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111TH CONGRESS
1ST SESSION

H. R. 1396

To improve the safety of motorcoaches, to allow a credit against income tax for the cost of motorcoaches complying with Federal safety requirements, for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2009

Mr. LEWIS of Georgia (for himself and Mr. FILNER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Ways and Means, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To improve the safety of motorcoaches, to allow a credit against income tax for the cost of motorcoaches complying with Federal safety requirements, for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Motorcoach Enhanced Safety Act of 2009".

TITLE I—MOTORCOACH SAFETY

SEC. 101. DEFINITIONS.

In this title:

(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 such term in section 571.3(b) of title 49, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

(3) COMMERCIAL MOTOR VEHICLE.—The term ''commercial motor vehicle'' has the meaning given such 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, as that term is defined in section 571.138 of title 49, Code of Federal Regulations, that is capable of directly detecting when the air pressure level in any tire is significantly under-inflated and of immediately providing the driver a low tire pressure warn-

ing as to which specific tire is significantly under-inflated.

(5) ELECTRONIC ON-BOARD RECORDER.—The term ''electronic on-board recorder'' means an electronic device that acquires and stores data showing the record of duty status of the vehicle operator and performs the functions required of an automatic on-board recording device in section 395.15(b) of title 49, Code of Federal Regulations.

(6) EVENT DATA RECORDER.—The term ''event data recorder'' has the meaning given that term in section 563.5 of title 49, Code of Federal Regulations.

(7) MANUFACTURER.—The term ''manufacturer'' has the meaning given such term in section 30102(a) of title 49, United States Code.

(8) MOTOR CARRIER.—The term ''motor carrier'' has the meaning given such term in section 13102(14) of title 49, United States Code.

(9) 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 (Public Law 105–178; 49 U.S.C. 5310 note), but does not include the following:

(A) Buses used in public transportation provided by a State or local government.

(B) School buses, including multifunction school activity buses.

(10) MOTORCOACH MANUFACTURER.—The term ''motorcoach manufacturer'' means a manufacturer that manufactures, assembles, or imports motorcoaches for resale in the United States.

(11) MOTORCOACH SERVICES.—The term ''motorcoach services'' means passenger transportation by motorcoach for compensation.

(12) MULTIFUNCTION SCHOOL ACTIVITY BUSES.—The term ''multifunction school activity buses'' has the meaning given such term in section 571.3(b) of title 49, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

(13) PORTAL.—The term ''portal'' means any opening on the front, sides, 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.

(14) PROVIDER OF MOTORCOACH SERVICES.—The term ''provider of motorcoach services'' means

a motor carrier that provides passenger transportation services with a motorcoach for compensation, including per-trip compensation and contracted or chartered compensation.

(15) PUBLIC TRANSPORTATION.—The term ''public transportation'' has the meaning given such term in section 5302(a)(10) of title 49, United States Code.

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

(17) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 102. REGULATIONS FOR IMPROVED OCCUPANT PROTECTION AND MOTORCOACH CRASH AVOIDANCE.

(a) REGULATIONS REQUIRED 1 YEAR AFTER THE DATE OF THE ENACTMENT OF THIS ACT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall prescribe regulations as follows:

(1) SAFETY BELTS.—The Secretary shall require safety belts be installed in motorcoaches at each designated seating position.

(2) ANTI-EJECTION SAFETY COUNTERMEASURES.—The Secretary shall require

motorcoaches have advanced glazing installed in each motorcoach portal to prevent partial or complete ejection of passengers of motorcoaches, including such passengers that are children.

(3) FIREFIGHTING EQUIPMENT.—The Secretary shall require installation in motorcoaches of improved firefighting equipment for the purpose of effectively suppressing fires in motorcoaches to prevent passenger deaths and injuries.

(b) REGULATIONS REQUIRED 2 YEARS AFTER THE DATE OF THE ENACTMENT OF THIS ACT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall prescribe regulations as follows:

(1) COMPARTMENTALIZATION SAFETY COUNTERMEASURES.—The Secretary shall require enhanced compartmentalization safety countermeasures for motorcoaches, including enhanced seating designs, to reduce substantially the risk of passengers being thrown from their seats and colliding with other passengers, interior surfaces, or components in the event of a crash involving a motorcoach.

(2) INTERIOR IMPACT PROTECTION.—The Secretary shall establish enhanced occupant impact protection standards for motorcoach interiors to reduce

substantially serious injuries for all passengers of motorcoaches.

(3) REDUCED ROLLOVER CRASHES.—The Secretary shall require motorcoaches be equipped with stability enhancing technologies, such as electronic stability control, roll stability control, and torque vectoring, to reduce substantially the number and frequency of rollover crashes among motorcoaches.

(4) ROOF STRENGTH AND CRUSH RESISTANCE.—The Secretary shall establish improved roof 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.

(5) ENHANCED CONSPICUITY.—The Secretary shall require enhanced conspicuity of motorcoaches to enable other motor vehicle operators, cyclists, and pedestrians to better detect motorcoaches in order to reduce the risk of collisions involving motorcoaches.

(6) SMOKE SUPPRESSION.—The Secretary shall amend Federal motor vehicle safety standard number 302 (49 C.F.R. 571.302; relating to flammability of interior materials) to require realistic tests to improve the resistance of motorcoach interiors and components to burning, prevent inhalation by

passengers of toxic smoke and vapors, and permit sufficient time for the safe evacuation of passengers from motorcoaches.

(7) RESISTANCE TO FUEL SYSTEM FIRES.—The Secretary shall amend Federal motor vehicle safety standard number 301 (49 C.F.R. 571.301; relating to fuel system integrity) to require that motorcoaches have improved fuel systems in order to suppress fuel-fed fires and substantially reduce occupant deaths and injuries from fuel fires.

(8) PASSENGER EVACUATION.—The Secretary shall require motorcoaches be equipped with the following:

(A) IMPROVED EMERGENCY EVACUATION DESIGNS.—Improved emergency exit window, door, and roof hatch designs to expedite access and use by passengers of motorcoaches to ensure rapid evacuation from a motorcoach under all emergency circumstances, including crashes and fires.

(B) EMERGENCY INTERIOR LIGHTING.—Emergency interior lighting systems, including luminescent or retro-reflectorized delineation of evacuation paths and exits, that are triggered by a crash or other emergency incidents to ac-

complish more rapid and effective evacuation of passengers.

(c) REGULATIONS REQUIRED 3 YEARS AFTER THE DATE OF THE ENACTMENT OF THIS ACT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall prescribe regulations as follows:

(1) ADAPTIVE CRUISE CONTROL.—Require motorcoaches be equipped with adaptive cruise control for maintaining safe trailing distances when underway and a collision warning system that provides sufficient advance notice to the operator of a motorcoach of any imminent impact.

(2) AUTOMATIC FIRE SUPPRESSION.—Require motorcoaches be equipped with highly effective fire suppression systems that automatically respond to and suppress all fires in such motorcoaches.

(d) APPLICATION OF REGULATIONS.—

(1) PROSPECTIVE APPLICATION.—Except as provided in paragraph (2), a regulation prescribed in accordance with subsection (a), (b), or (c) shall apply to all motorcoaches that are manufactured on or after the effective date of such regulation.

(2) RETROFIT SAFETY REQUIREMENTS FOR EXISTING MOTORCOACHES.—

(A) IN GENERAL.—(i) Except as provided in subparagraph (B), a regulation prescribed in accordance with subsection (a)(1) shall apply to all motorcoaches used for motorcoach services on or after the effective date of such regulation.

(ii) Except as provided in subparagraph (B), a regulation prescribed in accordance with subsection (a)(3) shall apply to all motorcoaches used for motorcoach services on or after the effective date of such regulation.

(iii) Except as provided in subparagraph (B), a regulation prescribed in accordance with subsection (b)(5) shall apply to all motorcoaches used for motorcoach services on or after the effective date of such regulation.

(B) EXCEPTION.—In the case of a motorcoach that was used for motorcoach services before the effective date of a regulation described in subparagraph (A), such regulation shall not apply to such motorcoach until—

(i) 2 years after the effective date of such regulation; or

(ii) if the Secretary determines that the application date described in clause (i)

would cause undue hardship, 5 years after the effective date of such regulation.

SEC. 103. STUDY AND REPORT ON IMPROVED BUS CRASH WORTHINESS AND CRASH AVOIDANCE.

(a) STUDY.—The Secretary shall complete a study of the following, with respect to buses that are more than 10,000 pounds gross vehicle weigh rating (GVWR):

(1) Bus safety design improvements and countermeasures for improving bus crash worthiness to achieve substantial improvements in occupant protection in all types of crashes, including the following:

(A) Active and passive restraint systems.

(B) Enhanced passenger compartmentalization.

(C) Upper and lower interior occupant impact protection.

(D) Improved resistance to roof failures leading to deformation and intrusion that result in occupant injury.

(E) Improved resistance to occupant partial and complete ejection.

(F) Improved crash compatibility with other types and weights of motor vehicles in order to reduce both the number and severity of

crashes and the number and severity of occupant injuries both in buses and in the other vehicles.

(2) Crash avoidance improvements to reduce the number and severity of bus crashes, including the following:

(A) Collision warning systems.

(B) Improved braking capabilities.

(C) Enhanced bus conspicuity.

(D) Increased resistance to loss-of-control crashes.

(E) Improved resistance to rollover crashes.

(3) Bus fire protection and passenger evacuation improvements, including the following:

(A) Effective emergency exit design.

(B) Effective emergency evacuation of passengers.

(C) Effective manual and automated fire suppression systems.

(D) Increased vehicle resistance to fire propagation, including both exterior and interior resistance to burning.

(E) Suppression of toxic smoke and vapors in bus fires.

(F) Resistance to bus fuel system fires.

(G) Training of bus operators in the use of firefighting equipment and the safe evacuation of passengers.

(4) Such other occupant protection safety countermeasures as the Secretary considers appropriate.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report setting forth the findings of the Secretary with respect to the study required by subsection (a) and recommendations for legislative and regulatory changes.

SEC. 104. IMPROVED OVERSIGHT OF PROVIDERS OF MOTORCOACH SERVICES AND OF OTHER MOTOR CARRIERS OF PASSENGERS.

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

"(h) PERIODIC SAFETY REVIEWS OF PROVIDERS OF MOTORCOACH SERVICES.—

"(1) SAFETY REVIEW.—Not later than 3 years after the date of the enactment of this subsection, the Secretary shall require, by regulation, each pro-

vider of motorcoach services registered with the Federal Motor Carrier Safety Administration on or after the date of the enactment of this subsection to undergo a periodic safety review.

"(2) ELEMENTS OF REVIEW.—In the regulations prescribed pursuant to paragraph (1), the Secretary shall establish the elements of the periodic safety review, including basic safety management controls.

"(3) SAFETY FITNESS RATINGS.—As part of the safety review required by this subsection, the Secretary shall assign a safety fitness rating to each provider of motorcoach services and shall reassess such rating not less frequently than every 3 years.

"(4) MOTORCOACH SERVICES DEFINED.—In this subsection, the term 'provider of motorcoach services' has the meaning provided such term in section 101 of the Motorcoach Enhanced Safety Act of 2009."

(b) REVISION OF SAFETY AUDIT SYSTEM.—Not later than 1 year after the date of enactment of this Act, the Secretary shall revise the safety fitness audit system of the Department of Transportation established pursuant to section 31144 of title 49, United States Code, to conform

with safety recommendation H–99–6 of the National Transportation Safety Board issued February 26, 1999.

SEC. 105. MOTORCOACH DRIVER TRAINING.

(a) ESTABLISHMENT OF TRAINING CURRICULUM.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall establish, by regulation, a training curriculum for drivers of motorcoaches to be adopted by public and private schools and motor carriers that provide training for drivers of motorcoaches.

(2) CURRICULUM REQUIREMENTS.—The training curriculum required by paragraph (1) shall include the following:

(A) Classroom and behind-the-wheel instruction that is adequate for all new drivers of motorcoaches to operate safely motorcoaches and respond effectively to emergency situations.

(B) Instruction in advanced knowledge and skills that are necessary to operate motorcoaches safely, including the knowledge and skills necessary—

(i) to suppress motorcoach fires; and

(ii) to evacuate passengers from motorcoaches safely.

(b) TRAINING REQUIRED.—

(1) IN GENERAL.—The Secretary shall require each motorcoach driver seeking a commercial driver's license (CDL) passenger endorsement to undergo a training program that includes the training curriculum established pursuant to subsection (a) before taking a test for a commercial driver's license passenger endorsement.

(2) CERTIFICATE OF COMPLETION REQUIRED.—The Secretary shall require that each driver seeking to take the test for the commercial driver's license passenger endorsement shall present a certificate to a State licensing authority certifying that the driver has—

(A) successfully completed a motorcoach driver training course that includes the curriculum established in accordance with subsection (a); and

(B) received a passing grade for an examination at the culmination of such training course.

(c) REPORT ON FEASIBILITY OF ESTABLISHING A SYSTEM OF CERTIFICATION OF TRAINING PROGRAMS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit 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 feasibility of establishing a system of certification of public and private schools and of motor carriers that provide motorcoach driver training in accordance with the curriculum established by the Secretary pursuant to subsection (a).

SEC. 106. IMPROVED COMMERCIAL DRIVER'S LICENSE TESTING.

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

(1) IN GENERAL.—The Secretary shall prescribe standards that improve the quality and stringency of the examination for the commercial driver's license passenger-carrying endorsement. Such standards shall require—

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

(B) a more stringent examination of the driving skills necessary to operate safely a for-hire passenger-carrying commercial motor vehicle than the examination of such skills in effect on the day before the date of the enactment of this Act.

(2) COOPERATION.—In prescribing the standards required by paragraph (1), the Secretary shall cooperate with the American Association of Motor Vehicle Administrators.

(b) MODIFICATION OF REQUIREMENTS FOR COMMERCIAL DRIVER'S LICENSE PASSENGER-CARRYING ENDORSEMENT.—The Secretary shall establish by regulation a requirement that a driver shall have a commercial driver's license passenger-carrying endorsement in order to operate a commercial motor vehicle and transport not less than 9 and not more than 15 passengers (including a driver) in interstate commerce for compensation.

SEC. 107. IMPROVED PHYSICAL FITNESS OVERSIGHT AND COMMERCIAL DRIVER MEDICAL CERTIFICATES.

(a) REQUIRE PASSAGE OF RIGOROUS EXAMINATION TO BE LISTED IN NATIONAL REGISTRY OF MEDICAL EXAMINERS.—Section 31149(c)(1)(D) of title 49, United States Code, is amended to read as follows:

"(D) develop, as appropriate, specific courses and materials for medical examiners who wish to be listed in the national registry established under this section and develop a rigorous examination for which a passing grade

must be achieved to be listed in such national registry;''.

(b) INTEGRATION OF FEDERAL MEDICAL QUALIFICATION CERTIFICATE AND COMMERCIAL DRIVER'S LICENSE.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall prescribe the regulations to prevent the submission and use of invalid or fraudulent medical certificates.

(c) MEDICAL EXAMINATION FORM COMPARISONS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall require by regulation that—

(1) each time a medical examiner performs a medical examination to certify an applicant for a commercial driver's license under section 391.43 of title 49, Code of Federal Regulations, such medical examiner shall submit to the appropriate State licensing agency the form for such examination required by section 391.43(f) of such title (as in effect on the day before the date of the enactment of this Act); and

(2) as a condition of approval of a State plan under section 31102(d) of title 49, United States Code (as added by section 109(b)), State licensing authorities compare the forms they receive pursuant

to paragraph (1) with the medical examiner's certificate required by section 391.43(g) of title 49, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act) to determine the accuracy and validity of the information contained in such forms and certificates.

(d) ADDITIONAL OVERSIGHT OF LICENSING AUTHORITIES.—

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

(A) in subparagraph (E), by striking ''basis; and'' and inserting ''basis;'';

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

(C) by adding at the end the following:

''(G) each year, review the licensing authorities of 10 States to assess the accuracy and validity of physical examination reports and medical certificates submitted by certified medical examiners to such State licensing agencies.''.

(2) INTERNAL OVERSIGHT POLICY.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall establish an oversight policy and

process within the Department of Transportation for purposes of carrying out the requirement of subparagraph (G) of such section 31149(c)(1), as added by paragraph (1).

(B) EFFECTIVE DATE.—The requirement of subparagraph (G) of section 31149(c)(1) of title 49, United States Code, shall take effect on the date that the oversight policies and processes are established pursuant to subparagraph (A).

(e) DEADLINE FOR ESTABLISHMENT OF NATIONAL REGISTRY OF MEDICAL EXAMINERS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish a national registry of medical examiners as required by section 31149(d)(1) of title 49, United States Code.

SEC. 108. SAFETY, ENFORCEMENT, AND RESEARCH TECHNOLOGY FOR COMMERCIAL MOTOR VEHICLES.

(a) ELECTRONIC ON-BOARD RECORDERS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prescribe regulations requiring that all commercial motor vehicles used by a motor carrier in interstate commerce be equipped with electronic on-

board recorders. Such regulations shall include performance requirements to ensure that electronic on-board recorders—

(A) are linked with vehicle engine and transmission functions and electronic control modules;

(B) accurately record commercial driver hours of service;

(C) provide real-time tracking of driver and vehicle location; and

(D) are tamper-proof.

(2) APPLICABILITY.—The regulations prescribed under paragraph (1) shall apply to all commercial motor vehicles used by motor carriers in interstate commerce beginning on the date that is 3 years after the date of the enactment of this Act.

(b) EVENT DATA RECORDERS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prescribe performance requirements for event data recorders, including requirements regarding specific types of vehicle operations, events and incidents, and vehicle systems information to be recorded, for event data recorders to be used on commercial motor vehicles. For this purpose, the Sec-

retary shall consider the performance requirements for event data recorders for passenger vehicles in part 563 of title 49, Code of Federal Regulation, as a baseline specification but shall require additional information or other performance requirements as appropriate for commercial motor vehicles.

(2) APPLICABILITY.—The regulations prescribed under paragraph (1) shall apply to all commercial motor vehicles used by motor carriers in interstate commerce beginning on the date that is 5 years after the date of the enactment of this Act.''

(c) COMBINED TECHNOLOGY.—Except as otherwise required by the Secretary, the requirements of subsections (a) and (b) may be combined in a single technology.

(d) COMMERCIAL MOTOR VEHICLE TIRES.—

(1) COMMERCIAL MOTOR VEHICLE TIRE PRESSURE MONITORING SYSTEMS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue regulations that require commercial motor vehicles 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. Such regulations shall include performance require-

ments to ensure that direct tire pressure monitoring systems are capable of performing—

(A) at all times when the ignition locking system is in the ''on'' position;

(B) at all vehicle speeds;

(C) on all road surfaces;

(D) during all weather conditions;

(E) after a repair or other service is performed on a tire; and

(F) on spare tires.

(2) COMMERCIAL MOTOR VEHICLE RETREADED TIRES.—Not Later than 3 years after the enactment of this Act, the Secretary shall establish a performance standard for retreaded, regrooved or otherwise remanufactured commercial motor vehicle tires that ensures that such tires achieve a level of safety performance that is at least equivalent to the safety performance of new commercial motor vehicle tires.

SEC. 109. COMMERCIAL MOTOR VEHICLE SAFETY INSPECTION PROGRAMS.

(a) IN GENERAL.—Section 31142 of title 49, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

''(a) ANNUAL SAFETY INSPECTION PROGRAM.—

"(1) PROGRAM REQUIRED.—In order to receive a grant pursuant to section 31102 of this title, a State shall conduct an annual safety inspection program for commercial motor vehicles, including motor carriers transporting not less than 9 and not more than 15 passengers (including a driver), that receives approval from the Secretary pursuant to paragraph (3).

"(2) INSPECTION OF SAFETY EQUIPMENT.—A commercial motor vehicle inspected under a program established pursuant to paragraph (1) is required to pass an inspection, conducted by the State in which the vehicle is registered, of all safety equipment required under the regulations prescribed under section 31136 of this title.

"(3) PERIODIC REVIEW OF STATE SAFETY INSPECTION PROGRAMS.—Not less frequently than once every 3 years, the Secretary shall review and approve or disapprove each State's safety inspection program established pursuant to paragraph (1).

"(b) REGULATIONS FOR INSPECTION OF VEHICLES AND RECORD RETENTION.—

"(1) IN GENERAL.—The Secretary shall prescribe regulations on Government standards for—

"(A) inspection of commercial motor vehicles under programs established pursuant to subsection (a); and

"(B) retention by employers of records of such an inspection.

"(2) AUTHORITY.—Regulations prescribed under this subsection are treated as regulations prescribed under section 31136 of this title.".

(b) CONDITION ON STATE GRANTS.—Section 31102(d) of such title is amended to read as follows:

"(d) CONTINUOUS EVALUATION OF PLANS.—

"(1) IN GENERAL.—On the basis of reports submitted by a State motor vehicle safety agency of a State with a plan approved under this section and the Secretary's own investigations, the Secretary shall make a continuing evaluation of the way the State is carrying out the plan. If the Secretary finds, after notice and opportunity for comment, the State plan previously approved is not being followed or has become inadequate to ensure enforcement of the regulations, standards, or orders, the Secretary shall withdraw approval of the plan and notify the State.

"(2) APPROVAL OF ANNUAL COMMERCIAL MOTOR VEHICLE INSPECTION PROGRAMS.—If, under paragraph (3) of section 31142(a) of this title, the

Secretary disapproves of an annual safety inspection program of a State established pursuant to paragraph (1) of such section 31142(a), the Secretary shall withdraw approval of the plan of such State and notify the State.

"(3) EFFECTIVE DATE OF PLAN DISAPPROVAL.—A State plan stops being effective under this subsection when notice is received by the State under this subsection.

"(4) JUDICIAL REVIEW.—A State adversely affected by a withdrawal of approval under this subsection may seek judicial review under chapter 7 of title 5, United States Code.

"(5) RETENTION OF JURISDICTION.—Notwithstanding a withdrawal of approval under this subsection, the State may retain jurisdiction in administrative or judicial proceedings begun before the withdrawal if the issues involved are not related directly to the reasons for the withdrawal.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act.

SEC. 110. REGULATIONS.

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

TITLE II—CREDIT FOR COST OF MOTORCOACHES COMPLYING WITH FEDERAL SAFETY REQUIREMENTS

SEC. 201. CREDIT FOR COST OF MOTORCOACHES COMPLYING WITH FEDERAL SAFETY REQUIREMENTS.

(a) IN GENERAL.—Subpart D of part IV of subchapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by inserting after section 45Q the following new section:

"SEC. 45R. CREDIT FOR COST OF MOTORCOACHES COMPLYING WITH FEDERAL SAFETY REQUIREMENTS.

"(a) IN GENERAL.—For purposes of section 38, the qualified motorcoach safety credit determined under this subsection for any taxable year is an amount equal to 10 percent of the aggregate amount paid or incurred by the taxpayer during the taxable year for—

"(1) qualified new motorcoaches, and

"(2) such improvements to any in-service motorcoach which is used by the taxpayer as are nec-

essary for such motorcoach to satisfy the requirements prescribed under section 102 of the Motorcoach Enhanced Safety Act of 2009.

"(b) LIMITATION.—The credit determined under subsection (a) with respect to any motorcoach shall not exceed $45,000.

"(c) QUALIFIED NEW AND IN-SERVICE MOTORCOACHES.—For purposes of this section—

"(1) QUALIFIED NEW MOTORCOACH.—The term 'qualified new motorcoach' means any motorcoach—

"(A) the original use of which commences with the taxpayer,

"(B) which is acquired for use or lease by the taxpayer and not for resale,

"(C) which is property of a character subject to an allowance for depreciation,

"(D) which is made by a manufacturer,

"(E) which is manufactured after the specified effective date, and

"(F) which meets the requirements prescribed under section 102 of the Motorcoach Enhanced Safety Act of 2009.

"(2) IN-SERVICE MOTORCOACH.—The term 'in-service motorcoach' means any motorcoach—

"(A) which is property of a character subject to an allowance for depreciation, and

"(B) which is manufactured on or before the specified effective date.

"(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) MOTORCOACH.—The term 'motorcoach' means any vehicle to which the requirements prescribed under section 102 of the Motorcoach Enhanced Safety Act of 2009 apply, or would apply if such vehicle were manufactured after the specified effective date.

"(2) SPECIFIED EFFECTIVE DATE.—The term 'specified effective date' means the effective date of the regulation prescribed under section 102(a)(1) of the Motorcoach Enhanced Safety Act of 2009.

"(3) BASIS REDUCTION.—The basis of any property for which a credit is determined under subsection (a) shall be reduced by the amount of the credit so determined.

"(4) RECAPTURE.—The Secretary shall, by regulation, provide for recapturing the benefit of any credit determined under subsection (a) with respect to any property which ceases to be property eligible for such credit.

"(5) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be determined under subsection (a) with respect to—

"(A) the portion of the cost of any property taken into account under section 179, or

"(B) any property referred to in section 50(b).

"(6) ELECTION NOT TO TAKE CREDIT.—No credit shall be determined under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

"(e) TERMINATION.—No credit shall be determined under this subsection for any taxable year ending after December 31, 2026.".

(b) DENIAL OF DOUBLE BENEFIT.—Section 280C of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(g) CREDIT FOR COST OF MOTORCOACHES COMPLYING WITH FEDERAL SAFETY REQUIREMENTS.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for the taxable year under section 45R(a).".

(c) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended by striking ''plus'' at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting '', plus'', and by adding at the end the following:

''(36) the qualified motorcoach safety credit determined under section 45R(a).''.

(2) Section 1016(a) of such Code is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 45R(d)(3).''.

(3) Section 6501(m) of such Code is amended by inserting ''45Q(d)(6),'' after ''45H(g),''.

(4) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 45P the following new item:

''Sec. 45R. Credit for cost of motorcoaches complying with Federal safety requirements.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2008.

TITLE III—OTHER PROVISIONS

SEC. 301. DEPARTMENT OF TRANSPORTATION GRANTS.

(a) IN GENERAL.—The Secretary of Transportation shall develop and administer supplemental grants, not to exceed $20,000, for operators of motorcoaches in order to assist with the cost of retrofitting motorcoaches in order to comply with the Federal motor vehicle safety standards prescribed under section 102 of the Motorcoach Enhanced Safety Act of 2009.

(b) ELIGIBILITY.—To be eligible for a grant established under subsection (a), a motorcoach operator shall—

(1) have a fleet of not more than 25 motorcoaches;

(2) have total annual revenue of less than $5,000,000; and

(3) demonstrate to the Secretary that—

(A) the operator has been in business as an over-the-road motorcoach operator for not less than 3 consecutive years; and

(B) that the operator was unable to recover, through allowed tax credits established under section 201 in a consecutive 2 year period, the full cost of retrofitting motorcoaches in order to comply with the applicable Federal motor vehicle safety standards.

(c) GRANT REQUIREMENTS.—A grant under this section shall be subject to all of the terms and conditions applicable to subrecipients who provide intercity bus transportation under section 5311(f) of title 49, United States Code, and such other terms and conditions as the Secretary may prescribe.

SEC. 302. SMALL BUSINESS ADMINISTRATION LOANS AND LOAN GUARANTEES.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by redesignating the second paragraph (32), as added by section 208 of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008 (Public Law 110–186), as paragraph (33); and

(2) by adding at the end the following:

"(34) MOTORCOACHES.—

"(A) IN GENERAL.—The Administration may make loans under this subsection to a small business concern that is a motorcoach manufacturer and to a small business concern that is a provider of motorcoach services, including to facilitate retrofitting of motorcoaches for occupant protection.

"(B) COUNSELING WITH RESPECT TO AVAILABLE ASSISTANCE.—The Administrator shall provide a small business concern described in subparagraph (A) that is applying for a loan under this subsection with counseling and advice with respect to other assistance programs of the Administration that may be available to such concern.

"(C) DEFINITIONS.—In this paragraph, the terms 'motorcoach', 'motorcoach manufacturer', and 'provider of motorcoach services' have the meanings given those terms in section 101 of the Motorcoach Enhanced Safety Act of 2009.".

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