

# CMV Safety Enhancement Act of 2012

## Registration Issues

### 1. Registration of Motor Carriers

- Additional carrier registration requirement to include:
  - Agreement to comply with federal carrier requirements
  - Disclosure of relationships that include common ownership, management, common control or familial relationships (for past 3 years)
  - The Secretary issues the registration numbers and can withhold or revoke registration if an entity fails to comply with an of the registration regulations
  - Establishes a written proficiency examination (FMCSA to develop w/i 18 months)
  - All motor carriers, freight forwarders, and brokers have 30 days to report a change of address and other essential information, such as officers, etc
  - Requires passenger carriers to update their information quarterly for the first 2 years after receiving registration
  - penalties for not complying with registration requirements, replacing motor vehicles with motor carrier, permitting the Secretary to put an entire fleet OOS

## New Carriers / Employer Issues

### 2. Safety Fitness of New Operators

- New property carrier owner/operator required to undergo a safety review within the first 12 months
- Passenger carrier owner/operator required to undergo a safety review within the first 120 days
- Effective 1 year after passage of Act

## Motorcoach Issues

### 3. Improved Oversight of Motorcoach Service Providers

- Creates a requirement for periodic safety reviews for providers of motorcoach services
- Requires the Secretary to create regulations for monitoring motorcoach service providers' safety performance on a regular basis, not less than every 3 years
- For existing service providers, review due within 3 years of enactment
- For providers who register after enactment, review due within 2 years of enactment
- Requirements for improvements to accessibility of safety ratings due within 1 year
  - Consider requiring the prominent display safety fitness information
    - In each terminal of departure
    - In the motorcoach and visible from the exterior
    - At all points of sale

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## Farmer Issues

### 4. Transportation of Agricultural Commodities and Farm Supplies (HOS)

- Exempts drivers transporting farm supplies from (HOS) requirements during harvest and planting periods when:
  - Drivers transporting Ag commodities from the source of the Ag commodities to a location w/i 150 air-mile radius from the source
  - Drivers transporting farm supplies for Ag purposes from a wholesale or retail distribution point 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
  - Drivers transporting farm supplies for Ag 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

### 5. Exemptions from Requirements for “Covered Farm Vehicles”

- Exempts 'covered farm vehicles' and their operators from:
  - CDL
  - Medical certificate
  - HOS
  - Vehicle maintenance, inspection and repair regulations
  - Haz-Mat loads are not excepted
  - Permits states to enact regulations regarding 'covered farm vehicles'
    - Directs the Secretary to conduct a study of the safety impacts of the exemption for 'covered farm vehicles'
    - Report due within in 18 months of enactment

#### *A covered farm vehicle means:*

- a motor vehicle that:
  - is traveling in the state of registration or other state;
  - is operated by—
    - a farm owner or operator;
    - a ranch owner or operator; or
    - an employee or family member of either--
  - is transporting to or from a farm or ranch—
    - agricultural commodities;
    - livestock; or
    - machinery or supplies;
  - is not being used as a for-hire operation;
  - is equipped with a farm license plate from the state in which the vehicle is registered; and
- The gross vehicle weight rating or gross vehicle weight, whichever is greater, that is—
  - 26,001 pounds or less; or
  - greater than 26,001 traveling within 150 air miles of the farm or ranch.
- Inclusion: This does include a crop share farm lease agreements...

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## DOR Issues

### **6. Commercial Driver's License Notification System**

- Establishes requirements for periodic review (at least yearly) of drivers' records by employers
- Requires that employers keep the reports in the driver's qualification file
- Instructs the Secretary to establish standards for a 'driver record notification system' to help employers meet the requirements of this section
- Instructs the Secretary to evaluate the benefits and costs of establishing a national notification system
  - Minimum standards for systems due within 1 year
  - Evaluation of national system due within 2 years
  - Report to Congress due 90 days after that

### **7. Commercial Driver's License Program**

- Makes changes to the CDL program
- Amends existing language on the CDL system modernization plan, requiring that the Secretary set a specific date for States to begin operating CDL information system
- Instructs the Secretary to issue guidance on what information must be included in the CDL information system
- Requires that States submit a plan to the Secretary for complying with the CDL system regulations
- States participation in system within in 1 year of passage
- Plans due by 9/30/2015

### **8. Driver Medical Qualifications**

- Electronic Filing of Medical Examination Certificates:
  - Not later than 5-years after the date of enactment, the State shall-
  - Establish and maintain, as part of its driver information system, the capability to receive an electronic copy of a medical examiners certificate

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## FMCSA Issues

### **9. Commercial Motor Vehicle Operator Training**

- Instructs the Secretary to establish minimum entry-level training requirements for CMV operators
- Requires that drivers complete entry-level training in order to receive a CDL
- Standards due within 1 year

### **10. National Clearinghouse for Alcohol and Controlled Substances Test Results of Commercial Motor Vehicle Operators**

- Establishes and sets forth guidelines for creating and maintaining a national clearinghouse of CMV drug & alcohol test results
- Requires the Secretary to develop a secure process for managing information
- Requires interoperability with existing and new information data systems

### **11. Commercial Vehicle Information Systems and Networks**

- Requires the Secretary to submit a report to Congress including:
  - Establishing a time frame and milestones for resuming the CVISN program, and:
  - A strategic workforce plan for the grant management office

### **12. Hours of Service Study and Electronic Logging Devices**

- Instructs the Secretary to conduct a study on the efficacy of the 2011 restart rule
- Instructs the Secretary to offer regulations requiring the use of electronic logging devices to verify HOS compliance by CMV drivers
- Defines and sets requirements and performance and design standards for EOBRs
  - HOS report due by 9/30/13
  - Regulations due within 1 year of passage
  - Includes CVSA request for roadside access for enforcement and technology to be 'tamper resistant, etc

### **13. Electronic logging devices**

- Not later than 1 year after enactment:
  - Prescribe regulations-
    - Requiring a CMV involved in interstate commerce and operated by a driver subject to the HOS requirements under Part 395, be equipped with an electronic logging device to improve compliance by an operator of a vehicle with HOS
    - Ensure that an electronic logging device is not used to harass a vehicle operator

### **14. Regulations for Improved Occupant Protection, Passenger Evacuation and Crash Avoidance**

- Requires the Secretary to prescribe regulations and sets timeframes:
  - 1 Year: Safety Belts
  - 2 Years: Roof Strength & Crush Resistance; Anti-Ejection Safety Countermeasures; Rollover Crash Avoidance

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- 3 Years: Commercial Motor Vehicle Tire Pressure Monitoring Systems

## 15. Fire Prevention and Mitigation

- Requires the Secretary to study motorcoach fires and the best way to prevent them
- Permits the Secretary to issue standards within 3 years, if necessary

## 16. Occupant Protection, Collision Avoidance, Fire Causation, and Fire Extinguisher Research and Testing

- Requires the Secretary to complete research on: Interior Impact Protection; Compartmentalization Safety Counter-measures; and Collision Avoidance Systems
- Permits the Secretary to issue any appropriate final motor vehicle safety standards
  - Research must be complete within 3 years
  - Final Safety Standards due 2 years after completion of research

## 17. Safety Inspection Program for Commercial Motor Vehicles of Passengers

- Requires the Secretary to complete a rulemaking considering requiring:
- States to conduct annual inspections on vehicles that transport passengers
  - Rulemaking is due within 3 years for enactment

## 18. Waivers, Exemptions and Pilot Programs

- This section makes a number of miscellaneous changes:
  - Makes technical corrections to the exemptions section to reflect new information sharing Requirements for physical qualification exemptions
  - transfers the responsibility of notifying inspection personnel from the Secretary to the State safety and compliance agency
  - Removes the requirement that the Secretary post notification of pilot programs in the Federal Register
  - Requires the Secretary to submit an annual report to Congress listing the waivers, exemptions and pilot programs