

AAMVA Summary of Conference Report to Accompany HR 4348

Areas of Note for AAMVA Administrators:

Maintains current levels of funding plus an inflation adjustment on federal road, bridge and mass transit project for 27 months

“Two-year bill” that Expires September 2014

Section 1112 outlines the new means of submitting and approving State Highway Safety Plans (SHSP) in connection with the federal Highway Safety Improvement Program. Under subsection (f) one of the eligible uses for the safety funding is for data improvement activities (as defined).

Section 1118 directs the Secretary to *encourage* each State to develop a freight plan that provides a comprehensive plan for the immediate and long-range planning activities and investments of the State with respect to freight. Initially the Senate version of the bill created a new stand-alone freight program with formula funding, this bill does not.

Redesignates the controversial “transportation enhancements” as “transportation alternatives.” These programs were bundled with two other programs eliminated by the bill (recreational trails and safe routes to school) and funds them with a set-aside of each state’s formula apportionment in the amount of 2 percent of the total FHAP in Section 1122.

Section 1202 – Statewide and Nonmetropolitan Transportation Planning – Directs States to develop a statewide transportation plan and a statewide transportation improvement plan, including integrated management and operation of transportation systems and facilities across all modes of transportation. This plan must be coordinated with metropolitan plans developed under the previous section. This process shall provide for the establishment and use of a performance-based approach to transportation decision making and must include specific performance targets. The development must include a long-range statewide transportation plan with a minimum 20-year forecast period for all areas of the state.

Section 1402 – Open Container Requirements – If, after October 1, 2011, a State has not enacted or is not enforcing an open container law as described in this subsection, the Secretary shall reserve 2.5 percent of the funds apportioned to the State until the State certifies to the Secretary the means by which the State will use those funds in accordance with establishing one.

Section 1403 – Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence – Revises 23 USC 164(a) to include that repeat offenders shall receive a suspension of all driving privileges for not less than 1 year; or a suspension of unlimited driving privileges for 1 year, allowing for the reinstatement of limited driving privileges subject to restrictions and limited exemptions as established by State law, **if an ignition interlock device is**

installed for not less than 1 year on each of the motor vehicles owned or operated, or both, by the individual.

Section 1404 – Adjustments to Penalty Provisions – this section adjusts the penalty provisions for states not in compliance with numerous safety programs, including:

- weight tolerances on vehicles
- control of junkyards (23 USC 136)
- enforcement of vehicle size and weight laws (23 USC 141(b)(2))
- proof of payment of the Heavy Vehicle Use Tax (23 USC 104(b)(1))
- primary safety belt use
- national minimum drinking age
- tolerance Blood Alcohol Level for minors,(23 USC 161(a))
- operations of motor vehicles by intoxicated persons
- **Commercial Driver’s License – If a state is not adhering to the requirements for State participation per 49 USC 31311 (referenced below) the state is subject to a 4 percent apportioned fund penalty for a first instance, and an 8 percent penalty for subsequent instances.**

Complete details on the penalty adjustments are incorporated with the “details” section of the analysis, including a reference to 49 USC 31311.

Section 1512 – Tolling - While the baseline Senate version did not contain any tolling policy (aside from a study) the report restricts that the number of new toll lanes built on non-Interstate federal roads cannot exceed the number of free lanes. This section also sets restrictions on the limitations on use of revenues from tolling facilities.

Section 1533 – Prohibition on Use of Funds for Automated Traffic Enforcement – This section defines an automated traffic enforcement system” as any camera that captures an image of a vehicle for the purposes of traffic law enforcement.” This section disallows the use of funds federal highway funds to purchase, operate, or maintain an automated traffic enforcement system. In discussions with the Congress on this issue, their determination was based on their payment philosophy (in that they should pay for themselves through revenue generation) and not in any way a reflection on their effectiveness or necessity.

Section 31102 Highway Safety Programs – This section details that each State shall have a highway safety program approved by the Secretary that is designed to reduce traffic crashes and deaths, injuries and property damage. These programs must coordinate with the State highway safety plan, data collection and information systems outlined in the State Highway Safety Plan. This section also provides for the way in which the Secretary shall approve and disapprove the state highway safety program. The plans must conform with uniform guidelines as set forth in this section. It needs to meet performance criteria and addresses programs regarding:

- Excessive speed

- Occupant protection devices
- Impaired driving
- Crashes and motorcycles
- Aggressive, fatigued, or distracted driving
- Law enforcement and traffic supervision
- Driver education
- Driver testing
- Driver examination, including physical, mental and driver's licensing testing
- Pedestrian and bicycle safety

Section 31104 National Driver Register – Adds a section stating, “The Secretary shall make continual improvements to modernize the Register’s data processing system.”

Section 31105 – National Priority Safety Programs – the Secretary of Transportation shall manage programs to address national priorities for reducing highway deaths and injuries. The Secretary will set forth grants, for occupant protection, state traffic safety information system improvements, impaired driving countermeasures, distracted driving, motorcyclist safety, and state graduated driver licensing laws. This section also defines the amounts available to states determinate upon their existing and planned conformity to associated state laws and programs. The identified national priority safety programs are:

- Occupant protection
- State traffic safety information system improvements
- Impaired driving countermeasures
- Distracted driving
- Motorcyclist safety
- State graduated driver licensing laws

Section 31107 – Agency Accountability – Amends 23 USC 412 to mandate a triennial state management review. Under this, the Secretary shall conduct a review of each State highway safety program at least once every 3 years. The review includes management evaluation of all grant programs funded, an assessment of state data collection and evaluation relating to performance measures, a comparison of state efforts to best practices and programs that have been evaluated for effectiveness, and the development of recommendations on how each state could improve oversight of grant activities and programs.

Section 31205 – Odometer Requirements – this section amends 49 USC 32702(5) to state that “Not later than 18 months after the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012, the Secretary shall prescribe regulations permitting any written disclosures or notices and related matters to be provided electronically.”

Section 32203 – State Reporting of Foreign Commercial Driver Convictions – Amends 49 USC 31301 to require that a 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. The report will include each conviction relating to the operation of a commercial motor vehicle, and conviction related to a non-commercial motor vehicle for a driver holding a foreign CDL.

Section 32302 – Driver Medical Qualifications – This section provides that 1 year after enactment DOT shall establish a national registry of medical examiners and sets forth those examination requirements. This section also mandates that not later than 5 years after enactment, states 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 in interstate commerce.

Section 32303 – Commercial Driver’s License Notification System – This section amends 49 USC 31304 to require an employer to make an inquiry at least once every 12 months to state agencies that hold CDL or permit to review the driver record.

Section 32304 – This section amends 49 USC 31305 to require DOT to issue final regulations establishing minimum entry-level training requirements for an individual operating a commercial motor vehicle; including the knowledge and skills test. It requires that anyone issued a CDL must pass written and driving tests for the safe operation of a motor vehicle, and present certification of completion of driver training that meets certain requirements.

Section 32305 – Commercial Driver’s License Program – This section requires that a plan be submitted that includes a date by which all states shall be operating commercial driver’s license information systems that are compatible with the modernized information system and that states must use the systems to receive and submit conviction and disqualification data. It also mandates that states shall submit a plan regarding compliance through September 30, 2016. That plan should identify the actions the state will take to address any deficiencies in the state’s commercial driver’s license program in the most recent audit conducted by DOT and any other actions the state will take towards compliance.

Section 32306 – Commercial Motor Vehicle Driver Information Systems – Amends 49 USC 31106 © to require a state, as a condition of an award of grant money, to provide the Secretary access to all State licensing status and driver history records via an electronic information system, subject to 18 USC 2721.

Section 32401 – National Clearinghouse for Controlled Substance and Alcohol Test Results of Commercial Motor Vehicle Operators – Establishes such a clearinghouse to improve compliance with DOT alcohol and controlled substances testing programs. Directs DOT to 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 CDL.

Funding Notes:

- Paid for through continued gas tax receipts and an additional \$27.2 billion in revenue – mainly by stabilizing pension interest rates and raising company premiums for the Pension Benefit Guaranty Corporation
- Obligation limitation on the federal-aid highways program of ~\$39.7 billion in FY 2013 and ~\$40.3 billion in 2014
- Formula apportionments to state DOTs provide \$37.544 billion in contract authority for FY 2013 and \$37.865 billion in contract authority for 2014
- This is supplemented by an increased \$750 million available in 2013 and \$1 billion in 2014 for the TIFIA credit assistance program
- Highway Safety Programs receive \$235 million in each FY 2013 and 2014
- Highway Safety Research and Development received \$110.5 million in 2013 and \$113.5 million in 2014
- National Priority Safety Programs received \$265 million in 2013 and \$272 million in 2014
- The National Driver Register received \$5 million in 2013 and 2014
- High Visibility Enforcement Program received \$29 million in 2013 and 2014
- Section 32603 Authorizes Appropriations of \$30 million for Commercial Driver’s License Program Improvement Grants under 49 USC 31313
- \$5 million for PRISM Grants in 2013 and 2014
- \$25 million for Commercial Vehicle Information Systems and Networks Deployment in 2013 and 2014

Details:

Division A – Federal-Aid Highways and Highway Safety Construction Programs

Sec 1112 Highway Safety Improvement Program – this section outlines the components of the Highway Safety Improvement Program which is tied to the state strategic highway safety plan. It requires a state have information including a safety data system with the ability to perform safety problem identification and countermeasure analysis, including the ability to link with internal state systems for improved safety as well as the ability to link with other state and national systems.

This section also requires the Secretary to establish requirements for regularly recurring State updates of strategic highway safety plans within one year of enactment. It also details the approval process for updated SHSPs.

The penalty for not having an updated SHSP with a process approved by the Secretary by August 1 of the fiscal year beginning after the date of establishment is that a State shall not be eligible to receive any additional limitation pursuant to the redistribution of the limitation on

obligations for Federal-aid highway and highway safety construction programs for each succeeding fiscal year until a plan is approved.

One of the eligible projects is data improvement activities under subsection (f). The term in this case means “a project of activity to further the capacity of a State to make more informed and effective safety infrastructure investment decisions.”

Section 1115 establishes a “National Freight Policy.” The goals of the program under this section is to invest in infrastructure improvements that strengthen economic competitiveness, reduces congestion, and increase productivity for domestic industries and businesses.

Section 1116 would provide prioritization of projects that are proven to improve freight movement, and would increase federal share for up to 95 percent for those certified projects.

Section 1118 directs the Secretary to encourage each State to develop a freight plan that provides a comprehensive plan for the immediate and long-range planning activities and investments of the State with respect to freight.

Section 1120 Projects of National and Regional Significance – amends “states” to eligible applicants so that groups of state departments of transportation, or multi jurisdictional groups may grant agreements for projects of national and regional significance.

Section 1122 – Transportation Alternatives - As noted in the summary section, a compromise was met between parties on what now constitutes or is eligible for a transportation enhancement (previously) now a transportation alternative. This section also details how they now would receive a flat 2 percent ratio rather than the previous allocation of percentages of percentages.

Subtitle B – Performance Management

Section 1202 – Statewide and Nonmetropolitan Transportation Planning – Directs States to develop a statewide transportation plan and a statewide transportation improvement plan, including integrated management and operation of transportation systems and facilities across all modes of transportation. This plan must be coordinated with metropolitan plans developed under the previous section. This process shall provide for the establishment and use of a performance-based approach to transportation decision making and must include specific performance targets. The development must include a long-range statewide transportation plan with a minimum 20-year forecast period for all areas of the state.

Section 1203 National Goals and Performance Management Measures – focuses the Federal-aid highway program on the following goals:

- Safety
- Infrastructure Condition
- System Reliability
- Freight Movement and Economic Vitality

- Environmental Sustainability
- Reduced Project Delivery Delays

Subtitle C – Acceleration of Project Delivery

This section declares that it is the national interest to accelerate project delivery and reduce costs in an effective and efficient manner. This was one of the key Republican components towards moving the bill as a whole, and streamlining it to be “job-friendly” in the short-term. This Subtitle details the changes made to EPA review and approval, expedited project deliver, and innovative project deliver methods. Most important in facilitating the ability to build is like Section 1319 which deals with accelerated decision-making in environmental reviews and the elimination of duplication of environmental reviews.

Subtitle D – Highway Safety

Section 1401 – Jason’s Law – addresses the shortage of long-term parking for commercial motor vehicles on the National Highway System.

Section 1402 – Open Container Requirements – If, after October 1, 2011, a State has not enacted or is not enforcing an open container law as described in this subsection, the Secretary shall reserve 2.5 percent of the funds apportioned to the State until the State certifies to the Secretary the means by which the State will use those funds in accordance with establishing one.

Section 1403 – Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence – Revises 23 USC 164(a) to include that repeat offenders shall receive a suspension of all driving privileges for not less than 1 year; or a suspension of unlimited driving privileges for 1 year, allowing for the reinstatement of limited driving privileges subject to restrictions and limited exemptions as established by State law, **if an ignition interlock device** is installed for not less than 1 year on each of the motor vehicles owned or operated, or both, by the individual.

Section 1404 – Adjustments to Penalty Provisions – this section adjusts the penalty provisions for weight tolerances on vehicles. Previously it had withheld all funding for a State which does not permit the use of vehicles with a weight of 20,000 pounds on one axle or with a tandem axle and a vehicle with a weight of thirty-four thousand pounds, or a gross weight of at least eighty thousand pounds for vehicle combinations of five axles or more. That penalty is reduced to a 50 percent withholding of highway funds. It also reduces the percentage withheld for control of junkyards (23 USC 136) and enforcement of vehicle size and weight laws (23 USC 141(b)(2)) from 10 percent to 7 percent. It reduces the withholding for proof of payment of the Heavy Vehicle Use Tax (23 USC 104(b)(1)) to 8 percent from 25 percent. This section also provides revised mechanisms for transfers to state safety grants for states that do not have a primary safety belt

use law (2 percent) and a national minimum drinking age (8 percent). It includes a provision for a zero tolerance Blood Alcohol Level for minors, withholding 8 percent of the amount (23 USC 161(a)). For operations of motor vehicles by intoxicated persons, if a state has not enacted or is not enforcing a .08 alcohol law, the Secretary shall withhold an amount equal to 8 percent of apportionment for FY 2007-2011 and 6 percent for FY 2012 and thereafter. **Commercial Driver's License – If a state is not adhering to the requirements for State participation per 49 USC 31311 (referenced below) the state is subject to a 4 percent apportioned fund penalty for a first instance, and an 8 percent penalty for subsequent instances.**

NOTE THAT THE FOLLOWING IS A STANDING REFERENCE TO 49 USC 31311(a)

§31311. Requirements for State participation

(a) General.—To avoid having amounts withheld from apportionment under section 31314 of this title, a State shall comply with the following requirements:

(1) The State shall adopt and carry out a program for testing and ensuring the fitness of individuals to operate commercial motor vehicles consistent with the minimum standards prescribed by the Secretary of Transportation under section 31305(a) of this title.

(2) The State may issue a commercial driver's license to an individual only if the individual passes written and driving tests for the operation of a commercial motor vehicle that comply with the minimum standards.

(3) The State shall have in effect and enforce a law providing that an individual with a blood alcohol concentration level at or above the level established by section 31310(a) of this title when operating a commercial motor vehicle is deemed to be driving under the influence of alcohol.

(4) The State shall authorize an individual to operate a commercial motor vehicle only by issuing a commercial driver's license containing the information described in section 31308(3) of this title.¹

(5) At least 60 days before issuing a commercial driver's license (or a shorter period the Secretary prescribes by regulation), the State shall notify the Secretary or the operator of the information system under section 31309 of this title, as the case may be, of the proposed issuance of the license and other information the Secretary may require to ensure identification of the individual applying for the license.

(6) Before issuing a commercial driver's license to an individual or renewing such a license, the State shall request from any other State that has issued a driver's license to the individual all information about the driving record of the individual.

(7) Not later than 30 days after issuing a commercial driver's license, the State shall notify the Secretary or the operator of the information system under section 31309 of this title, as the case may be, of the issuance.

(8) Not later than 10 days after disqualifying the holder of a commercial driver's license from operating a commercial motor vehicle (or after revoking, suspending, or canceling the license) for at least 60 days, the State shall notify the Secretary or the operator of the information system under section 31309 of this title, as the case may be, and the State that issued the license, of the disqualification, revocation, suspension,

or cancellation, and the violation that resulted in the disqualification, revocation, suspension, or cancellation shall be recorded.

(9) If an individual violates a State or local law on motor vehicle traffic control (except a parking violation) and the individual—

(A) has a commercial driver's license issued by another State; or

(B) is operating a commercial vehicle without a commercial driver's license and has a driver's license issued by another State,

the State in which the violation occurred shall notify a State official designated by the issuing State of the violations not later than 10 days after the date the individual is found to have committed the violation.

(10)(A) The State may not issue a commercial driver's license to an individual during a period in which the individual is disqualified from operating a commercial motor vehicle or the individual's driver's license is revoked, suspended, or canceled.

(B) The State may not issue a special license or permit (including a provisional or temporary license) to an individual who holds a commercial driver's license that permits the individual to drive a commercial motor vehicle during a period in which—

(i) the individual is disqualified from operating a commercial motor vehicle; or

(ii) the individual's driver's license is revoked, suspended, or canceled.

(11) The State may issue a commercial driver's license to an individual who has a commercial driver's license issued by another State only if the individual first returns the driver's license issued by the other State.

(12) The State may issue a commercial driver's license only to an individual who operates or will operate a commercial motor vehicle and is domiciled in the State, except that, under regulations the Secretary shall prescribe, the State may issue a commercial driver's license to an individual who operates or will operate a commercial motor vehicle and is not domiciled in a State that issues commercial drivers' licenses.

(13) The State shall impose penalties consistent with this chapter that the State considers appropriate and the Secretary approves for an individual operating a commercial motor vehicle.

(14) The State shall allow an individual to operate a commercial motor vehicle in the State if—

(A) the individual has a commercial driver's license issued by another State under the minimum standards prescribed by the Secretary under section 31305(a) of this title;

(B) the license is not revoked, suspended, or canceled; and

(C) the individual is not disqualified from operating a commercial motor vehicle.

(15) The State shall disqualify an individual from operating a commercial motor vehicle for the same reasons and time periods for which the Secretary shall disqualify the individual under subsections (b)–(e), (i)(1)(A) and (i)(2) of section 31310.

(16)(A) Before issuing a commercial driver's license to an individual, the State shall request the Secretary for information from the National Driver Register maintained

under chapter 303 of this title (after the Secretary decides the Register is operational) on whether the individual—

(i) has been disqualified from operating a motor vehicle (except a commercial motor vehicle);

(ii) has had a license (except a license authorizing the individual to operate a commercial motor vehicle) revoked, suspended, or canceled for cause in the 3-year period ending on the date of application for the commercial driver's license; or

(iii) has been convicted of an offense specified in section 30304(a)(3) of this title.

(B) The State shall give full weight and consideration to that information in deciding whether to issue the individual a commercial driver's license.

(17) The State shall adopt and enforce regulations prescribed by the Secretary under as ² 31310(j) of this title.

(18) The State shall maintain, as part of its driver information system, a record of each violation of a State or local motor vehicle traffic control law while operating a motor vehicle (except a parking violation) for each individual who holds a commercial driver's license. The record shall be available upon request to the individual, the Secretary, employers, prospective employers, State licensing and law enforcement agencies, and their authorized agents.

(19) The State shall—

(A) record in the driving record of an individual who has a commercial driver's license issued by the State; and

(B) make available to all authorized persons and governmental entities having access to such record,

all information the State receives under paragraph (9) with respect to the individual and every violation by the individual involving a motor vehicle (including a commercial motor vehicle) of a State or local law on traffic control (except a parking violation), not later than 10 days after the date of receipt of such information or the date of such violation, as the case may be. The State may not allow information regarding such violations to be withheld or masked in any way from the record of an individual possessing a commercial driver's license.

(20) The State shall revoke, suspend, or cancel the commercial driver's license of an individual in accordance with regulations issued by the Secretary to carry out section 31310(g).

(21) By the date established by the Secretary under section 31309(e)(4), the State shall be operating a commercial driver's license information system that is compatible with the modernized commercial driver's license information system under section 31309.

(b) State Satisfaction of Requirements.—A State may satisfy the requirements of subsection (a) of this section that the State disqualify an individual from operating a commercial motor vehicle by revoking, suspending, or canceling the driver's license issued to the individual.

(c) Notification.—Not later than 30 days after being notified by a State of the proposed issuance of a commercial driver's license to an individual, the Secretary or the operator

of the information system under section 31309 of this title, as the case may be, shall notify the State whether the individual has a commercial driver's license issued by another State or has been disqualified from operating a commercial motor vehicle by another State or the Secretary.

Section 1405 – Highway Worker Safety – Provides details on minimum positive protective measures for workers on highway construction projects.

Section 1511 – Special Permits During Periods of National Emergency – Amends 23 USC 127 to allow a State to issue special permits during an emergency to overweight vehicles and loads that can easily be dismantled or divided if the President has declared the emergency to be a major disaster, the permits are in accordance with State law, and are issued exclusively to vehicles and loads that are delivering relief supplies.

Section 1533 – Prohibition on Use of Funds for Automated Traffic Enforcement – This section defines an automated traffic enforcement system” as any camera that captures an image of a vehicle for the purposes of traffic law enforcement.” This section disallows the use of funds federal highway funds to purchase, operate, or maintain an automated traffic enforcement system. In discussions with the Congress on this issue, their determination was based on their payment philosophy (in that they should pay for themselves through revenue generation) and not in any way a reflection on their effectiveness or necessity.

Division C – Transportation Safety and Surface Transportation Policy

Section 31102 Highway Safety Programs – This section details that each State shall have a highway safety program approved by the Secretary that is designed to reduce traffic crashes and deaths, injuries and property damage. These programs must coordinate with the State highway safety plan, data collection and information systems outlined in the State Highway Safety Plan. This section also provides for the way in which the Secretary shall approve and disapprove the state highway safety program. The plans must conform with uniform guidelines as set forth in this section. It needs to meet performance criteria and addresses programs regarding:

- Excessive speed
- Occupant protection devices
- Impaired driving
- Crashes and motorcycles
- Aggressive, fatigued, or distracted driving
- Law enforcement and traffic supervision
- Driver education
- Driver testing
- Driver examination, including physical, mental and driver’s licensing testing
- Pedestrian and bicycle safety

Section 31103 Highway Safety Research and Development – This section authorizes the Secretary may conduct research and development activities, including demonstration projects and collection and analysis of highway and motor vehicle safety data and related information.

Section 31104 National Driver Register – Adds a section stating, “The Secretary shall make continual improvements to modernize the Register’s data processing system.”

Section 31105 – National Priority Safety Programs – the Secretary of Transportation shall manage programs to address national priorities for reducing highway deaths and injuries. The Secretary will set forth grants, for occupant protection, state traffic safety information system improvements, impaired driving countermeasures, distracted driving, motorcyclist safety, and state graduated driver licensing laws. This section also defines the amounts available to states determinate upon their existing and planned conformity to associated state laws and programs. The identified national priority safety programs are:

- Occupant protection
- State traffic safety information system improvements
- Impaired driving countermeasures
- Distracted driving
- Motorcyclist safety
- State graduated driver licensing laws

Section 31106 – High Visibility Enforcement Program – Amends 23 USC 402 for the high visibility enforcement programs for 2013 and 2014

Section 31107 – Agency Accountability – Amends 23 USC 412 to mandate a triennial state management review. Under this, the Secretary shall conduct a review of each State highway safety program at least once every 3 years. The review includes management evaluation of all grant programs funded, an assessment of state data collection and evaluation relating to performance measures, a comparison of state efforts to best practices and programs that have been evaluated for effectiveness, and the development of recommendations on how each state could improve oversight of grant activities and programs.

Section 31205 – Odometer Requirements – this section amends 49 USC 32702(5) to state that “Not later than 18 months after the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012, the Secretary shall prescribe regulations permitting any written disclosures or notices and related matters to be provided electronically.”

Section 31206 – Increased Penalties and Damages for Odometer fraud – Amends 49 USC 327 to increase the penalties for those committing odometer fraud.

Section 31207 – Extends the prohibitions on importing noncompliant vehicles and equipment to defective vehicles and equipment.

Subtitle C – Transparency and Accountability

Section 31301 – Public Availability of Recall Information – Not later than 1 year after the date of enactment, the Secretary shall require that motor vehicle safety recall information be available to the public on the Internet, be searchable by vehicle make and model and VIN, be in a format that preserves consumer privacy, and includes information about each recall that has not been completed for each vehicle.

Section 31309 – Study of Crash Data Collection – One year after enactment, the Secretary shall submit a report to Congress regarding the quality of data collected through the National Automotive Sampling System, including the Special Crash Investigations Program.

Section 31313 – Repeal of Insurance Reports and Information Provisions – Does as stated by amending 49 USC 331.

Subtitle E- Child Safety Standards

Section 31501 – Child Safety Seats – 2 years after enactment, Secretary shall issue a final rule amending FMVSS 213 to improve the protection of children seated in child restraint systems during side-impact crashes.

Section 31502 – Child Restraint Anchorage Systems – One year after date of enactment, the Secretary shall initiate a rulemaking proceeding to amend FMVSS 225 relating to child restraint anchorage systems to improve the ease of use for lower anchorages and tethers in all rear seat seating positions.

Title II – Commercial Motor Vehicle Safety Enhancement Act of 2012

Section 32102 – Safety Fitness of New Operators – amends 49 USC 31144(g)(1) to require by regulation that each owner and operator granted new registration to undergo a safety review not later than 12 months after the owner or operator begins operations under such registration. This would include providers of motorcoach carriers.

Section 32202 – Canadian Safety Rating Reciprocity – amends 49 USC 31144 to include recognition of Canadian motor carrier safety fitness determinations.

Section 32203 – State Reporting of Foreign Commercial Driver Convictions – Amends 49 USC 31301 to require that a 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. The report will include each conviction relating to the operation of a commercial motor vehicle, and conviction related to a non-commercial motor vehicle for a driver holding a foreign CDL.

Section 32301 Hours of Service Study and Electronic Logging Devices – One year after enactment, DOT shall prescribe regulations requiring a commercial motor vehicle involved in interstate

commerce be equipped with an electronic logging device to improve compliance with hours of service.

Section 32302 – Driver Medical Qualifications – This section provides that 1 year after enactment DOT shall establish a national registry of medical examiners and sets forth those examination requirements. This section also mandates that not later than 5 years after enactment, states 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 in interstate commerce.

Section 32303 – Commercial Driver’s License Notification System – This section amends 49 USC 31304 to require an employer to make an inquiry at least once every 12 months to state agencies that hold CDL or permit to review the driver record.

Section 32304 – This section amends 49 USC 31305 to require DOT to issue final regulations establishing minimum entry-level training requirements for an individual operating a commercial motor vehicle; including the knowledge and skills test. It requires that anyone issued a CDL must pass written and driving tests for the safe operation of a motor vehicle, and present certification of completion of driver training that meets certain requirements.

Section 32305 – Commercial Driver’s License Program – This section requires that a plan be submitted that includes a date by which all states shall be operating commercial driver’s license information systems that are compatible with the modernized information system and that states must use the systems to receive and submit conviction and disqualification data. It also mandates that states shall submit a plan regarding compliance through September 30, 2016. That plan should identify the actions the state will take to address any deficiencies in the state’s commercial driver’s license program in the most recent audit conducted by DOT and any other actions the state will take towards compliance.

Section 32306 – Commercial Motor Vehicle Driver Information Systems – Amends 49 USC 31106 © to require a state, as a condition of an award of grant money, to provide the Secretary access to all State licensing status and driver history records via an electronic information system, subject to 18 USC 2721.

Section 32308 – Program to Assist Veterans to Acquire Commercial Driver’s Licenses – This section authorizes a study to assess all facets of 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 a CDL.

Section 32401 – National Clearinghouse for Controlled Substance and Alcohol Test Results of Commercial Motor Vehicle Operators – Establishes such a clearinghouse to improve compliance with DOT alcohol and controlled substances testing programs. Directs DOT to 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 CDL.

Section 32709 – Commercial Driver's License Passenger Endorsement Requirements – 2 years after enactment, the Secretary shall review and assess the current knowledge and skill testing requirements for a CDL passenger endorsement. DOT will subsequently submit a report on any changes needed to the program.