUIREMENTS- Each employer and service agent shall continue to comply with the alcohol and controlled substances testing requirements under title 49, Code of Federal Regulations.
  - ^ (3) EMPLOYMENT PROHIBITIONS- After the clearinghouse is established under subsection (a), at a date determined to be appropriate by the Secretary and published in the Federal Register, an employer shall utilize the clearinghouse to determine whether any employment prohibitions exist and shall not hire an individual to operate a commercial motor vehicle unless the employer determines that the individual, during the preceding 3-year period--
    - ^ (A) if tested for the use of alcohol and controlled substances, as required under title 49, Code of Federal Regulations--
      - ^ (i) did not test positive for the use of alcohol or controlled substances in violation of the regulations; or
      - ^ (ii) tested positive for the use of alcohol or controlled substances and completed the required return-to-duty process under title 49, Code of Federal Regulations;
    - ^ (B)(i) did not refuse to take an alcohol or controlled substance test under title 49, Code of Federal Regulations; or
    - ^ (ii) refused to take an alcohol or controlled substance test and completed the required return-to-duty process under title 49, Code of Federal Regulations; and

- ˘ (C) did not violate any other provision of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).
- ˘ (4) ANNUAL REVIEW- After the clearinghouse is established under subsection (a), at a date determined to be appropriate by the Secretary and published in the Federal Register, an employer shall request and review a commercial motor vehicle operator's record from the clearinghouse annually for as long as the commercial motor vehicle operator is under the employ of the employer.
- ˘ (g) Reporting of Records-
  - ˘ (1) IN GENERAL- Beginning 30 days after the date that the clearinghouse is established under subsection (a), a medical review officer, employer, service agent, and other appropriate person, as determined by the Secretary, shall promptly submit to the Secretary any record generated after the clearinghouse is initiated of an individual who--
    - ˘ (A) refuses to take an alcohol or controlled substances test required under title 49, Code of Federal Regulations;
    - ˘ (B) tests positive for alcohol or a controlled substance in violation of the regulations; or
    - ˘ (C) violates any other provision of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).
  - ˘ (2) INCLUSION OF RECORDS IN CLEARINGHOUSE- The Secretary shall include in the clearinghouse the records of positive test results and test refusals received under paragraph (1).
  - ˘ (3) MODIFICATIONS AND DELETIONS- If the Secretary determines that a record contained in the clearinghouse is not accurate, the Secretary shall modify or delete the record, as appropriate.
  - ˘ (4) NOTIFICATION- The Secretary shall expeditiously notify an individual, unless such notification would be duplicative, when--
    - ˘ (A) a record relating to the individual is received by the clearinghouse;
    - ˘ (B) a record in the clearinghouse relating to the individual is modified or deleted, and include in the notification the reason for the modification or deletion; or
    - ˘ (C) a record in the clearinghouse relating to the individual is released to an employer and specify the reason for the release.
  - ˘ (5) DATA QUALITY AND SECURITY STANDARDS FOR REPORTING AND RELEASING- The Secretary may establish additional requirements, as appropriate, to ensure that--
    - ˘ (A) the submission of records to the clearinghouse is timely and accurate;
    - ˘ (B) the release of data from the clearinghouse is timely, accurate, and released to the appropriate authorized user under this section; and
    - ˘ (C) an individual with a record in the clearinghouse has a cause of action for any inappropriate use of information included in the clearinghouse.
  - ˘ (6) RETENTION OF RECORDS- The Secretary shall--

- ` (A) retain a record submitted to the clearinghouse for a 5-year period beginning on the date the record is submitted;
- ` (B) remove the record from the clearinghouse at the end of the 5-year period, unless the individual fails to meet a return-to-duty or follow-up requirement under title 49, Code of Federal Regulations; and
- ` (C) retain a record after the end of the 5-year period in a separate location for archiving and auditing purposes.
- ` (h) Authorized Users-
  - ` (1) EMPLOYERS- The Secretary shall establish a process for an employer, or an employer's designated agent, to request and receive an individual's record from the clearinghouse.
    - ` (A) CONSENT- An employer may not access an individual's record from the clearinghouse unless the employer--
      - ` (i) obtains the prior written or electronic consent of the individual for access to the record; and
      - ` (ii) submits proof of the individual's consent to the Secretary.
    - ` (B) ACCESS TO RECORDS- After receiving a request from an employer for an individual's record under subparagraph (A), the Secretary shall grant access to the individual's record to the employer as expeditiously as practicable.
    - ` (C) RETENTION OF RECORD REQUESTS- The Secretary shall require an employer to retain for a 3-year period--
      - ` (i) a record of each request made by the employer for records from the clearinghouse; and
      - ` (ii) the information received pursuant to the request.
    - ` (D) USE OF RECORDS- An employer may use an individual's record received from the clearinghouse only to assess and evaluate whether a prohibition applies with respect to the individual to operate a commercial motor vehicle for the employer.
    - ` (E) PROTECTION OF PRIVACY OF INDIVIDUALS- An employer that receives an individual's record from the clearinghouse under subparagraph (B) shall--
      - ` (i) protect the privacy of the individual and the confidentiality of the record; and
      - ` (ii) ensure that information contained in the record is not divulged to a person or entity that is not directly involved in assessing and evaluating whether a prohibition applies with respect to the individual to operate a commercial motor vehicle for the employer.
  - ` (2) STATE LICENSING AUTHORITIES- The Secretary shall establish a process for the chief commercial driver's licensing official of a State to request and receive an individual's record from the clearinghouse if the individual is applying for a commercial driver's license from the State.
    - ` (A) CONSENT- The Secretary may grant access to an individual's record in the clearinghouse under this paragraph without the prior written or electronic consent of the individual. An individual who holds a commercial driver's license shall be deemed to consent to such access by obtaining a commercial driver's license.

- ˘ (B) PROTECTION OF PRIVACY OF INDIVIDUALS- A chief commercial driver's licensing official of a State that receives an individual's record from the clearinghouse under this paragraph shall--
  - ˘ (i) protect the privacy of the individual and the confidentiality of the record; and
  - ˘ (ii) ensure that the information in the record is not divulged to any person that is not directly involved in assessing and evaluating the qualifications of the individual to operate a commercial motor vehicle.
- ˘ (i) National Transportation Safety Board- The Secretary shall establish a process for the National Transportation Safety Board to request and receive an individual's record from the clearinghouse if the individual is involved in an accident that is under investigation by the National Transportation Safety Board.
- ˘ (j) Access to Clearinghouse by Individuals-
  - ˘ (1) IN GENERAL- The Secretary shall establish a process for an individual to request and receive information from the clearinghouse--
    - ˘ (A) to determine whether the clearinghouse contains a record pertaining to the individual;
    - ˘ (B) to verify the accuracy of a record;
    - ˘ (C) to update an individual's record, including completing the return-to-duty process described in title 49, Code of Federal Regulations; and
    - ˘ (D) to determine whether the clearinghouse received requests for the individual's information.
  - ˘ (2) DISPUTE PROCEDURE- The Secretary shall establish a procedure, including an appeal process, for an individual to dispute and remedy an administrative error in the individual's record.
- ˘ (k) Penalties-
  - ˘ (1) IN GENERAL- An employer, employee, medical review officer, or service agent who violates any provision of this section shall be subject to civil penalties under section 521(b)(2)(C) and criminal penalties under section 521(b)(6)(B), and any other applicable civil and criminal penalties, as determined by the Secretary.
  - ˘ (2) VIOLATION OF PRIVACY- The Secretary shall establish civil and criminal penalties, consistent with paragraph (1), for an authorized user who violates paragraph (1) or (2) of subsection (h).
- ˘ (l) Compatibility of State and Local Laws-
  - ˘ (1) PREEMPTION- Except as provided under paragraph (2), any law, regulation, order, or other requirement of a State, political subdivision of a State, or Indian tribe related to a commercial driver's license holder subject to alcohol or controlled substance testing under title 49, Code of Federal Regulations, that is inconsistent with this section or a regulation issued pursuant to this section is preempted.
  - ˘ (2) APPLICABILITY- The preemption under paragraph (1) shall include--
    - ˘ (A) the reporting of valid positive results from alcohol screening tests and drug tests;
    - ˘ (B) the refusal to provide a specimen for an alcohol screening test or drug test; and
    - ˘ (C) other violations of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

- ˘ (3) EXCEPTION- A law, regulation, order, or other requirement of a State, political subdivision of a State, or Indian tribe shall not be preempted under this subsection to the extent it relates to an action taken with respect to a commercial motor vehicle operator's commercial driver's license or driving record as a result of the driver's--
  - ˘ (A) verified positive alcohol or drug test result;
  - ˘ (B) refusal to provide a specimen for the test; or
  - ˘ (C) other violations of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).
- ˘ (m) Definitions- In this section--
  - ˘ (1) AUTHORIZED USER- The term `authorized user' means an employer, State licensing authority, or other person granted access to the clearinghouse under subsection (h).
  - ˘ (2) CHIEF COMMERCIAL DRIVER'S LICENSING OFFICIAL- The term `chief commercial driver's licensing official' means the official in a State who is authorized to--
    - ˘ (A) maintain a record about commercial driver's licenses issued by the State; and
    - ˘ (B) take action on commercial driver's licenses issued by the State.
  - ˘ (3) CLEARINGHOUSE- The term `clearinghouse' means the clearinghouse established under subsection (a).
  - ˘ (4) COMMERCIAL MOTOR VEHICLE OPERATOR- The term `commercial motor vehicle operator' means an individual who--
    - ˘ (A) possesses a valid commercial driver's license issued in accordance with section 31308; and
    - ˘ (B) is subject to controlled substances and alcohol testing under title 49, Code of Federal Regulations.
  - ˘ (5) EMPLOYER- The term `employer' means a person or entity employing, or seeking to employ, 1 or more employees (including an individual who is self-employed) to be commercial motor vehicle operators.
  - ˘ (6) MEDICAL REVIEW OFFICER- The term `medical review officer' means a licensed physician who is responsible for--
    - ˘ (A) receiving and reviewing a laboratory result generated under the testing program;
    - ˘ (B) evaluating a medical explanation for a controlled substances test under title 49, Code of Federal Regulations; and
    - ˘ (C) interpreting the results of a controlled substances test.
  - ˘ (7) SECRETARY- The term `Secretary' means the Secretary of Transportation.
  - ˘ (8) SERVICE AGENT- The term `service agent' means a person or entity, other than an employee of the employer, who provides services to employers or employees under the testing program.
  - ˘ (9) TESTING PROGRAM- The term `testing program' means the alcohol and controlled substances testing program required under title 49, Code of Federal Regulations.'
- (b) Conforming Amendment- The analysis for chapter 313 is amended by inserting after the item relating to section 31306 the following:
  - ˘ 31306a. National clearinghouse for positive controlled substance and alcohol test results of commercial motor vehicle operators.'

## Subtitle E--Enforcement

### SEC. 32501. INSPECTION DEMAND AND DISPLAY OF CREDENTIALS.

(a) Safety Investigations- Section 504(c) is amended--

(1) by inserting ` , or an employee of the recipient of a grant issued under section 31102 of this title' after ` a contractor'; and

(2) by inserting ` , in person or in writing' after ` proper credentials'.

(b) Civil Penalty- Section 521(b)(2)(E) is amended--

(1) by redesignating subparagraph (E) as subparagraph (E)(i); and

(2) by adding at the end the following:

` (ii) PLACE OUT OF SERVICE- The Secretary may by regulation adopt procedures for placing out of service the commercial motor vehicle of a foreign-domiciled motor carrier that fails to promptly allow the Secretary to inspect and copy a record or inspect equipment, land, buildings, or other property.'

(c) Hazardous Materials Investigations- Section 5121(c)(2) is amended by inserting ` , in person or in writing,' after ` proper credentials'.

(d) Commercial Investigations- Section 14122(b) is amended by inserting ` , in person or in writing' after ` proper credentials'.

### SEC. 32502. OUT OF SERVICE PENALTY FOR DENIAL OF ACCESS TO RECORDS.

Section 521(b)(2)(E) is amended--

(1) by inserting after ` \$10,000.' the following: ` In the case of a motor carrier, the Secretary may also place the violator's motor carrier operations out of service.'; and

(2) by striking ` such penalty' after ` It shall be a defense to' and inserting ` a penalty'.

### SEC. 32503. PENALTIES FOR VIOLATION OF OPERATION OUT OF SERVICE ORDERS.

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

` (F) PENALTY FOR VIOLATIONS RELATING TO OUT OF SERVICE ORDERS- A motor carrier or employer (as defined in section 31132) that operates a commercial motor vehicle in commerce in violation of a prohibition on transportation under section 31144(c) of this title or an imminent hazard out of service order issued under subsection (b)(5) of this section or section 5121(d) of this title shall be liable for a civil penalty not to exceed \$25,000.'

### SEC. 32504. IMPOUNDMENT AND IMMOBILIZATION OF COMMERCIAL MOTOR VEHICLES FOR IMMINENT HAZARD.

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

` (15) IMPOUNDMENT OF COMMERCIAL MOTOR VEHICLES-

` (A) ENFORCEMENT OF IMMINENT HAZARD OUT-OF-SERVICE ORDERS-

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

impounding a commercial motor vehicle until the order is rescinded.

` (ii) Enforcement shall not unreasonably interfere with the ability of a shipper, carrier, broker, or other party to arrange for the alternative transportation of any cargo or passenger being transported at the time the commercial motor vehicle is immobilized. In the case of a commercial motor vehicle transporting passengers, the Secretary or authorized State official shall provide reasonable, temporary, and secure shelter and accommodations for passengers in transit.

` (iii) The Secretary's designee or an authorized State official carrying out motor carrier safety enforcement activities under section 31102, shall immediately notify the owner of a commercial motor vehicle of the impoundment and the opportunity for review of the impoundment. A review shall be provided in accordance with section 554 of title 5, except that the review shall occur not later than 10 days after the impoundment.

` (B) ISSUANCE OF REGULATIONS- The Secretary shall promulgate regulations on the use of impoundment or immobilization of commercial motor vehicles as a means of enforcing additional out-of-service orders issued under chapters 5, 51, 131 through 149, 311, 313, or 315 of this title, or a regulation promulgated thereunder. Regulations promulgated under this subparagraph shall include consideration of public safety, the protection of passengers and cargo, inconvenience to passengers, and the security of the commercial motor vehicle.

` (C) DEFINITION- In this paragraph, the term `impoundment' or 'impounding' means the seizing and taking into custody of a commercial motor vehicle or the immobilizing of a commercial motor vehicle through the attachment of a locking device or other mechanical or electronic means.'.

## **SEC. 32505. INCREASED PENALTIES FOR EVASION OF REGULATIONS.**

(a) Penalties- Section 524 is amended--

(1) by striking `knowingly and willfully';

(2) by inserting after `this chapter' the following: `, chapter 51, subchapter III of chapter 311 (except sections 31138 and 31139) or section 31302, 31303, 31304, 31305(b), 31310(g)(1)(A), or 31502 of this title, or a regulation issued under any of those provisions,';

(3) by striking `\$200 but not more than \$500' and inserting `\$2,000 but not more than \$5,000'; and

(4) by striking `\$250 but not more than \$2,000' and inserting `\$2,500 but not more than \$7,500'.

(b) Evasion of Regulation- Section 14906 is amended--

(1) by striking `\$200' and inserting `at least \$2,000';

(2) by striking `\$250' and inserting `\$5,000'; and

(3) by inserting after `a subsequent violation' the following:

`, and may be subject to criminal penalties'.

**SEC. 32506. VIOLATIONS RELATING TO COMMERCIAL MOTOR VEHICLE SAFETY REGULATION AND OPERATORS.**

Section 521(b)(2)(D) is amended by striking `ability to pay,'.

**SEC. 32507. EMERGENCY DISQUALIFICATION FOR IMMINENT HAZARD.**

Section 31310(f) is amended--

- (1) in paragraph (1) by inserting `section 521 or' before `section 5102'; and
- (2) in paragraph (2) by inserting `section 521 or' before `section 5102'.

**SEC. 32508. DISCLOSURE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.**

Section 31106(e) is amended--

- (1) by redesignating subsection (e) as subsection (e)(1); and
- (2) by inserting at the end the following:
  - ` (2) IN GENERAL- Notwithstanding any prohibition on disclosure of information in section 31105(h) or 31143(b) of this title or section 552a of title 5, the Secretary may disclose information maintained by the Secretary pursuant to chapters 51, 135, 311, or 313 of this title to appropriate personnel of a State agency or instrumentality authorized to carry out State commercial motor vehicle safety activities and commercial driver's license laws, or appropriate personnel of a local law enforcement agency, in accordance with standards, conditions, and procedures as determined by the Secretary. Disclosure under this section shall not operate as a waiver by the Secretary of any applicable privilege against disclosure under common law or as a basis for compelling disclosure under section 552 of title 5.'

**SEC. 32509. GRADE CROSSING SAFETY REGULATIONS.**

Section 112(2) of the Hazardous Materials Transportation Authorization Act of 1994 (Public Law 103-311) is amended by striking `315 of such title (relating to motor carrier safety)' and inserting `311 of such title (relating to commercial motor vehicle safety)'.

**Subtitle F--Compliance, Safety, Accountability**

**SEC. 32601. MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.**

(a) In General- Section 31102(b) is amended--

- (1) by amending the heading to read as follows:
- ` (b) Motor Carrier Safety Assistance Program- '
  - (2) by redesignating paragraphs (1) through (3) as (2) through (4), respectively;
  - (3) by inserting before paragraph (2), as redesignated, the following:
    - ` (1) PROGRAM GOAL- The goal of the Motor Carrier Safety Assistance Program is to ensure that the Secretary, States, local government agencies, and other political jurisdictions work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient surface transportation system by--
      - ` (A) making targeted investments to promote safe commercial motor vehicle transportation, including transportation of passengers and hazardous materials;



- ˆ (B) investing in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes and fatalities resulting from such crashes;
- ˆ (C) adopting and enforcing effective motor carrier, commercial motor vehicle, and driver safety regulations and practices consistent with Federal requirements; and
- ˆ (D) assessing and improving statewide performance by setting program goals and meeting performance standards, measures, and benchmarks.';

(4) in paragraph (2), as redesignated--

(A) by striking 'make a declaration of' in subparagraph (I) and inserting 'demonstrate';

(B) by amending subparagraph (M) to read as follows:

ˆ (M) ensures participation in appropriate Federal Motor Carrier Safety Administration systems and other information systems by all appropriate jurisdictions receiving Motor Carrier Safety Assistance Program funding;';

(C) in subparagraph (Q), by inserting 'and dedicated sufficient resources to' between 'established' and 'a program';

(D) in subparagraph (W), by striking 'and' after the semicolon;

(E) in subparagraph (X), by striking the period and inserting '; and'; and

(F) by adding after subparagraph (X) the following:

ˆ (Y) ensures that the State will transmit to its roadside inspectors the notice of each Federal exemption granted pursuant to section 31315(b) and provided to the State by the Secretary, including the name of the person granted the exemption and any terms and conditions that apply to the exemption.'; and

(5) by amending paragraph (4), as redesignated, to read as follows:

ˆ (4) MAINTENANCE OF EFFORT-

ˆ (A) IN GENERAL- A plan submitted by a State under paragraph (2) shall provide that the total expenditure of amounts of the lead State agency responsible for implementing the plan will be maintained at a level at least equal to the average level of that expenditure for fiscal years 2004 and 2005.

ˆ (B) AVERAGE LEVEL OF STATE EXPENDITURES- In estimating the average level of State expenditure under subparagraph (A), the Secretary--

ˆ (i) may allow the State to exclude State expenditures for Government-sponsored demonstration or pilot programs; and

ˆ (ii) shall require the State to exclude State matching amounts used to receive Government financing under this subsection.

ˆ (C) WAIVER- Upon the request of a State, the Secretary may waive or modify the requirements of this paragraph for 1 fiscal year, if the Secretary determines that a waiver is equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a serious decline in the financial resources of the State motor carrier safety assistance program agency.'.

**SEC. 32602. PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT PROGRAM.**

Section 31106(b) is amended by amending paragraph (3)(C) to read as follows:

- ` (C) establish and implement a process--
  - ` (i) to cancel the motor vehicle registration and seize the registration plates of a vehicle when an employer is found liable under section 31310(i)(2)(C) for knowingly allowing or requiring an employee to operate such a commercial motor vehicle in violation of an out-of-service order; and
  - ` (ii) to reinstate the vehicle registration or return the registration plates of the commercial motor vehicle, subject to sanctions under clause (i), if the Secretary permits such carrier to resume operations after the date of issuance of such order.'.

**SEC. 32603. AUTHORIZATION OF APPROPRIATIONS.**

(a) Motor Carrier Safety Grants- Section 31104(a) is amended--

- (1) by striking `and' at the end of paragraph (7);
- (2) by striking paragraph (8); and
- (3) by inserting after paragraph (7) the following:
  - ` (8) \$215,000,000 for fiscal year 2013; and
  - ` (9) \$218,000,000 for fiscal year 2014.'.

(b) Administrative Expenses- Section 31104(i)(1) is amended--

- (1) by striking `and' at the end of subparagraph (G); and
- (2) by striking subparagraph (H); and
- (3) by inserting after subparagraph (G) the following:
  - ` (H) \$251,000,000 for fiscal year 2013; and
  - ` (I) \$259,000,000 for fiscal year 2014.'.

(c) Grant Programs- Section 4101(c) of SAFETEA-LU (119 Stat. 1715) is amended to read as follows:

` (c) Grant Programs- There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) the following sums for the following Federal Motor Carrier Safety Administration programs:

` (1) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENT GRANTS- For commercial driver's license program improvement grants under section 31313 of title 49, United States Code \$30,000,000 for each of fiscal years 2013 and 2014.

` (2) BORDER ENFORCEMENT GRANTS- For border enforcement grants under section 31107 of such title \$32,000,000 for each of fiscal years 2013 and 2014.

` (3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANT PROGRAM- For the performance and registration information system management grant program under section 31109 of such title \$5,000,000 for each of fiscal years 2013 and 2014.

` (4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT- For carrying out the commercial vehicle information systems and networks deployment program under section 4126 of this Act, \$25,000,000 for each of fiscal years 2013 and 2014.

` (5) SAFETY DATA IMPROVEMENT GRANTS- For safety data improvement grants under section 4128 of this Act, \$3,000,000 for each of fiscal years 2013 and 2014.'

(d) High-priority Activities- Section 31104(k)(2) is amended by striking ` 2011 and \$11,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,' and inserting ` 2014'.

(e) New Entrant Audits- Section 31144(g)(5)(B) is amended to read as follows:

` (B) SET ASIDE- The Secretary shall set aside from amounts made available by section 31104(a) up to \$32,000,000 per fiscal year for audits of new entrant motor carriers conducted pursuant to this paragraph.'

(f) Outreach and Education- Section 4127(e) of SAFETEA-LU (119 Stat. 1741) is amended to read as follows:

` (e) Funding- From amounts made available under section 31104(i) of title 49, United States Code, the Secretary shall make available \$4,000,000 to the Federal Motor Carrier Safety Administration for each of fiscal years 2013 and 2014 to carry out this section (other than subsection (f)).'

(g) Grant Program for Commercial Motor Vehicle Operators- Section 4134(c) of SAFETEA-LU (49 U.S.C. 31301 note) is amended by striking ` 2011 and \$750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,' and inserting ` 2014'.

(h) Border Enforcement Grants- Section 31107 is amended--

(1) by striking subsection (b); and

(2) redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(i) Administration of Grant Programs- The Secretary is authorized to identify and implement processes to reduce the administrative burden on the States and the Department of Transportation concerning the application and management of the grant programs authorized under chapter 311 and chapter 313 of title 49, United States Code.

#### **SEC. 32604. GRANTS FOR COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION.**

(a) Grants for Commercial Driver's License Program Implementation- Section 31313(a) is amended to read as follows:

` (a) Commercial Driver's License Program Improvement Grants-

` (1) PROGRAM GOAL- The Secretary of Transportation may make a grant to a State in a fiscal year--

` (A) to comply with the requirements of section 31311;

` (B) in the case of a State that is making a good faith effort toward substantial compliance with the requirements of this section and section 31311, to improve its implementation of its commercial driver's license program, including expenses--

` (i) for computer hardware and software;

` (ii) for publications, testing, personnel, training, and quality control;

` (iii) for commercial driver's license program coordinators;

` (iv) to implement or maintain a system to notify an employer of an operator of a commercial motor vehicle of the suspension or

revocation of the operator's commercial driver's license consistent with the standards developed under section 32303(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2012.

“(2) PROHIBITIONS- A State may not use grant funds under this subsection to rent, lease, or buy land or buildings.”.

(b) Conforming Amendment-

(1) The heading for section 31313 is amended by striking “**improvements**” and inserting “**implementation**”.

(2) The analysis of chapter 313 is amended by striking the item relating to section 31313 and inserting the following:

“31313. Grants for commercial driver's license program implementation.”.

## **SEC. 32605. COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS.**

Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes--

(1) established time frames and milestones for resuming the Commercial Vehicle Information Systems and Networks Program; and

(2) a strategic workforce plan for its grants management office to ensure that it has determined the skills and competencies that are critical to achieving its mission goals.

## **Subtitle G--Motorcoach Enhanced Safety Act of 2012**

### **SEC. 32701. SHORT TITLE.**

This subtitle may be cited as the “Motorcoach Enhanced Safety Act of 2012”.

### **SEC. 32702. DEFINITIONS.**

In this subtitle:

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

(2) **BUS**- The term “bus” has the meaning given the term in section 571.3(b) of title 49, Code of Federal Regulations (as in effect on the day before the date of enactment of this Act).

(3) **COMMERCIAL MOTOR VEHICLE**- Except as otherwise specified, the term “commercial motor vehicle” has the meaning given the term in section 31132(1) of title 49, United States Code.

(4) **DIRECT TIRE PRESSURE MONITORING SYSTEM**- The term “direct tire pressure monitoring system” means a tire pressure monitoring system that is capable of directly detecting when the air pressure level in any tire is significantly under-inflated and providing the driver a low tire pressure warning as to which specific tire is significantly under-inflated.

(5) **MOTOR CARRIER**- The term “motor carrier” means--

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

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

(6) MOTORCOACH- The term `motorcoach' has the meaning given the term `over-the-road bus' in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note), but does not include--

(A) a bus used in public transportation provided by, or on behalf of, a public transportation agency; or

(B) a school bus, including a multifunction school activity bus.

(7) MOTORCOACH SERVICES- The term `motorcoach services' means passenger transportation by motorcoach for compensation.

(8) MULTIFUNCTION SCHOOL ACTIVITY BUS- The term `multifunction school activity bus' has the meaning given the term in section 571.3(b) of title 49, Code of Federal Regulations (as in effect on the day before the date of enactment of this Act).

(9) PORTAL- The term `portal' means any opening on the front, side, rear, or roof of a motorcoach that could, in the event of a crash involving the motorcoach, permit the partial or complete ejection of any occupant from the motorcoach, including a young child.

(10) PROVIDER OF MOTORCOACH SERVICES- 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.

(11) PUBLIC TRANSPORTATION- The term `public transportation' has the meaning given the term in section 5302 of title 49, United States Code.

(12) SAFETY BELT- The term `safety belt' has the meaning given the term in section 153(i)(4)(B) of title 23, United States Code.

(13) SECRETARY- The term `Secretary' means the Secretary of Transportation.

### **SEC. 32703. REGULATIONS FOR IMPROVED OCCUPANT PROTECTION, PASSENGER EVACUATION, AND CRASH AVOIDANCE.**

(a) Regulations Required Within 1 Year- Not later than 1 year after the date of enactment of this Act, the Secretary shall prescribe regulations requiring safety belts to be installed in motorcoaches at each designated seating position.

(b) Regulations Required Within 2 Years- Not later than 2 years after the date of enactment of this Act, the Secretary shall prescribe regulations that address the following commercial motor vehicle standards, if the Secretary determines that such standards meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code:

(1) ROOF STRENGTH AND CRUSH RESISTANCE- The Secretary shall establish improved roof and roof support standards for motorcoaches that substantially improve the resistance of motorcoach roofs to deformation and intrusion to prevent serious occupant injury in rollover crashes involving motorcoaches.

(2) ANTI-EJECTION SAFETY COUNTERMEASURES- The Secretary shall consider requiring advanced glazing standards for each motorcoach portal and shall consider other portal improvements to prevent partial and complete ejection of motorcoach passengers, including children. In prescribing such standards, the Secretary shall consider the impact of such

standards on the use of motorcoach portals as a means of emergency egress.

(3) ROLLOVER CRASH AVOIDANCE- The Secretary shall consider requiring motorcoaches to be equipped with stability enhancing technology, such as electronic stability control and torque vectoring, to reduce the number and frequency of rollover crashes among motorcoaches.

(c) Commercial Motor Vehicle Tire Pressure Monitoring Systems- Not later than 3 years after the date of enactment of this Act, the Secretary shall prescribe the following commercial vehicle regulation:

(1) IN GENERAL- The Secretary shall consider requiring motorcoaches to be equipped with direct tire pressure monitoring systems that warn the operator of a commercial motor vehicle when any tire exhibits a level of air pressure that is below a specified level of air pressure established by the Secretary, if the Secretary determines that such standards meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

(2) PERFORMANCE REQUIREMENTS- In any standard adopted under paragraph (1), the Secretary shall include performance requirements to meet the objectives identified in paragraph (1) of this subsection.

(d) Tire Performance Standard- Not later than 3 years after the date of enactment of this Act, the Secretary shall consider--

(1) issuing a rule to upgrade performance standards for tires used on motorcoaches, including an enhanced endurance test and a new high-speed performance test; or

(2) if the Secretary determines that a standard does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, submit a report that describes the reasons for not prescribing such a standard to--

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Transportation and Infrastructure of the House of Representatives; and

(C) the Committee on Energy and Commerce of the House of Representatives.

(e) Application of Regulations-

(1) NEW MOTORCOACHES- Any regulation prescribed in accordance with subsection (a), (b), (c), or (d) shall--

(A) apply to all motorcoaches manufactured more than 3 years after the date on which the regulation is published as a final rule;

(B) take into account the impact to seating capacity of changes to size and weight of motorcoaches and the ability to comply with State and Federal size and weight requirements; and

(C) be based on the best available science.

(2) RETROFIT ASSESSMENT FOR EXISTING MOTORCOACHES-

(A) IN GENERAL- The Secretary may assess the feasibility, benefits, and costs with respect to the application of any requirement established under subsection (a) or (b)(2) to motorcoaches manufactured before the date on which the requirement applies to new motorcoaches under paragraph (1).

(B) REPORT- The Secretary shall submit a report on the assessment to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives not later than 2 years after the date of enactment of this Act.

#### **SEC. 32704. FIRE PREVENTION AND MITIGATION.**

(a) Research and Testing- The Secretary shall conduct research and testing to determine the most prevalent causes of motorcoach fires and the best methods to prevent such fires and to mitigate the effect of such fires, both inside and outside the motorcoach. Such research and testing shall consider flammability of exterior components, smoke suppression, prevention of and resistance to wheel well fires, automatic fire suppression, passenger evacuation, causation and prevention of motorcoach fires, and improved fire extinguishers.

(b) Standards- Not later than 3 years after the date of enactment of this Act, the Secretary may issue fire prevention and mitigation standards for motorcoaches, based on the results of the Secretary's research and testing, taking into account highway size and weight restrictions applicable to motorcoaches, if the Secretary determines that such standards meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

#### **SEC. 32705. OCCUPANT PROTECTION, COLLISION AVOIDANCE, FIRE CAUSATION, AND FIRE EXTINGUISHER RESEARCH AND TESTING.**

(a) Safety Research Initiatives- Not later than 3 years after the date of enactment of this Act, the Secretary shall complete the following research and testing:

(1) INTERIOR IMPACT PROTECTION- The Secretary shall research and test enhanced occupant impact protection technologies for motorcoach interiors to reduce serious injuries for all passengers of motorcoaches.

(2) COMPARTMENTALIZATION SAFETY COUNTERMEASURES- The Secretary shall research and test enhanced compartmentalization safety countermeasures for motorcoaches, including enhanced seating designs.

(3) COLLISION AVOIDANCE SYSTEMS- The Secretary shall research and test forward and lateral crash warning systems applications for motorcoaches.

(b) Rulemaking- Not later than 2 years after the completion of each research and testing initiative required under subsection (a), the Secretary shall issue final motor vehicle safety standards if the Secretary determines that such standards meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

#### **SEC. 32706. CONCURRENCE OF RESEARCH AND RULEMAKING.**

(a) Requirements- To the extent feasible, the Secretary shall ensure that research programs are carried out concurrently, and in a manner that concurrently assesses results, potential countermeasures, costs, and benefits.

(b) Authority to Combine Rulemakings- When considering each of the rulemaking provisions, the Secretary may initiate a single rulemaking proceeding encompassing all aspects or may combine the rulemakings as the Secretary deems appropriate.

(c) Considerations- If the Secretary undertakes separate rulemaking proceedings, the Secretary shall--

- (1) consider whether each added aspect of rulemaking may contribute to addressing the safety need determined to require rulemaking;
- (2) consider the benefits obtained through the safety belts rulemaking in section 32703(a); and
- (3) avoid duplicative benefits, costs, and countermeasures.

**SEC. 32707. IMPROVED OVERSIGHT OF MOTORCOACH SERVICE PROVIDERS.**

(a) Safety Reviews- Section 31144, as amended by section 32202 of this Act, is amended by adding at the end the following:

^ (i) Periodic Safety Reviews of Owners and Operators of Interstate For-hire Commercial Motor Vehicles Designed or Used to Transport Passengers-

^ (1) SAFETY REVIEW-

^ (A) IN GENERAL- The Secretary shall--

^ (i) determine the safety fitness of each motor carrier of passengers who the Secretary registers under section 13902 or 31134 through a simple and understandable rating system that allows passengers to compare the safety performance of each such motor carrier; and

^ (ii) assign a safety fitness rating to each such motor carrier.

^ (B) APPLICABILITY- Subparagraph (A) shall apply--

^ (i) to any provider of motorcoach services registered with the Administration after the date of enactment of the Motorcoach Enhanced Safety Act of 2012 beginning not later than 2 years after the date of such registration; and

^ (ii) to any provider of motorcoach services registered with the Administration on or before the date of enactment of that Act beginning not later than 3 years after the date of enactment of that Act.

^ (2) PERIODIC REVIEW- The Secretary shall establish, by regulation, a process for monitoring the safety performance of each motor carrier of passengers on a regular basis following the assignment of a safety fitness rating, including progressive intervention to correct unsafe practices.

^ (3) ENFORCEMENT STRIKE FORCES- In addition to the enhanced monitoring and enforcement actions required under paragraph (2), the Secretary may organize special enforcement strike forces targeting motor carriers of passengers.

^ (4) PERIODIC UPDATE OF SAFETY FITNESS RATING- In conducting the safety reviews required under this subsection, the Secretary shall--

^ (A) reassess the safety fitness rating of each motor carrier of passengers not less frequently than once every 3 years; and

^ (B) annually assess the safety fitness of certain motor carriers of passengers that serve primarily urban areas with high passenger loads.'

(b) Disclosure of Safety Performance Ratings of Motorcoach Services and Operations-

(1) DEFINITIONS- In this subsection:

(A) MOTORCOACH-



(i) IN GENERAL- Except as provided in clause (ii), the term `motorcoach' has the meaning given the term `over-the-road bus' in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note).

(ii) EXCLUSIONS- The term `motorcoach' does not include--

(I) a bus used in public transportation that is provided by a State or local government; or

(II) a school bus (as defined in section 30125(a)(1) of title 49, United States Code), including a multifunction school activity bus.

(B) MOTORCOACH SERVICES AND OPERATIONS- The term `motorcoach services and operations' means passenger transportation by a motorcoach for compensation.

(2) REQUIREMENTS FOR THE DISCLOSURE OF SAFETY PERFORMANCE RATINGS OF MOTORCOACH SERVICES AND OPERATIONS-

(A) IN GENERAL- Not later than 1 year after the date of enactment of this Act, the Secretary shall establish, through notice and opportunity for public to comment, requirements to improve the accessibility to the public of safety rating information of motorcoach services and operations.

(B) DISPLAY- In establishing the requirements under subparagraph (A), the Secretary shall consider requirements for each motor carrier that owns or leases 1 or more motorcoaches that transport passengers subject to the Secretary's jurisdiction under section 13501 of title 49, United States Code, to prominently display safety fitness information pursuant to section 31144 of title 49, United States Code--

(i) in each terminal of departure;

(ii) in the motorcoach and visible from a position exterior to the vehicle at the point of departure, if the motorcoach does not depart from a terminal; and

(iii) at all points of sale for such motorcoach services and operations.

**SEC. 32708. REPORT ON FEASIBILITY, BENEFITS, AND COSTS OF ESTABLISHING A SYSTEM OF CERTIFICATION OF TRAINING PROGRAMS.**

Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the feasibility, benefits, and costs of establishing a system of certification of public and private schools and of motor carriers and motorcoach operators that provide motorcoach driver training.

**SEC. 32709. COMMERCIAL DRIVER'S LICENSE PASSENGER ENDORSEMENT REQUIREMENTS.**

(a) In General- Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall review and assess the current knowledge and skill testing requirements for a commercial driver's license passenger endorsement to determine what improvements to the knowledge test, the examination of

driving skills, and the application of such requirements are necessary to ensure the safe operation of commercial motor vehicles designed or used to transport passengers.

(b) Report- Not later than 120 days after completion of the review and assessment under subsection (a), the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate--

- (1) a report on the review and assessment conducted under subsection (a);
- (2) a plan to implement any changes to the knowledge and skills tests; and
- (3) a timeframe by which the Secretary will implement the changes.

### **SEC. 32710. SAFETY INSPECTION PROGRAM FOR COMMERCIAL MOTOR VEHICLES OF PASSENGERS.**

Not later than 3 years after the date of enactment of this Act, the Secretary of Transportation shall complete a rulemaking proceeding to consider requiring States to establish a program for annual inspections of commercial motor vehicles designed or used to transport passengers, including an assessment of--

- (1) the risks associated with improperly maintained or inspected commercial motor vehicles designed or used to transport passengers;
- (2) the effectiveness of existing Federal standards for the inspection of such vehicles in--
  - (A) mitigating the risks described in paragraph (1); and
  - (B) ensuring the safe and proper operation condition of such vehicles;
- and
- (3) the costs and benefits of a mandatory inspection program.

### **SEC. 32711. REGULATIONS.**

Any standard or regulation prescribed or modified pursuant to the Motorcoach Enhanced Safety Act of 2012 shall be prescribed or modified in accordance with section 553 of title 5, United States Code.

## **Subtitle H--Safe Highways and Infrastructure Preservation**

### **SEC. 32801. COMPREHENSIVE TRUCK SIZE AND WEIGHT LIMITS STUDY.**

(a) Truck Size and Weight Limits Study- Not later than 45 days after the date of enactment of this Act, the Secretary, in consultation with each relevant State and other applicable Federal agencies, shall commence a comprehensive truck size and weight limits study. The study shall--

- (1) provide data on accident frequency and evaluate factors related to accident risk of vehicles that operate with size and weight limits that are in excess of the Federal law and regulations in each State that allows vehicles to operate with size and weight limits that are in excess of the Federal law and regulations, or to operate under a Federal exemption or grandfather right, in comparison to vehicles that do not operate in excess of Federal law and regulations (other than vehicles with exemptions or grandfather rights);
- (2) evaluate the impacts to the infrastructure in each State that allows a vehicle to operate with size and weight limits that are in excess of the Federal law and regulations, or to operate under a Federal exemption or grandfather right, in comparison to vehicles that do not operate in excess of

Federal law and regulations (other than vehicles with exemptions or grandfather rights), including--

(A) the cost and benefits of the impacts in dollars;

(B) the percentage of trucks operating in excess of the Federal size and weight limits; and

(C) the ability of each State to recover the cost for the impacts, or the benefits incurred;

(3) evaluate the frequency of violations in excess of the Federal size and weight law and regulations, the cost of the enforcement of the law and regulations, and the effectiveness of the enforcement methods;

(4) assess the impacts that vehicles that operate with size and weight limits in excess of the Federal law and regulations, or that operate under a Federal exemption or grandfather right, in comparison to vehicles that do not operate in excess of Federal law and regulations (other than vehicles with exemptions or grandfather rights), have on bridges, including the impacts resulting from the number of bridge loadings;

(5) compare and contrast the potential safety and infrastructure impacts of the current Federal law and regulations regarding truck size and weight limits in relation to--

(A) six-axle and other alternative configurations of tractor-trailers; and

(B) where available, safety records of foreign nations with truck size and weight limits and tractor-trailer configurations that differ from the Federal law and regulations; and

(6) estimate--

(A) the extent to which freight would likely be diverted from other surface transportation modes to principal arterial routes and National Highway System intermodal connectors if alternative truck configuration is allowed to operate and the effect that any such diversion would have on other modes of transportation;

(B) the effect that any such diversion would have on public safety, infrastructure, cost responsibilities, fuel efficiency, freight transportation costs, and the environment;

(C) the effect on the transportation network of the United States that allowing alternative truck configuration to operate would have; and

(D) whether allowing alternative truck configuration to operate would result in an increase or decrease in the total number of trucks operating on principal arterial routes and National Highway System intermodal connectors; and

(7) identify all Federal rules and regulations impacted by changes in truck size and weight limits.

(b) Report- Not later than 2 years after the date that the study is commenced under subsection (a), the Secretary shall submit a final report on the study, including all findings and recommendations, to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

## **SEC. 32802. COMPILATION OF EXISTING STATE TRUCK SIZE AND WEIGHT LIMIT LAWS.**

- (a) In General- Not later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the States, shall begin to compile--
- (1) a list for each State, as applicable, that describes each route of the National Highway System that allows a vehicle to operate in excess of the Federal truck size and weight limits that--
    - (A) was authorized under State law on or before the date of enactment of this Act; and
    - (B) was in actual and lawful operation on a regular or periodic basis (including seasonal operations) on or before the date of enactment of this Act;
  - (2) a list for each State, as applicable, that describes--
    - (A) the size and weight limitations applicable to each segment of the National Highway System in that State as listed under paragraph (1);
    - (B) each combination that exceeds the Interstate weight limit, but that the Department of Transportation, other Federal agency, or a State agency has determined on or before the date of enactment of this Act, could be or could have been lawfully operated in the State; and
    - (C) each combination that exceeds the Interstate weight limit, but that the Secretary determines could have been lawfully operated on a non-Interstate segment of the National Highway System in the State on or before the date of enactment of this Act; and
  - (3) a list of each State law that designates or allows designation of size and weight limitations in excess of Federal law and regulations on routes of the National Highway System, including nondivisible loads.
- (b) Specifications- The Secretary, in consultation with the States, shall specify whether the determinations under paragraphs (1) and (2) of subsection (a) were made by the Department of Transportation, other Federal agency, or a State agency.
- (c) Report- Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a final report of the compilation under subsection (a) to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

#### **Subtitle I --Miscellaneous**

## ***PART I --MISCELLANEOUS***

### **SEC. 32911. PROHIBITION OF COERCION.**

Section 31136(a) is amended by--

- (1) striking `and' at the end of paragraph (3);
- (2) striking the period at the end of paragraph (4) and inserting `; and'; and
- (3) adding after subsection (4) the following:
  - (5) an operator of a commercial motor vehicle is not coerced by a motor carrier, shipper, receiver, or transportation intermediary to operate a commercial motor vehicle in violation of a regulation promulgated under this section, or chapter 51 or chapter 313 of this title.'

### **SEC. 32912. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.**

Section 4144(d) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (49 U.S.C. 31100 note), is amended by striking 'June 30, 2012' and inserting 'September 30, 2013'.

### **SEC. 32913. WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS.**

(a) Exemption Standards- Section 31315(b)(4) is amended--

(1) in subparagraph (A), by inserting '(or, in the case of a request for an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a web site established by the Secretary to implement the requirements of section 31149)' after 'Federal Register';

(2) by amending subparagraph (B) to read as follows:

(B) UPON GRANTING A REQUEST- Upon granting a request and before the effective date of the exemption, the Secretary shall publish in the Federal Register (or, in the case of an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a web site established by the Secretary to implement the requirements of section 31149) the name of the person granted the exemption, the provisions from which the person is exempt, the effective period, and the terms and conditions of the exemption.'; and

(3) in subparagraph (C), by inserting '(or, in the case of a request for an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a web site established by the Secretary to implement the requirements of section 31149)' after 'Federal Register'.

(b) Providing Notice of Exemptions to State Personnel- Section 31315(b)(7) is amended to read as follows:

(7) NOTIFICATION OF STATE COMPLIANCE AND ENFORCEMENT

PERSONNEL- Before the effective date of an exemption, the Secretary shall notify a State safety compliance and enforcement agency, and require the agency to notify the State's roadside inspectors, that a person will be operating pursuant to an exemption and the terms and conditions that apply to the exemption.'

(c) Pilot Programs- Section 31315(c)(1) is amended by striking 'in the Federal Register'.

(d) Report to Congress- Section 31315 is amended by adding after subsection (d) the following:

(e) Report to Congress- The Secretary shall submit an annual report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives listing the waivers, exemptions, and pilot programs granted under this section, and any impacts on safety.

(f) Web Site- The Secretary shall ensure that the Federal Motor Carrier Safety Administration web site includes a link to the web site established by the Secretary to implement the requirements under sections 31149 and 31315. The link shall be in a clear and conspicuous location on the home page of the Federal Motor Carrier Safety Administration web site and be easily accessible to the public.'

### **SEC. 32914. REGISTRATION REQUIREMENTS.**

(a) Requirements for Registration- Section 13901 is amended to read as follows:

Sec. 13901. Requirements for registration

(a) In General- A person may provide transportation as a motor carrier subject to jurisdiction under subchapter I of chapter 135 or service as a freight forwarder subject to jurisdiction under subchapter III of such chapter, or service as a broker for transportation subject to jurisdiction under subchapter I of such chapter only if the person is registered under this chapter to provide such transportation or service.

(b) Registration Numbers-

(1) IN GENERAL- If the Secretary registers a person under this chapter to provide transportation or service, including as a motor carrier, freight forwarder, or broker, the Secretary shall issue a distinctive registration number to the person for each such authority to provide transportation or service for which the person is registered.

(2) TRANSPORTATION OR SERVICE TYPE INDICATOR- A number issued under paragraph (1) shall include an indicator of the type of transportation or service for which the registration number is issued, including whether the registration number is issued for registration of a motor carrier, freight forwarder, or broker.

(c) Specification of Authority- For each agreement to provide transportation or service for which registration is required under this chapter, the registrant shall specify, in writing, the authority under which the person is providing such transportation or service.'

(b) Availability of Information-

(1) IN GENERAL- Chapter 139 is amended by adding at the end the following:

Sec. 13909. Availability of information

The Secretary shall make information relating to registration and financial security required by this chapter publicly available on the Internet, including--

(1) the names and business addresses of the principals of each entity holding such registration;

(2) the status of such registration; and

(3) the electronic address of the entity's surety provider for the submission of claims.'

(2) CONFORMING AMENDMENT- The analysis for chapter 139 is amended by adding at the end the following:

13909. Availability of information.'

**SEC. 32915. ADDITIONAL MOTOR CARRIER REGISTRATION REQUIREMENTS.**

Section 13902, as amended by sections 32101 and 32107(a) of this Act, is amended--

(1) in subsection (a)--

(A) in paragraph (1), by inserting 'using self-propelled vehicles the motor carrier owns, rents, or leases' after 'motor carrier'; and

(B) by adding at the end the following:







˘ (b) Broker Financial Security Requirements-

˘ (1) REQUIREMENTS-

˘ (A) IN GENERAL- The Secretary may register a person as a broker under section 13904 only if the person files with the Secretary a surety bond, proof of trust fund, or other financial security, or a combination thereof, in a form and amount, and from a provider, determined by the Secretary to be adequate to ensure financial responsibility.

˘ (B) USE OF A GROUP SURETY BOND, TRUST FUND, OR OTHER SURETY- In implementing the standards established by subparagraph (A), the Secretary may authorize the use of a group surety bond, trust fund, or other financial security, or a combination thereof, that meets the requirements of this subsection.

˘ (C) PROOF OF TRUST OR OTHER FINANCIAL SECURITY- For purposes of subparagraph (A), a trust fund or other financial security may be acceptable to the Secretary only if the trust fund or other financial security consists of assets readily available to pay claims without resort to personal guarantees or collection of pledged accounts receivable.

˘ (2) SCOPE OF FINANCIAL RESPONSIBILITY-

˘ (A) PAYMENT OF CLAIMS- A surety bond, trust fund, or other financial security obtained under paragraph (1) shall be available to pay any claim against a broker arising from its failure to pay freight charges under its contracts, agreements, or arrangements for transportation subject to jurisdiction under chapter 135 if--

˘ (i) subject to the review by the surety provider, the broker consents to the payment;

˘ (ii) in any case in which the broker does not respond to adequate notice to address the validity of the claim, the surety provider determines that the claim is valid; or

˘ (iii) the claim is not resolved within a reasonable period of time following a reasonable attempt by the claimant to resolve the claim under clauses (i) and (ii), and the claim is reduced to a judgment against the broker.

˘ (B) RESPONSE OF SURETY PROVIDERS TO CLAIMS- If a surety provider receives notice of a claim described in subparagraph (A), the surety provider shall--

˘ (i) respond to the claim on or before the 30th day following the date on which the notice was received; and

˘ (ii) in the case of a denial, set forth in writing for the claimant the grounds for the denial.

˘ (C) COSTS AND ATTORNEY'S FEES- In any action against a surety provider to recover on a claim described in subparagraph (A), the prevailing party shall be entitled to recover its reasonable costs and attorney's fees.

˘ (3) MINIMUM FINANCIAL SECURITY- Each broker subject to the requirements of this section shall provide financial security of \$75,000 for purposes of this subsection, regardless of the number of branch offices or sales agents of the broker.

` (4) CANCELLATION NOTICE- If a financial security required under this subsection is canceled--

` (A) the holder of the financial security shall provide electronic notification to the Secretary of the cancellation not later than 30 days before the effective date of the cancellation; and

` (B) the Secretary shall immediately post such notification on the public Internet Website of the Department of Transportation.

` (5) SUSPENSION- The Secretary shall immediately suspend the registration of a broker issued under this chapter if the available financial security of that person falls below the amount required under this subsection.

` (6) PAYMENT OF CLAIMS IN CASES OF FINANCIAL FAILURE OR INSOLVENCY- If a broker registered under this chapter experiences financial failure or insolvency, the surety provider of the broker shall--

` (A) submit a notice to cancel the financial security to the Administrator in accordance with paragraph (4);

` (B) publicly advertise for claims for 60 days beginning on the date of publication by the Secretary of the notice to cancel the financial security; and

` (C) pay, not later than 30 days after the expiration of the 60-day period for submission of claims--

` (i) all uncontested claims received during such period; or

` (ii) a pro rata share of such claims if the total amount of such claims exceeds the financial security available.

` (7) PENALTIES-

` (A) CIVIL ACTIONS- Either the Secretary or the Attorney General of the United States may bring a civil action in an appropriate district court of the United States to enforce the requirements of this subsection or a regulation prescribed or order issued under this subsection. The court may award appropriate relief, including injunctive relief.

` (B) CIVIL PENALTIES- If the Secretary determines, after notice and opportunity for a hearing, that a surety provider of a broker registered under this chapter has violated the requirements of this subsection or a regulation prescribed under this subsection, the surety provider shall be liable to the United States for a civil penalty in an amount not to exceed \$10,000.

` (C) ELIGIBILITY- If the Secretary determines, after notice and opportunity for a hearing, that a surety provider of a broker registered under this chapter has violated the requirements of this subsection or a regulation prescribed under this subsection, the surety provider shall be ineligible to provide broker financial security for 3 years.

` (8) DEDUCTION OF COSTS PROHIBITED- The amount of the financial security required under this subsection may not be reduced by deducting attorney's fees or administrative costs.

` (c) Freight Forwarder Financial Security Requirements-

` (1) REQUIREMENTS-

` (A) IN GENERAL- The Secretary may register a person as a freight forwarder under section 13903 only if the person files with the Secretary a surety bond, proof of trust fund, other financial security,

or a combination of such instruments, in a form and amount, and from a provider, determined by the Secretary to be adequate to ensure financial responsibility.

ˆ (B) USE OF A GROUP SURETY BOND, TRUST FUND, OR OTHER FINANCIAL SECURITY- In implementing the standards established under subparagraph (A), the Secretary may authorize the use of a group surety bond, trust fund, other financial security, or a combination of such instruments, that meets the requirements of this subsection.

ˆ (C) SURETY BONDS- A surety bond obtained under this section may only be obtained from a bonding company that has been approved by the Secretary of the Treasury.

ˆ (D) PROOF OF TRUST OR OTHER FINANCIAL SECURITY- For purposes of subparagraph (A), a trust fund or other financial security may not be accepted by the Secretary unless the trust fund or other financial security consists of assets readily available to pay claims without resort to personal guarantees or collection of pledged accounts receivable.

ˆ (2) SCOPE OF FINANCIAL RESPONSIBILITY-

ˆ (A) PAYMENT OF CLAIMS- A surety bond, trust fund, or other financial security obtained under paragraph (1) shall be available to pay any claim against a freight forwarder arising from its failure to pay freight charges under its contracts, agreements, or arrangements for transportation subject to jurisdiction under chapter 135 if--

ˆ (i) subject to the review by the surety provider, the freight forwarder consents to the payment;

ˆ (ii) in the case the freight forwarder does not respond to adequate notice to address the validity of the claim, the surety provider determines the claim is valid; or

ˆ (iii) the claim--

ˆ (I) is not resolved within a reasonable period of time following a reasonable attempt by the claimant to resolve the claim under clauses (i) and (ii); and

ˆ (II) is reduced to a judgment against the freight forwarder.

ˆ (B) RESPONSE OF SURETY PROVIDERS TO CLAIMS- If a surety provider receives notice of a claim described in subparagraph (A), the surety provider shall--

ˆ (i) respond to the claim on or before the 30th day following receipt of the notice; and

ˆ (ii) in the case of a denial, set forth in writing for the claimant the grounds for the denial.

ˆ (C) COSTS AND ATTORNEY'S FEES- In any action against a surety provider to recover on a claim described in subparagraph (A), the prevailing party shall be entitled to recover its reasonable costs and attorney's fees.

ˆ (3) FREIGHT FORWARDER INSURANCE-

ˆ (A) IN GENERAL- The Secretary may register a person as a freight forwarder under section 13903 only if the person files with the

Secretary a surety bond, insurance policy, or other type of financial security that meets standards prescribed by the Secretary.

` (B) LIABILITY INSURANCE- A financial security filed by a freight forwarder under subparagraph (A) shall be sufficient to pay an amount, not to exceed the amount of the financial security, for each final judgment against the freight forwarder for bodily injury to, or death of, an individual, or loss of, or damage to, property (other than property referred to in subparagraph (C)), resulting from the negligent operation, maintenance, or use of motor vehicles by, or under the direction and control of, the freight forwarder while providing transfer, collection, or delivery service under this part.

` (C) CARGO INSURANCE- The Secretary may require a registered freight forwarder to file with the Secretary a surety bond, insurance policy, or other type of financial security approved by the Secretary, that will pay an amount, not to exceed the amount of the financial security, for loss of, or damage to, property for which the freight forwarder provides service.

` (4) MINIMUM FINANCIAL SECURITY- Each freight forwarder subject to the requirements of this section shall provide financial security of \$75,000, regardless of the number of branch offices or sales agents of the freight forwarder.

` (5) CANCELLATION NOTICE- If a financial security required under this subsection is canceled--

` (A) the holder of the financial security shall provide electronic notification to the Secretary of the cancellation not later than 30 days before the effective date of the cancellation; and

` (B) the Secretary shall immediately post such notification on the public Internet web site of the Department of Transportation.

` (6) SUSPENSION- The Secretary shall immediately suspend the registration of a freight forwarder issued under this chapter if its available financial security falls below the amount required under this subsection.

` (7) PAYMENT OF CLAIMS IN CASES OF FINANCIAL FAILURE OR INSOLVENCY- If a freight forwarder registered under this chapter experiences financial failure or insolvency, the surety provider of the freight forwarder shall--

` (A) submit a notice to cancel the financial security to the Administrator in accordance with paragraph (5);

` (B) publicly advertise for claims for 60 days beginning on the date of publication by the Secretary of the notice to cancel the financial security; and

` (C) pay, not later than 30 days after the expiration of the 60-day period for submission of claims--

` (i) all uncontested claims received during such period; or

` (ii) a pro rata share of such claims if the total amount of such claims exceeds the financial security available.

` (8) PENALTIES-

` (A) CIVIL ACTIONS- Either the Secretary or the Attorney General may bring a civil action in an appropriate district court of the United States to enforce the requirements of this subsection or a regulation

prescribed or order issued under this subsection. The court may award appropriate relief, including injunctive relief.

ˆ (B) CIVIL PENALTIES- If the Secretary determines, after notice and opportunity for a hearing, that a surety provider of a freight forwarder registered under this chapter has violated the requirements of this subsection or a regulation prescribed under this subsection, the surety provider shall be liable to the United States for a civil penalty in an amount not to exceed \$10,000.

ˆ (C) ELIGIBILITY- If the Secretary determines, after notice and opportunity for a hearing, that a surety provider of a freight forwarder registered under this chapter has violated the requirements of this subsection or a regulation prescribed under this subsection, the surety provider shall be ineligible to provide freight forwarder financial security for 3 years

ˆ (9) DEDUCTION OF COSTS PROHIBITED- The amount of the financial security required under this subsection may not be reduced by deducting attorney's fees or administrative costs.'

(b) Rulemaking- Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations to implement and enforce the requirements under subsections (b) and (c) of section 13906 of title 49, United States Code, as amended by subsection (a).

(c) Effective Date- The amendments made by subsection (a) shall take effect on the date that is 1 year after the date of enactment of this Act.

### **SEC. 32919. UNLAWFUL BROKERAGE ACTIVITIES.**

(a) In General- Chapter 149 is amended by adding at the end the following:

#### **ˆ SEC. 14916. UNLAWFUL BROKERAGE ACTIVITIES.**

ˆ (a) Prohibited Activities- A person may provide interstate brokerage services as a broker only if that person--

ˆ (1) is registered under, and in compliance with, section 13904; and

ˆ (2) has satisfied the financial security requirements under section 13906.

ˆ (b) Exceptions- Subsection (a) shall not apply to--

ˆ (1) a non-vessel-operating common carrier (as defined in section 40102 of title 46) or an ocean freight forwarder (as defined in section 40102 of title 46) when arranging for inland transportation as part of an international through movement involving ocean transportation between the United States and a foreign port;

ˆ (2) a customs broker licensed in accordance with section 111.2 of title 19, Code of Federal Regulations, only to the extent that the customs broker is engaging in a movement under a customs bond or in a transaction involving customs business, as defined by section 111.1 of title 19, Code of Federal Regulations; or

ˆ (3) an indirect air carrier holding a Standard Security Program approved by the Transportation Security Administration, only to the extent that the indirect air carrier is engaging in the activities as an air carrier as defined in section 40102(2) or in the activities defined in section 40102(3).

- ^ (c) Civil Penalties and Private Cause of Action- Any person who knowingly authorizes, consents to, or permits, directly or indirectly, either alone or in conjunction with any other person, a violation of subsection (a) is liable--
    - ^ (1) to the United States Government for a civil penalty in an amount not to exceed \$10,000 for each violation; and
    - ^ (2) to the injured party for all valid claims incurred without regard to amount.
  - ^ (d) Liable Parties- The liability for civil penalties and for claims under this section for unauthorized brokering shall apply, jointly and severally--
    - ^ (1) to any corporate entity or partnership involved; and
    - ^ (2) to the individual officers, directors, and principals of such entities.'
- (b) Clerical Amendment- The analysis for chapter 149 is amended by adding at the end the following:
- ^ 14916. Unlawful brokerage activities.'

## ***PART II--HOUSEHOLD GOODS TRANSPORTATION***

### **SEC. 32921. ADDITIONAL REGISTRATION REQUIREMENTS FOR HOUSEHOLD GOODS MOTOR CARRIERS.**

- (a) Section 13902(a)(2) is amended--
  - (1) in subparagraph (B), by striking 'section 13702(c);' and inserting 'section 13702(c); and';
  - (2) by amending subparagraph (C) to read as follows:
    - ^ (C) demonstrates, before being registered, through successful completion of a proficiency examination established by the Secretary, knowledge and intent to comply with applicable Federal laws relating to consumer protection, estimating, consumers' rights and responsibilities, and options for limitations of liability for loss and damage.'; and
  - (3) by striking subparagraph (D).
- (b) Compliance Reviews of New Household Goods Motor Carriers- Section 31144(g), as amended by section 32102 of this Act, is amended by adding at the end the following:
  - ^ (6) ADDITIONAL REQUIREMENTS FOR HOUSEHOLD GOODS MOTOR CARRIERS- (A) In addition to the requirements of this subsection, the Secretary shall require, by regulation, each registered household goods motor carrier to undergo a consumer protection standards review not later than 18 months after the household goods motor carrier begins operations under such authority.
    - ^ (B) ELEMENTS- In the regulations issued pursuant to subparagraph (A), the Secretary shall establish the elements of the consumer protections standards review, including basic management controls. In establishing the elements, the Secretary shall consider the effects on small businesses and shall consider establishing alternate locations where such reviews may be conducted for the convenience of small businesses.'
- (c) Effective Date- The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

**SEC. 32922. FAILURE TO GIVE UP POSSESSION OF HOUSEHOLD GOODS.**

(a) Injunctive Relief- Section 14704(a)(1) is amended by striking `and 14103' and inserting `, 14103, and 14915(c)'.

(b) Civil Penalties- Section 14915(a)(1) is amended by adding at the end the following:

`The United States may assign all or a portion of the civil penalty to an aggrieved shipper. The Secretary of Transportation shall establish criteria upon which such assignments shall be made. The Secretary may order, after notice and an opportunity for a proceeding, that a person found holding a household goods shipment hostage return the goods to an aggrieved shipper.'.

**SEC. 32923. SETTLEMENT AUTHORITY.**

(a) Settlement of General Civil Penalties- Section 14901 is amended by adding at the end the following:

`(h) Settlement of Household Goods Civil Penalties- Nothing in this section shall be construed to prohibit the Secretary from accepting partial payment of a civil penalty as part of a settlement agreement in the public interest, or from holding imposition of any part of a civil penalty in abeyance.'.

(b) Settlement of Household Goods Civil Penalties- Section 14915(a) is amended by adding at the end the following:

`(4) SETTLEMENT AUTHORITY- Nothing in this section shall be construed as prohibiting the Secretary from accepting partial payment of a civil penalty as part of a settlement agreement in the public interest, or from holding imposition of any part of a civil penalty in abeyance.'.

***PART III--TECHNICAL AMENDMENTS***

**SEC. 32931. UPDATE OF OBSOLETE TEXT.**

(a) Section 31137(g), as redesignated by section 32301 of this Act, is amended by striking `Not later than December 1, 1990, the Secretary shall prescribe' and inserting `The Secretary shall maintain'.

(b) Section 31151(a) is amended--

(1) by amending paragraph (1) to read as follows:

`(1) IN GENERAL- The Secretary of Transportation shall maintain a program to ensure that intermodal equipment used to transport intermodal containers is safe and systematically maintained.'; and

(2) by striking paragraph (4).

(c) Section 31307(b) is amended by striking `Not later than December 18, 1994, the Secretary shall prescribe' and inserting `The Secretary shall maintain'.

(d) Section 31310(g)(1) is amended by striking `Not later than 1 year after the date of enactment of this Act, the' and inserting `The'.

**SEC. 32932. CORRECTION OF INTERSTATE COMMERCE COMMISSION REFERENCES.**

(a) Safety Information and Intervention in Interstate Commerce Commission Proceedings- Chapter 3 is amended--

(1) by repealing section 307;

- (2) in the analysis, by striking the item relating to section 307;
- (3) in section 333(d)(1)(C), by striking `Interstate Commerce Commission' and inserting `Surface Transportation Board'; and
- (4) in section 333(e)--
  - (A) by striking `Interstate Commerce Commission' and inserting `Surface Transportation Board'; and
  - (B) by striking `Commission' and inserting `Board'.
- (b) Filing and Procedure for Application to Abandon or Discontinue- Section 10903(b)(2) is amended by striking `24706(c) of this title' and inserting `24706(c) of this title before May 31, 1998'.
- (c) Technical Amendments to Part C of Subtitle V-
  - (1) Section 24307(b)(3) is amended by striking `Interstate Commerce Commission' and inserting `Surface Transportation Board'.
  - (2) Section 24311 is amended--
    - (A) by striking `Interstate Commerce Commission' and inserting `Surface Transportation Board';
    - (B) by striking `Commission' each place it appears and inserting `Board'; and
    - (C) by striking `Commission's' and inserting `Board's'.
  - (3) Section 24902 is amended--
    - (A) by striking `Interstate Commerce Commission' each place it appears and inserting `Surface Transportation Board'; and
    - (B) by striking `Commission' each place it appears and inserting `Board'.
  - (4) Section 24904 is amended--
    - (A) by striking `Interstate Commerce Commission' and inserting `Surface Transportation Board'; and
    - (B) by striking `Commission' each place it appears and inserting `Board'.

### **SEC. 32933. TECHNICAL AND CONFORMING AMENDMENTS.**

- (a) Section 13905(f)(1)(A) is amended by striking `section 13904(c)' and inserting `section 13904(e)';
- (b) Section 14504a(c)(1) is amended--
  - (1) in subparagraph (C), by striking `sections' and inserting `section'; and
  - (2) in subparagraph (D)(ii)(II) by striking the period at the end and inserting `; and'.
- (c) Section 31103(a) is amended by striking `section 31102(b)(1)(E)' and inserting `section 31102(b)(2)(E)'.
- (d) Section 31103(b) is amended by striking `authorized by section 31104(f)(2)'.
- (e) Section 31309(b)(2) is amended by striking `31308(2)' and inserting `31308(3)'.

### **SEC. 32934. EXEMPTIONS FROM REQUIREMENTS FOR COVERED FARM VEHICLES.**

- (a) Federal Requirements- A covered farm vehicle, including the individual operating that vehicle, shall be exempt from the following:
  - (1) Any requirement relating to commercial driver's licenses established under chapter 313 of title 49, United States Code.



(2) Any requirement relating to drug-testing established under chapter 313 of title 49, United States Code.

(3) Any requirement relating to medical certificates established under--

(A) subchapter III of chapter 311 of title 49, United States Code; or

(B) chapter 313 of title 49, United States Code.

(4) Any requirement relating to hours of service established under--

(A) subchapter III of chapter 311 of title 49, United States Code; or

(B) chapter 315 of title 49, United States Code.

(5) Any requirement relating to vehicle inspection, repair, and maintenance established under--

(A) subchapter III of chapter 311 of title 49, United States Code; or

(B) chapter 315 of title 49, United States Code.

(b) State Requirements-

(1) IN GENERAL- Federal transportation funding to a State may not be terminated, limited, or otherwise interfered with as a result of the State exempting a covered farm vehicle, including the individual operating that vehicle, from any State requirement relating to the operation of that vehicle.

(2) EXCEPTION- Paragraph (1) does not apply with respect to a covered farm vehicle transporting hazardous materials that require a placard.

(c) Covered Farm Vehicle Defined-

(1) IN GENERAL- In this section, the term 'covered farm vehicle' means a motor vehicle (including an articulated motor vehicle)--

(A) that--

(i) is traveling in the State in which the vehicle is registered or another State;

(ii) is operated by--

(I) a farm owner or operator;

(II) a ranch owner or operator; or

(III) an employee or family member of an individual specified in subclause (I) or (II);

(iii) is transporting to or from a farm or ranch--

(I) agricultural commodities;

(II) livestock; or

(III) machinery or supplies;

(iv) except as provided in paragraph (2), is not used in the operations of a for-hire motor carrier; and

(v) is equipped with a special license plate or other designation by the State in which the vehicle is registered to allow for identification of the vehicle as a farm vehicle by law enforcement personnel; and

(B) that has a gross vehicle weight rating or gross vehicle weight, whichever is greater, that is--

(i) 26,001 pounds or less; or

(ii) greater than 26,001 pounds and traveling within the State or within 150 air miles of the farm or ranch with respect to which the vehicle is being operated.

(2) INCLUSION- In this section, the term 'covered farm vehicle' includes a motor vehicle that meets the requirements of paragraph (1) (other than paragraph (1)(A)(iv)) and--

- (A) is operated pursuant to a crop share farm lease agreement;
- (B) is owned by a tenant with respect to that agreement; and
- (C) is transporting the landlord's portion of the crops under that agreement.

(d) Safety Study- The Secretary of Transportation shall conduct a study of the exemption required by subsection (a) as follows:

(1) Data and analysis of covered farm vehicles shall include--

- (A) the number of vehicles that are operated subject to each of the regulatory exemptions permitted under subsection (a);
- (B) the number of drivers that operate covered farm vehicles subject to each of the regulatory exemptions permitted under subsection (a);
- (C) the number of crashes involving covered farm vehicles;
- (D) the number of occupants and non-occupants injured in crashes involving covered farm vehicles;
- (E) the number of fatalities of occupants and non-occupants killed in crashes involving farm vehicles;
- (F) crash investigations and accident reconstruction investigations of all fatalities in crashes involving covered farm vehicles;
- (G) overall operating mileage of covered farm vehicles;
- (H) numbers of covered farm vehicles that operate in neighboring States; and
- (I) any other data the Secretary deems necessary to analyze and include.

(2) A listing of State regulations issued and maintained in each State that are identical to the Federal regulations that are subject to exemption in subsection (a).

(3) The Secretary shall report the findings of the study to the appropriate committees of Congress not later than 18 months after the date of enactment of this Act.

(e) Construction- Nothing in this section shall be construed as authority for the Secretary of Transportation to prescribe regulations.

## **TITLE III--HAZARDOUS MATERIALS TRANSPORTATION SAFETY IMPROVEMENT ACT OF 2012**

### **SEC. 33001. SHORT TITLE.**

This title may be cited as the 'Hazardous Materials Transportation Safety Improvement Act of 2012'.

### **SEC. 33002. DEFINITION.**

In this title, the term 'Secretary' means the Secretary of Transportation.

### **SEC. 33003. REFERENCES TO TITLE 49, UNITED STATES CODE.**

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

### **SEC. 33004. TRAINING FOR EMERGENCY RESPONDERS.**

- (a) Training Curriculum- Section 5115 is amended--
- (1) in subsection (b)(1)(B), by striking `basic';
  - (2) in subsection (b)(2), by striking `basic'; and
  - (3) in subsection (c), by striking `basic'.
- (b) Operations Level Training- Section 5116 is amended--
- (1) in subsection (b)(1), by adding at the end the following: `To the extent that a grant is used to train emergency responders, the State or Indian tribe shall provide written certification to the Secretary that the emergency responders who receive training under the grant will have the ability to protect nearby persons, property, and the environment from the effects of accidents or incidents involving the transportation of hazardous material in accordance with existing regulations or National Fire Protection Association standards for competence of responders to accidents and incidents involving hazardous materials.';
  - (2) in subsection (j)--
    - (A) in paragraph (1), by striking `funds' and all that follows through `fighting fires for' and inserting `funds and through a competitive process, make a grant or make grants to national nonprofit fire service organizations for';
    - (B) in paragraph (3)(A), by striking `train' and inserting `provide training, including portable training, for';
    - (C) in paragraph (4)--
      - (i) by striking `train' and inserting `provide training, including portable training, for'; and
      - (ii) by inserting `comply with Federal regulations and national consensus standards for hazardous materials response and' after `training course shall';
    - (D) by redesignating paragraph (5) as paragraph (8); and
    - (E) by inserting after paragraph (4) the following:

`(5) The Secretary may not award a grant to an organization under this subsection unless the organization ensures that emergency responders who receive training under the grant will have the ability to protect nearby persons, property, and the environment from the effects of accidents or incidents involving the transportation of hazardous material in accordance with existing regulations or National Fire Protection Association standards for competence of responders to accidents and incidents involving hazardous materials.
    - (6) Notwithstanding paragraphs (1) and (3), to the extent determined appropriate by the Secretary, a grant awarded by the Secretary to an organization under this subsection to conduct hazardous material response training programs may be used to train individuals with responsibility to respond to accidents and incidents involving hazardous material.
    - (7) For the purposes of this subsection, the term `portable training' means live, instructor-led training provided by certified fire service instructors that can be offered in any suitable setting, rather than specific designated facilities. Under this training delivery model, instructors travel to locations convenient to students and utilize local facilities and resources.'; and
  - (3) in subsection (k)--
    - (A) by striking `annually' and inserting `an annual report';

- (B) by inserting `the report' after `make available';
- (C) by striking `information' and inserting ` . The report submitted under this subsection shall include information'; and
- (D) by striking `The report shall identify' and all that follows and inserting the following: `The report submitted under this subsection shall identify the ultimate recipients of such grants and include--
  - ` (A) a detailed accounting and description of each grant expenditure by each grant recipient, including the amount of, and purpose for, each expenditure;
  - ` (B) the number of persons trained under the grant program, by training level;
  - ` (C) an evaluation of the efficacy of such planning and training programs; and
  - ` (D) any recommendations the Secretary may have for improving such grant programs.'

### **SEC. 33005. PAPERLESS HAZARD COMMUNICATIONS PILOT PROGRAM.**

- (a) In General- The Secretary may conduct pilot projects to evaluate the feasibility and effectiveness of using paperless hazard communications systems. At least 1 of the pilot projects under this section shall take place in a rural area.
- (b) Requirements- In conducting pilot projects under this section, the Secretary--
  - (1) may not waive the requirements under section 5110 of title 49, United States Code; and
  - (2) shall consult with organizations representing--
    - (A) fire services personnel;
    - (B) law enforcement and other appropriate enforcement personnel;
    - (C) other emergency response providers;
    - (D) persons who offer hazardous material for transportation;
    - (E) persons who transport hazardous material by air, highway, rail, and water; and
    - (F) employees of persons who transport or offer for transportation hazardous material by air, highway, rail, and water.
- (c) Report- Not later than 2 years after the date of enactment of this Act, the Secretary shall--
  - (1) prepare a report on the results of the pilot projects carried out under this section, including--
    - (A) a detailed description of the pilot projects;
    - (B) an evaluation of each pilot project, including an evaluation of the performance of each paperless hazard communications system in such project;
    - (C) an assessment of the safety and security impact of using paperless hazard communications systems, including any impact on the public, emergency response, law enforcement, and the conduct of inspections and investigations;
    - (D) an analysis of the associated benefits and costs of using the paperless hazard communications systems for each mode of transportation; and
    - (E) a recommendation that incorporates the information gathered in subparagraphs (A), (B), (C), and (D) on whether paperless hazard

communications systems should be permanently incorporated into the Federal hazardous material transportation safety program under chapter 51 of title 49, United States Code; and

(2) submit a final report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains the results of the pilot projects carried out under this section, including the matters described in paragraph (1).

(d) Paperless Hazard Communications System Defined- In this section, the term 'paperless hazard communications system' means the use of advanced communications methods, such as wireless communications devices, to convey hazard information between all parties in the transportation chain, including emergency responders and law enforcement personnel. The format of communication may be equivalent to that used by the carrier.

### **SEC. 33006. IMPROVING DATA COLLECTION, ANALYSIS, AND REPORTING.**

(a) Assessment-

(1) IN GENERAL- Not later than 6 months after the date of enactment of this Act, the Secretary, in consultation with the Commandant of the United States Coast Guard, as appropriate, shall conduct an assessment to improve the collection, analysis, reporting, and use of data related to accidents and incidents involving the transportation of hazardous material.

(2) REVIEW- The assessment conducted under this subsection shall review the methods used by the Pipeline and Hazardous Materials Safety Administration (referred to in this section as the 'Administration') for collecting, analyzing, and reporting accidents and incidents involving the transportation of hazardous material, including the adequacy of--

(A) information requested on the accident and incident reporting forms required to be submitted to the Administration;

(B) methods used by the Administration to verify that the information provided on such forms is accurate and complete;

(C) accident and incident reporting requirements, including whether such requirements should be expanded to include shippers and consignees of hazardous materials;

(D) resources of the Administration related to data collection, analysis, and reporting, including staff and information technology; and

(E) the database used by the Administration for recording and reporting such accidents and incidents, including the ability of users to adequately search the database and find information.

(b) Development of Action Plan- Not later than 9 months after the date of enactment of this Act, the Secretary shall develop an action plan and timeline for improving the collection, analysis, reporting, and use of data by the Administration, including revising the database of the Administration, as appropriate.

(c) Submission to Congress- Not later than 15 days after the completion of the action plan and timeline under subsection (c), the Secretary shall submit the action plan and timeline to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) Reporting Requirements- Section 5125(b)(1)(D) is amended by inserting ` and other written hazardous materials transportation incident reporting involving State or local emergency responders in the initial response to the incident' before the period at the end.

### **SEC. 33007. HAZARDOUS MATERIAL TECHNICAL ASSESSMENT, RESEARCH AND DEVELOPMENT, AND ANALYSIS PROGRAM.**

(a) In General- Chapter 51 is amended by inserting after section 5117 the following:

- ` Sec. 5118. Hazardous material technical assessment, research and development, and analysis program

` (a) Risk Reduction-

` (1) PROGRAM AUTHORIZED- The Secretary of Transportation may develop and implement a hazardous material technical assessment, research and development, and analysis program for the purpose of--

` (A) reducing the risks associated with the transportation of hazardous material; and

` (B) identifying and evaluating new technologies to facilitate the safe, secure, and efficient transportation of hazardous material.

` (2) COORDINATION- In developing the program under paragraph (1), the Secretary shall--

` (A) utilize information gathered from other modal administrations with similar programs; and

` (B) coordinate with other modal administrations, as appropriate.

` (b) Cooperation- In carrying out subsection (a), the Secretary shall work cooperatively with regulated and other entities, including shippers, carriers, emergency responders, State and local officials, and academic institutions.'.

(b) Conforming Amendment- The chapter analysis for chapter 51 is amended by inserting after the item relating to section 5117 the following:

` 5118. Hazardous material technical assessment, research and development, and analysis program.'.

### **SEC. 33008. HAZARDOUS MATERIAL ENFORCEMENT TRAINING.**

(a) In General- Not later than 18 months after the date of enactment of this Act, the Secretary shall develop uniform performance standards for training hazardous material inspectors and investigators on--

(1) how to collect, analyze, and publish findings from inspections and investigations of accidents or incidents involving the transportation of hazardous material; and

(2) how to identify noncompliance with regulations issued under chapter 51 of title 49, United States Code, and take appropriate enforcement action.

(b) Standards and Guidelines- The Secretary may develop--

(1) guidelines for hazardous material inspector and investigator qualifications;

(2) best practices and standards for hazardous material inspector and investigator training programs; and

(3) standard protocols to coordinate investigation efforts among Federal, State, and local jurisdictions on accidents or incidents involving the transportation of hazardous material.

(c) Availability- The standards, protocols, and guidelines established under this section--

(1) shall be mandatory for--

(A) the Department of Transportation's multimodal personnel conducting hazardous material enforcement inspections or investigations; and

(B) State employees who conduct federally funded compliance reviews, inspections, or investigations; and

(2) shall be made available to Federal, State, and local hazardous material safety enforcement personnel.

### **SEC. 33009. INSPECTIONS.**

(a) Notice of Enforcement Measures- Section 5121(c)(1) is amended--

(1) in subparagraph (E), by striking `and' at the end;

(2) in subparagraph (F), by striking the period at the end and inserting ` ; and'; and

(3) by adding at the end the following:

` (G) shall provide to the affected offeror, carrier, packaging manufacturer or tester, or other person responsible for the package reasonable notice of--

` (i) his or her decision to exercise his or her authority under paragraph (1);

` (ii) any findings made; and

` (iii) any actions being taken as a result of a finding of noncompliance.'.

(b) Regulations-

(1) MATTERS TO BE ADDRESSED- Section 5121(e) is amended by adding at the end the following:

` (3) MATTERS TO BE ADDRESSED- The regulations issued under this subsection shall address--

` (A) the safe and expeditious resumption of transportation of perishable hazardous material, including radiopharmaceuticals and other medical products, that may require timely delivery due to life-threatening situations;

` (B) the means by which--

` (i) noncompliant packages that present an imminent hazard are placed out-of-service until the condition is corrected; and

` (ii) noncompliant packages that do not present a hazard are moved to their final destination;

` (C) appropriate training and equipment for inspectors; and

` (D) the proper closure of packaging in accordance with the hazardous material regulations.'.

(2) FINALIZING REGULATIONS- In accordance with section 5103(b)(2) of title 49, United States Code, not later than 1 year after the date of enactment of this Act, the Secretary shall take all actions necessary to finalize a regulation under paragraph (1) of this subsection.

(c) Grants and Cooperative Agreements- Section 5121(g)(1) is amended by inserting `safety and' before `security'.

### **SEC. 33010. CIVIL PENALTIES.**

Section 5123 is amended--

(1) in subsection (a)--

(A) in paragraph (1)--

(i) by striking `at least \$250 but'; and

(ii) by striking `\$50,000' and inserting `\$75,000';

(B) in paragraph (2), by striking `\$100,000' and inserting `\$175,000'; and

(C) by amending paragraph (3) to read as follows:

`(3) If the violation is related to training, a person described in paragraph (1) shall be liable for a civil penalty of at least \$450.'; and

(2) by adding at the end the following:

`(h) Penalty for Obstruction of Inspections and Investigations-

`(1) The Secretary may impose a penalty on a person who obstructs or prevents the Secretary from carrying out inspections or investigations under subsection (c) or (i) of section 5121.

`(2) For the purposes of this subsection, the term `obstructs' means actions that were known, or reasonably should have been known, to prevent, hinder, or impede an investigation.

`(i) Prohibition on Hazardous Material Operations After Nonpayment of Penalties-

`(1) IN GENERAL- Except as provided under paragraph (2), a person subject to the jurisdiction of the Secretary under this chapter who fails to pay a civil penalty assessed under this chapter, or fails to arrange and abide by an acceptable payment plan for such civil penalty, may not conduct any activity regulated under this chapter beginning on the 91st day after the date specified by order of the Secretary for payment of such penalty unless the person has filed a formal administrative or judicial appeal of the penalty.

`(2) EXCEPTION- Paragraph (1) shall not apply to any person who is unable to pay a civil penalty because such person is a debtor in a case under chapter 11 of title 11.

`(3) RULEMAKING- Not later than 2 years after the date of enactment of this subsection, the Secretary, after providing notice and an opportunity for public comment, shall issue regulations that--

`(A) set forth procedures to require a person who is delinquent in paying civil penalties to cease any activity regulated under this chapter until payment has been made or an acceptable payment plan has been arranged; and

`(B) ensures that the person described in subparagraph (A)--

`(i) is notified in writing; and

`(ii) is given an opportunity to respond before the person is required to cease the activity.'

### **SEC. 33011. REPORTING OF FEES.**

Section 5125(f)(2) is amended by striking `, upon the Secretary's request,' and inserting `biennially'.



## **SEC. 33012. SPECIAL PERMITS, APPROVALS, AND EXCLUSIONS.**

- (a) Rulemaking- Not later than 2 years after the date of enactment of this Act, the Secretary, after providing notice and an opportunity for public comment, shall issue regulations that establish--
- (1) standard operating procedures to support administration of the special permit and approval programs; and
  - (2) objective criteria to support the evaluation of special permit and approval applications.
- (b) Review of Special Permits-
- (1) REVIEW- Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct a review and analysis of special permits that have been in continuous effect for a 10-year period to determine which special permits may be converted into the hazardous materials regulations.
  - (2) FACTORS- In conducting the review and analysis under paragraph (1), the Secretary may consider--
    - (A) the safety record for hazardous materials transported under the special permit;
    - (B) the application of a special permit;
    - (C) the suitability of provisions in the special permit for incorporation into the hazardous materials regulations; and
    - (D) rulemaking activity in related areas.
  - (3) RULEMAKING- After completing the review and analysis under paragraph (1), but not later than 3 years after the date of enactment of this Act, and after providing notice and opportunity for public comment, the Secretary shall issue regulations to incorporate into the hazardous materials regulations any special permits identified in the review under paragraph (1) that the Secretary determines are appropriate for incorporation, based on the factors identified in paragraph (2).
- (c) Incorporation Into Regulation- Section 5117 is amended by adding at the end the following:
- (f) Incorporation Into Regulations-
- (1) IN GENERAL- Not later than 1 year after the date on which a special permit has been in continuous effect for a 10-year period, the Secretary shall conduct a review and analysis of that special permit to determine whether it may be converted into the hazardous materials regulations.
  - (2) FACTORS- In conducting the review and analysis under paragraph (1), the Secretary may consider--
    - (A) the safety record for hazardous materials transported under the special permit;
    - (B) the application of a special permit;
    - (C) the suitability of provisions in the special permit for incorporation into the hazardous materials regulations; and
    - (D) rulemaking activity in related areas.
  - (3) RULEMAKING- After completing the review and analysis under paragraph (1) and after providing notice and opportunity for public comment, the Secretary shall either institute a rulemaking to incorporate the special permit into the hazardous materials regulations or publish in the Federal Register the Secretary's justification for why the special permit is not appropriate for incorporation into the regulations.'

### **SEC. 33013. HIGHWAY ROUTING DISCLOSURES.**

- (a) List of Route Designations- Section 5112(c) is amended--
- (1) by striking 'In coordination' and inserting the following:
    - (1) IN GENERAL- In coordination'; and
  - (2) by adding at the end the following:
    - (2) STATE RESPONSIBILITIES-
      - (A) IN GENERAL- Each State shall submit to the Secretary, in a form and manner to be determined by the Secretary and in accordance with subparagraph (B)--
        - (i) the name of the State agency responsible for hazardous material highway route designations; and
        - (ii) a list of the State's currently effective hazardous material highway route designations.
      - (B) FREQUENCY- Each State shall submit the information described in subparagraph (A)(ii)--
        - (i) at least once every 2 years; and
        - (ii) not later than 60 days after a hazardous material highway route designation is established, amended, or discontinued.'
- (b) Compliance With Section 5112- Section 5125(c)(1) is amended by inserting ', and is published in the Department's hazardous materials route registry under section 5112(c)' before the period at the end.

### **SEC. 33014. MOTOR CARRIER SAFETY PERMITS.**

- (a) Review- Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct a study of, and transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on, the implementation of the hazardous material safety permit program under section 5109 of title 49, United States Code. In conducting the study, the Secretary shall review, at a minimum--
- (1) the list of hazardous materials requiring a safety permit;
  - (2) the number of permits that have been issued, denied, revoked, or suspended since inception of the program and the number of commercial motor carriers that have never had a permit denied, revoked, or suspended since inception of the program;
  - (3) the reasons for such denials, revocations, or suspensions;
  - (4) the criteria used by the Federal Motor Carrier Safety Administration to determine whether a hazardous material safety permit issued by a State is equivalent to the Federal permit; and
  - (5) actions the Secretary could implement to improve the program, including whether to provide opportunities for an additional level of fitness review prior to the denial, revocation, or suspension of a safety permit.
- (b) Actions Taken- Not later than 2 years after the date of enactment of this Act, based on the study conducted under subsection (a), the Secretary shall either institute a rulemaking to make any necessary improvements to the hazardous materials safety permit program under section 5109 of title 49, United States Code or publish in the Federal Register the Secretary's justification for why a rulemaking is not necessary.

### **SEC. 33015. WETLINES.**

(a) Evaluation- Not later than 1 year after the date of enactment of this Act, the United States Government Accountability Office shall evaluate, and transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a report on the safety of transporting flammable liquids in the external product piping of cargo tank motor vehicles (commonly referred to as wetlines). The evaluation shall--

- (1) review the safety of transporting flammable liquids in the external product piping of cargo tank motor vehicles;
- (2) accurately quantify the number of incidents involving the transportation of flammable liquids in external product piping of cargo tank motor vehicles;
- (3) identify various alternatives to loading, transporting, and unloading flammable liquids in such piping;
- (4) examine the costs and benefits of each alternative; and
- (5) identify any obstacles to implementing each alternative.

(b) Regulations- The Secretary may not issue a final rule regarding transporting flammable liquids in the external product piping of cargo tank motor vehicles prior to completion of the evaluation conducted under subsection (a), or 2 years after the date of enactment of this Act, whichever is earlier, unless the Secretary determines that a risk to public safety, property, or the environment is present or an imminent hazard (as defined in section 5102 of title 49, United States Code) exists and that the regulations will address the risk or hazard.

### **SEC. 33016. HAZMAT EMPLOYEE TRAINING REQUIREMENTS AND GRANTS.**

Section 5107(e)(2) is amended--

- (1) by inserting `through a competitive process' between `made' and `to'; and
- (2) by striking `hazmat employee'.

### **SEC. 33017. AUTHORIZATION OF APPROPRIATIONS.**

Section 5128 is amended to read as follows:

-` Sec. 5128. Authorization of appropriations

`(a) In General- There are authorized to be appropriated to the Secretary to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119)--

- `(1) \$42,338,000 for fiscal year 2013; and
- `(2) \$42,762,000 for fiscal year 2014.

`(b) Hazardous Materials Emergency Preparedness Fund- From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend, during each of fiscal years 2013 and 2014--

- `(1) \$188,000 to carry out section 5115;
- `(2) \$21,800,000 to carry out subsections (a) and (b) of section 5116, of which not less than \$13,650,000 shall be available to carry out section 5116(b);
- `(3) \$150,000 to carry out section 5116(f);

- ` (4) \$625,000 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and
- ` (5) \$1,000,000 to carry out section 5116(j).
- ` (c) Hazardous Materials Training Grants- From the Hazardous Materials Emergency Preparedness Fund established pursuant to section 5116(i), the Secretary may expend \$4,000,000 for each of the fiscal years 2013 and 2014 to carry out section 5107(e).
- ` (d) Credits to Appropriations-
  - ` (1) EXPENSES- In addition to amounts otherwise made available to carry out this chapter, the Secretary may credit amounts received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, authority, or entity.
  - ` (2) AVAILABILITY OF AMOUNTS- Amounts made available under this section shall remain available until expended.'