Motorcoach Enhanced Safety Act of 2009
S. 554 & H.R. 1396
Summary of Provisions

The purpose of this act is to improve the safety of motorcoaches through the adoption of improved vehicle safety standards and better training of operators of motorcoaches in order to protect passengers from death and injury by reducing the risk of crashes and fires. H.R. 1396 also provides incentives for the motorcoach industry to adopt and implement the safety measures required by the act.

Sec. 1. Short Title. This Act may be cited as the "Motorcoach Enhanced Safety Act of 2009."

TITLE I – Motorcoach Safety:
(Title I appears in S. 554 & H.R. 1396. First section number cited is the location of the provision in H.R. 1396 and the second section number cited is the location of the provision in S. 554.)

Sec. 101./Sec. 2. Definitions.

Sec. 102./Sec. 4. Regulations for Improved Occupant Protection and Motorcoach Crash Avoidance.
(a) Regulations Required 1 Year After the Date of Enactment of This Act.—
This subsection directs the Secretary of Transportation to issue final rules on the installation or improvement of the occupant safety features and safety performance of new motorcoaches. New safety measures include safety belts for each seat; improved occupant compartmentalization, which lowers the risk of passengers being thrown upon impact; advanced window glazing, an existing technology that prevents ejection of passengers; stability enhancing technology that reduces the incident of rollover crashes; strengthening of motorcoach roofs to prevent roof crush;

(b) Regulations Required 2 Years After the Date of Enactment of This Act.—
This subsection directs the Secretary of Transportation to issue final rules on improved motorcoach fire protection by requiring the installation of effective firefighting tools; testing and improvement of the interiors of motorcoaches to reduce the flammability and toxicity of the materials used; safer fuel systems to prevent fuel-fed fires; improved emergency exit accessibility; the installation of emergency lighting triggered by emergencies; thorough training of motorcoach operators so they are adequately prepared to react in the case of fire.

(c) Regulations Required 3 Years After the Date of Enactment of This Act.—
This subsection directs the Secretary to issue final rule on a wide variety of safety countermeasures, including requirements for technologies for improving motorcoach crash avoidance and automatic fire suppression.

(d) Application of Regulations.—
This subsection requires that certain regulations shall apply to motorcoaches manufactured and used for motorcoach services prior to the effective dates of the regulations issued under subsections (a), (b), and (c) above. These comprise mandatory safety belts at all occupant seating positions, improved firefighting equipment, and motorcoach enhanced conspicuity. These retrofit requirements shall apply 2 years after the effective dates of these regulations unless the Secretary

determines that undue hardship justifies a delay in compliance for 5 years after the effective dates of these regulations.

Sec. 103./Sec. 3. Study and Report On Improved Motorcoach Crashworthiness and Crash Avoidance.
In this section, the Secretary of Transportation is required to provide a report to the Senate Committee on Commerce, Science, and Transportation, and to the House Committee on Energy and Commerce with recommendations for the necessary steps to be taken to improve bus crashworthiness, crash avoidance, and other emergency safety countermeasures for buses exceeding 10,000 pounds gross vehicle weight rating (GVWR).

Sec. 104./Sec. 5. Improved Oversight of Providers of Motorcoach Services and Other Motor Carriers of Passengers.
The Secretary of Transportation is directed in this section to conduct periodic safety reviews of all motorcoach motor carriers within three years of the enactment of this Act, to continue to conduct safety audits of carriers at an interval not to exceed three years, to assign a safety fitness rating to each provider of motorcoach services, and to revise the safety fitness audit system in accordance with an outstanding recommendation of the National Transportation Safety Board.

Sec. 105./Sec. 6. Motorcoach Driver Training.
This section directs the Secretary of Transportation to implement a training curriculum for prospective motorcoach drivers that includes adequate training in the knowledge and skills necessary to safely operate motorcoaches and respond to emergency situations, to create a requirement for drivers seeking a Commercial Driver License (CDL) passenger endorsement to present a certificate of successful completion of the training course with a passing grade before being tested for the CDL passenger endorsement, and to report on the feasibility of establishing a system of certification of schools and motor carriers administering motorcoach operator training courses.

Sec. 106./Sec. 7. Improved Commercial Driver License (CDL) Testing.
This section directs the Secretary of Transportation to adopt standards that increase the quality and stringency of the CDL passenger endorsement examination in order to ensure that prospective motorcoach drivers appropriately demonstrate their knowledge and skills in safely operating motorcoaches to secure the endorsement. This section would also require any driver transporting not less than nine and not more than fifteen passengers to be required to have a CDL with a passenger endorsement.

Sec. 107./Sec. 8. Improved Physical Fitness Oversight, and Commercial Driver Medical Certificates and Commercial Driver Licenses.
This section includes a requirement that the Secretary shall integrate the CDL with the required driver medical certificate after the establishment of a National Medical Registry of approved medical examiners, and that the "long medical examination form" submitted by an medical examiner on the National Medical Registry be sent to State licensing agencies and compared against the short medical certificate for accuracy and validity. The Secretary is also directed to investigate the accuracy of physical examination forms and the matching medical certificates in at least ten states each year.

Sec. 108./Sec. 9. Safety Enforcement Technology to Reduce Driver Fatigue.
(a) Electronic On-Board Recorders—
This subsection directs the Secretary of Transportation to issue a rule to require that commercial motor vehicles that operate in interstate commerce be equipped with electronic on-board recorders that monitor engine use to ensure compliance with driver hours of service requirements. H.R. 1396, Sec. 108, applies to all commercial motor vehicles. S. 554, Sec. 9, applies only to motorcoaches.

(b) Event Data Recorders—
This subsection directs the Secretary of Transportation to issue a rule to require that all commercial motor vehicles be equipped with event data recorders, including performance requirements for recording specific types of vehicle operations, events and incidents, and vehicle systems information.

(c) Commercial Motor Vehicle Tires—

(1) Tire Pressure Monitoring—
This subsection directs the Secretary of Transportation to issue a rule to require that all commercial motor vehicles be equipped with direct tire pressure monitoring systems that warn the driver when any tire exhibits a level of air pressure that is below a specified level established by the Secretary.

(2) Retreaded Tires—
This subsection directs the Secretary of Transportation to issue a performance standard for retreaded, regrooved, or otherwise manufactured commercial motor vehicle tires that is at least equivalent to the safety performance standard for new commercial motor vehicle tires.

Sec. 109./Sec.10. Commercial Motor Vehicle Safety Inspection Programs.
This section directs the Secretary of Transportation to require the States to have an approved annual safety inspection program for all commercial motor vehicles, including those that transport no fewer than nine and no more than fifteen passengers, as a condition of receiving Motor Carrier Safety Assistance Program funds. The Secretary is also directed to periodically review the adequacy of the States' safety inspection programs.

Sec. 110./Sec. 11. Regulations.
This section requires informal notice and comment rulemaking pursuant to 5 U.S.C. § 553 to be conducted prior to the adoption of any regulation required by the foregoing sections of this bill.

Title II – Credit for Cost of Motorcoaches Complying With Federal Safety Requirements:
(Title II appears only in H.R. 1396)

Sec. 201. Credit for Cost of Motorcoaches Complying With Federal Safety Requirements.
This section amends the Internal Revenue Code of 1986 by adding a new section that provides a tax credit of ten percent of the cost (up to $45,000) to purchase a new qualified motorcoach or to improve an existing motorcoach to comply with the requirements of Sec. 102 of this Act.

Title III—Other Provisions:
(Title III appears only in H.R. 1396)

Sec. 301. Department of Transportation Grants.
This section directs the Secretary, on the basis of specific eligibility criteria, to develop and administer supplemental grants not to exceed $20,000 for motorcoach operators providing intercity bus transportation to defray the cost of retrofitting motorcoaches to comply with the requirements of Sec. 102 directing the retrofit of improved motorcoach conspicuity, improved firefighting equipment, and installation of safety belts at each designated occupant seating position.

Sec. 302. Small Business Administration Loans and Loan Guarantees.
This section amends the Small Business Act by adding a new section at the end of Sec. 7(a) allowing the Administrator of the Small Business Administration (SBA) to adopt specific underwriting criteria for making assistance available to motorcoach industry members for retrofitting occupant protection measures in over-the-road motorcoaches and, in addition, to provide any applicant for such assistance counseling and advice on the other assistance programs of the SBA that may be available to members of the motorcoach industry.