Provision	H.R. 3 – "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)
SEC. 1115. HIGHWAY USE TAX EVASION PROJECTS	(a) ELIGIBLE ACTIVITIES.-- (1) INTERGOVERNMENTAL ENFORCEMENT EFFORTS.--Section 143(b)(2) of title 23, United States Code, is amended by inserting before the period the following: ``; except that of funds so made available for each of fiscal years 2005 through 2009, $2,000,000 shall be available only to carry out intergovernmental enforcement efforts, including research and training". (2) CONDITIONS ON FUNDS ALLOCATED TO INTERNAL REVENUE SERVICE.--Section 143(b)(3) of such title is amended by striking ``The" and inserting ``Except as otherwise provided in this section, the". (3) LIMITATION ON USE OF FUNDS.--Section 143(b)(4) of such title is amended-- (A) by striking ``and" at the end of subparagraph (F); (B) by striking the period at the end of subparagraph (G) and inserting a semicolon; and (C) by adding at the end the following: ``(H) to support efforts between States and Indian tribes to address issues relating to State motor fuel taxes; and ``(I) to analyze and implement programs to reduce tax evasion associated with foreign imported fuel.". (4) REPORTS.--Section 143(b) of such title is amended by adding at the end the following: ``(9) REPORTS.--The Commissioner of the Internal Revenue Service and each State shall submit to the Secretary an annual report that describes the projects, examinations, and criminal investigations funded by and carried out under this section. Such report shall specify the estimated annual yield from such projects, examinations, and criminal investigations.". (b) EXCISE FUEL REPORTING SYSTEM.--Section 143(c) of such title is amended to read as follows: ``(c) EXCISE TAX FUEL REPORTING.-- ``(1) IN GENERAL.--Not later than 90 days after the date of enactment of the SAFETEA-LU, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of-- ``(A) the additional development of capabilities needed to support new reporting requirements and databases established under such Act and the American Jobs Creation Act of 2004 (P.L. 108-357), and such other reporting requirements and database development as may be determined by the Secretary, in consultation with the Commissioner of the Internal Revenue Service, to be useful

	in the enforcement of fuel excise taxes, including provisions recommended by the Fuel Tax Enforcement Advisory Committee; ``(B) the completion of requirements needed for the electronic reporting of fuel transactions from carriers and terminal operators, ``(C) the operation and maintenance of an excise summary terminal activity reporting system and other systems used to provide strategic analyses of domestic and foreign motor fuel distribution trends and patterns, ``(D) the collection, analysis, and sharing of information on fuel distribution and compliance or noncompliance with fuel taxes, and ``(E) the development, completion, operation, and maintenance of an electronic claims filing system and database and an electronic database of heavy vehicle highway use payments. ``(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.--The memorandum of understanding shall provide that-- ``(A) the Internal Revenue Service shall develop and maintain any system under paragraph (1) through contracts, ``(B) any system under paragraph (1) shall be under the control of the Internal Revenue Service, and ``(C) any system under paragraph (1) shall be made available for use by appropriate State and Federal revenue, tax, and law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986. ``(3) FUNDING.--Of the amounts made available to carry out this section for each of fiscal years 2005 through 2009, the Secretary shall make available to the Internal Revenue Service such funds as may be necessary to complete, operate, and maintain the systems under paragraph (1) in accordance with this subsection. ``(4) REPORTS.--Not later than September 30 of each year, the Commissioner of the Internal Revenue Service shall provide reports to the Secretary on the status of the Internal Revenue Service projects funded under this subsection.". (c) ALLOCATIONS.--Of the amounts authorized to be appropriated under section 1101(a)(21) of this Act for highway use tax evasion projects for each of the fiscal years 2005 through 2009, the following amounts shall be allocated to the Internal Revenue Service to carry out section 143 of title 23, United States Code: (1) $5,000,000 for fiscal year 2005. (2) $44,800,000 for fiscal year 2006. (3) $53,300,000 for fiscal year 2007. (4) $12,000,000 for each of fiscal years 2008 and 2009.
SEC. 1121. HOV FACILITIES.	a) IN GENERAL.--Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1120 of this

	Act), is amended by adding at the end the following:``§166. HOV Facilities ``(a) IN GENERAL.-- ``(1) AUTHORITY OF STATE AGENCIES.--A State agency that has jurisdiction over the operation of a HOV facility shall establish the occupancy requirements of vehicles operating on the facility. ``(2) OCCUPANCY REQUIREMENT.--Except as otherwise provided by this section, no fewer than 2 occupants per vehicle may be required for use of a HOV facility. ``(b) EXCEPTIONS.-- ``(1) IN GENERAL.--Notwithstanding the occupancy requirement of subsection (a)(2), the exceptions in paragraphs (2) through (5) shall apply with respect to a State agency operating a HOV facility. ``(2) MOTORCYCLES AND BICYCLES.-- ``(A) IN GENERAL.--Subject to subparagraph (B), the State agency shall allow motorcycles and bicycles to use the HOV facility. ``(B) SAFETY EXCEPTION.-- ``(i) IN GENERAL.--A State agency may restrict use of the HOV facility by motorcycles or bicycles (or both) if the agency certifies to the Secretary that such use would create a safety hazard and the Secretary accepts the certification. ``(ii) ACCEPTANCE OF CERTIFICATION.--The Secretary may accept a certification under this subparagraph only after the Secretary publishes notice of the certification in the Federal Register and provides an opportunity for public comment. ``(3) PUBLIC TRANSPORTATION VEHICLES.--The State agency may allow public transportation vehicles to use the HOV facility if the agency-- ``(A) establishes requirements for clearly identifying the vehicles; and ``(B) establishes procedures for enforcing the restrictions on the use of the facility by the vehicles. ``(4) HIGH OCCUPANCY TOLL VEHICLES.--The State agency may allow vehicles not otherwise exempt pursuant to this subsection to use the HOV facility if the operators of the vehicles pay a toll charged by the agency for use of the facility and the agency-- ``(A) establishes a program that addresses how motorists can enroll and participate in the toll program; ``(B) develops, manages, and maintains a system that will automatically collect the toll; and ``(C) establishes policies and procedures to-- ``(i) manage the demand to use the facility by varying the toll amount that is charged; and ``(ii) enforce violations of use of the facility. ``(5) LOW EMISSION AND ENERGY-EFFICIENT

	VEHICLES.-- ``(A) INHERENTLY LOW EMISSION VEHICLE.--Before September 30, 2009, the State agency may allow vehicles that are certified as inherently low-emission vehicles pursuant to section 88.311-93 of title 40, Code of Federal Regulations (or successor regulations), and are labeled in accordance with section 88.312-93 of such title (or successor regulations), to use the HOV facility if the agency establishes procedures for enforcing the restrictions on the use of the facility by the vehicles. ``(B) OTHER LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.–Before September 30, 2009, the State agency may allow vehicles certified as low emission and energy-efficient vehicles under subsection (e), and labeled in accordance with subsection (e), to use the HOV facility if the operators of the vehicles pay a toll charged by the agency for use of the facility and the agency-- ``(i) establishes a program that addresses the selection of vehicles under this paragraph; and ``(ii) establishes procedures for enforcing the restrictions on the use of the facility by the vehicles. ``(C) AMOUNT OF TOLLS.--Under subparagraph (B), a State agency may charge no toll or may charge a toll that is less than tolls charged under paragraph (3). ``(c) REQUIREMENTS APPLICABLE TO TOLLS.-- ``(1) IN GENERAL.--Tolls may be charged under paragraphs (3) and (4) of subsection (b) notwithstanding section 301 and, except as provided in paragraphs (2) and (3), subject to the requirements of section 129. ``(2) HOV FACILITIES ON THE INTERSTATE SYSTEM.--Notwithstanding section 129, tolls may be charged under paragraphs (3) and (4) of subsection (b) on a HOV facility on the Interstate System. ``(3) EXCESS TOLL REVENUES.--If a State agency makes a certification under section 129(a)(3) with respect to toll revenues collected under paragraphs (3) and (4) of subsection (b), the State, in the use of toll revenues under that sentence, shall give priority consideration to projects for developing alternatives to single occupancy vehicle travel and projects for improving highway safety. ``(d) HOV FACILITY MANAGEMENT, OPERATON, MONITORING, AND ENFORCEMENT.-- ``(1) IN GENERAL.--A State agency that allows vehicles to use a HOV facility under paragraph (3) or (4) of subsection (b) in a fiscal year shall certify to the Secretary that the agency will carry out the following responsibilities with respect to the facility in the fiscal year: ``(A) Establishing, managing, and supporting a performance monitoring, evaluation, and reporting program for the facility that provides for continuous monitoring, assessment, and reporting on the impacts that the vehicles

	may have on the operation of the facility and adjacent highways. ``(B) Establishing, managing, and supporting an enforcement program that ensures that the facility is being operated in accordance with the requirements of this section. ``(C) Limiting or discontinuing the use of the facility by the vehicles if the presence of the vehicles has degraded the operation of the facility. ``(2) DEGRADED FACILITY.-- ``(A) DEFINITION OF MINIMUM AVERAGE OPERATING SPEED.--In this paragraph, the term `minimum average operating speed' means-- ``(i) 45 miles per hour, in the case of a HOV facility with a speed limit of 50 miles per hour or greater; and ``(ii) not more than 10 miles per hour below the speed limit, in the case of a HOV facility with a speed limit of less than 50 miles per hour. ``(B) STANDARD FOR DETERMINING DEGRADED FACILITY.--For purposes of paragraph (1), the operation of a HOV facility shall be considered to be degraded if vehicles operating on the facility are failing to maintain a minimum average operating speed 90 percent of the time over a consecutive 180-day period during morning or evening weekday peak hour periods (or both). ``(C) MANAGEMENT OF LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.--In managing the use of HOV lanes by low emission and energy-efficient vehicles that do not meet applicable occupancy requirements, a State agency may increase the percentages described in subsection (f)(3)(B)(i). ``(e) CERTIFICATION OF LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.--Not later than 180 days after the date of enactment of this section, the Administrator of the Environmental Protection Agency shall-- ``(1) issue a final rule establishing requirements for certification of vehicles as low emission and energy-efficient vehicles for purposes of this section and requirements for the labeling of the vehicles; and ``(2) establish guidelines and procedures for making the vehicle comparisons and performance calculations described in subsection (f)(3)(B), in accordance with section 32908(b) of title 49. ``(f) DEFINITIONS.--In this section, the following definitions apply: ``(1) ALTERNATIVE FUEL VEHICLE.--The term `alternative fuel vehicle' means a vehicle that is operating on-- ``(A) methanol, denatured ethanol, or other alcohols; ``(B) a mixture containing at least 85 percent of methanol,

	denatured ethanol, and other alcohols by volume with gasoline or other fuels; ``(C) natural gas; ``(D) liquefied petroleum gas; ``(E) hydrogen; ``(F) coal derived liquid fuels; ``(G) fuels (except alcohol) derived from biological materials; ``(H) electricity (including electricity from solar energy); or ``(I) any other fuel that the Secretary prescribes by regulation that is not substantially petroleum and that would yield substantial energy security and environmental benefits, including fuels regulated under section 490 of title 10, Code of Federal Regulations (or successor regulations). ``(2) HOV FACILITY.--The term `HOV facility' means a high occupancy vehicle facility. ``(3) LOW EMISSION AND ENERGY-EFFICIENT VEHICLE.--The term `low emission and energy-efficient vehicle' means a vehicle that-- ``(A) has been certified by the Administrator as meeting the Tier II emission level established in regulations prescribed by the Administrator under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle; and ``(B)(i) is certified by the Administrator of the Environmental Protection Agency, in consultation with the manufacturer, to have achieved not less than a 50-percent increase in city fuel economy or not less than a 25-percent increase in combined city-highway fuel economy (or such greater percentage of city or city-highway fuel economy as may be determined by a State under subsection (d)(2)(C)) relative to a comparable vehicle that is an internal combustion gasoline fueled vehicle (other than a vehicle that has propulsion energy from onboard hybrid sources); or ``(ii) is an alternative fuel vehicle. ``(4) PUBLIC TRANSPORTATION VEHICLE.--The term `public transportation vehicle' means a vehicle that-- ``(A) provides designated public transportation (as defined in section 221 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12141) or provides public school transportation (to and from public or private primary, secondary, or tertiary schools); and ``(B)(i) is owned or operated by a public entity; ``(ii) is operated under a contract with a public entity; or ``(iii) is operated pursuant to a license by the Secretary or a State agency to provide motorbus or school vehicle transportation services to the public. ``(5) STATE AGENCY.-- ``(A) IN GENERAL.--The term `State agency', as used with respect to a HOV facility, means an agency of a State or local government having jurisdiction over the operation of

	the facility. ``(B) INCLUSION.--The term `State agency' includes a State transportation department.". (b) CONFORMING AMENDMENTS.-- (1) PROGRAM EFFICIENCIES.--Section 102 of title 23, United States Code, is amended-- (A) by striking subsection (a); and (B) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively. (2) CHAPTER ANALYSIS.--The analysis for such subchapter (as amended by section 1120 of this Act) is amended by adding at the end the following: ``166..HOV facilities.". (c) SENSE OF CONGRESS.--It is the sense of Congress that the Secretary and the States should provide additional incentives (including the use of high occupancy vehicle lanes on State and Interstate highways) for the purchase and use of hybrid and other fuel efficient vehicles, which have been proven to minimize air emissions and decrease consumption of fossil fuels.
SEC. 1303. COORDINATED BORDER INFRASTRUCTURE PROGRAM.	(a) GENERAL AUTHORITY.—The Secretary shall implement a coordinated border infrastructure program under which the Secretary shall distribute funds to border States to improve the safe movement of motor vehicles at or across the border between the United States and Canada and the border between the United States and Mexico. (b) ELIGIBLE USES.—Subject to subsection (d), a State may use funds apportioned under this section only for— (1) improvements in a border region to existing transportation and supporting infrastructure that facilitate cross-border motor vehicle and cargo movements; (2) construction of highways and related safety and safety enforcement facilities in a border region that facilitate motor vehicle and cargo movements related to international trade; (3) operational improvements in a border region, including improvements relating to electronic data interchange and use of telecommunications, to expedite cross border motor vehicle and cargo movement (4) modifications to regulatory procedures to expedite safe and efficient cross border motor vehicle and cargo movements; and (5) international coordination of transportation planning, programming, and border operation with Canada and Mexico relating to expediting cross border motor vehicle and cargo movements. (c) APPORTIONMENT OF FUNDS.—On October 1 of each fiscal year, the Secretary shall apportion among border States sums authorized to be appropriated to carry out this section for such fiscal year as follows:

	(1) 20 percent in the ratio that— (A) the total number of incoming commercial trucks that pass through the land border ports of entry within the boundaries of a border State, as determined by the Secretary; bears to (B) the total number of incoming commercial trucks that pass through such ports of entry within the boundaries of all the border States, as determined by the Secretary. (2) 30 percent in the ratio that— (A) the total number of incoming personal motor vehicles and incoming buses that pass through land border ports of entry within the boundaries of a border State, as determined by the Secretary; bears to (B) the total number of incoming personal motor vehicles and incoming buses that pass through such ports of entry within the boundaries of all the border States, as determined by the Secretary. (3) 25 percent in the ratio that— (A) the total weight of incoming cargo by commercial trucks that pass through land border ports of entry within the boundaries of a border State, as determined by the Secretary; bears to (B) the total weight of incoming cargo by commercial trucks that pass through such ports of entry within the boundaries of all the border States, as determined by the Secretary. (4) 25 percent of the ratio that— (A) the total number of land border ports of entry within the boundaries of a border State, as determined by the Secretary; bears to (B) the total number of land border ports of entry within the boundaries of all the border States, as determined by the Secretary. (d) PROJECTS IN CANADA OR MEXICO.—A project in Canada or Mexico, proposed by a border State to directly and predominantly facilitate cross-border motor vehicle and cargo movements at an international port of entry into the border region of the State, may be constructed using funds apportioned to the State under this section if, before obligation of those funds, Canada or Mexico, or the political subdivision of Canada or Mexico that is responsible for the operation of the facility to be constructed, provides assurances satisfactory to the Secretary that any facility constructed under this subsection will be— (1) constructed in accordance with standards equivalent to applicable standards in the United States; and (2) properly maintained and used over the useful life of the facility for the purpose for which the Secretary is allocating such funds to the project. (e) TRANSFER OF FUNDS TO THE GENERAL

	SERVICES ADMINISTRATION.— (1) STATE FUNDS.—At the request of a border State, funds apportioned to the State under this section may be transferred to the General Services Administration for the purpose of funding 1 or more projects described in subsection (b) if— (A) the Secretary determines, after consultation with the transportation department of the border State, that the General Services Administration should carry out the project; and (B) the General Services Administration agrees to accept the transfer of, and to administer, those funds in accordance with this section. (2) NON-FEDERAL SHARE.— (A) IN GENERAL.—A border State that makes a request under paragraph (1) shall provide directly to the General Services Administration, for each project covered by the request, the non-Federal share of the cost of the project. (B) NO AUGMENTATION OF APPROPRIATIONS.—Funds provided by a border State under subparagraph (A)— (i) shall not be considered to be an augmentation of the appropriations made available to the General Services Administration; and (ii) shall be— (I) administered, subject to paragraph (1)(B), in accordance with the procedures of the General Services Administration; but (II) available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code. (3) OBLIGATION AUTHORITY.—Obligation authority shall be transferred to the General Services Administration for a project in the same manner and amount as the funds provided for the project under paragraph (1). (4) LIMITATION ON TRANSFER OF FUNDS.—No State may transfer to the General Services Administration under this subsection an amount that is more than the lesser of— (A) 15 percent of the aggregate amount of funds apportioned to the State under this section for such fiscal year; or (B) $5,000,000. (f) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except 23 that, subject to subsection (e), such funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project under this section shall be determined in accordance with section 120 of such title. (g) DEFINITIONS.—In this section, the following definitions apply: (1) BORDER REGION.—The term ‘‘border region’’

	means any portion of a border State within 100 miles of an international land border with Canada or Mexico. (2) BORDER STATE.—The term ''border State'' means any State that has an international land border with Canada or Mexico. (3) COMMERCIAL TRUCK.—The term ''commercial truck'' means a commercial motor vehicle as defined in section 31301(4) (other than subparagraph (B)) of title 49, United States Code. (4) MOTOR VEHICLE.—The term ''motor vehicle'' has the meaning such term has under section 101(a) of title 23, United States Code. (5) STATE.—The term ''State'' has the meaning such term has in section 101(a) of such title 23.
SEC. 1305. TRUCK PARKING FACILITIES.	(a) ESTABLISHMENT.—In cooperation with appropriate State, regional, and local governments, the Secretary shall establish a pilot program to address the shortage of long-term parking for commercial motor vehicles on the National Highway System. (b) ALLOCATION OF FUNDS.— (1) IN GENERAL.—The Secretary shall allocate funds made available to carry out this section among States, metropolitan planning organizations, and local governments. (2) APPLICATIONS.—To be eligible for an allocation under this section, a State (as defined in section 101(a) of title 23, United States Code), metropolitan planning organization, or local government shall submit to the Secretary an application at such time and containing such information as the Secretary may require. (3) ELIGIBLE PROJECTS.—Funds allocated under this subsection shall be used by the recipient for projects described in an application approved by the Secretary. Such projects shall serve the National Highway System and may include the following: (A) Constructing safety rest areas (as defined in section 120(c) of title 23, United States Code) that include parking for commercial motor vehicles. (B) Constructing commercial motor vehicle parking facilities adjacent to commercial truck stops and travel plazas. (C) Opening existing facilities to commercial motor vehicle parking, including inspection and weigh stations and park-and-ride facilities. (D) Promoting the availability of publicly or privately provided commercial motor vehicle parking on the National Highway System using intelligent transportation systems and other means. (E) Constructing turnouts along the National Highway System for commercial motor vehicles.

	(F) Making capital improvements to public commercial motor vehicle parking facilities currently closed on a seasonal basis to allow the facilities to remain open year-round. (G) Improving the geometric design of interchanges on the National Highway System to improve access to commercial motor vehicle parking facilities. (4) PRIORITY.—In allocating funds made available to carry out this section, the Secretary shall give priority to applicants that— (A) demonstrate a severe shortage of commercial motor vehicle parking capacity in the corridor to be addressed; (B) have consulted with affected State and local governments, community groups, private providers of commercial motor vehicle parking, and motorist and trucking organizations; and (C) demonstrate that their proposed projects are likely to have positive effects on highway safety, traffic congestion, or air quality. (c) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the pilot program. (d) FUNDING.— (1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $6,250,000 for each of fiscal years 2006 through 2009. (2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project under this section shall be determined in accordance with sections 120(b) and 120(c) of such title. (e) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, projects funded under this section shall be treated as projects on a Federal-aid system under chapter 1 of title 23, United States Code.
SEC. 1401. HIGHWAY SAFETY IMPROVEMENT PROGRAM.	(a) SAFETY IMPROVEMENT.— (1) IN GENERAL.—Section 148 of title 23, United States Code, is amended to read as follows: **‘‘§ 148. Highway safety improvement program** ‘‘(a) DEFINITIONS.—In this section, the following definitions apply: ‘‘(1) HIGH RISK RURAL ROAD.—The term ‘high risk rural road’ means any roadway functionally classified as a rural major or minor collector or a rural local road— ‘‘(A) on which the accident rate for fatalities and

	incapacitating injuries exceeds the statewide average for those functional classes of roadway; or ‘‘(B) that will likely have increases in traffic volume that are likely to create an accident rate for fatalities and incapacitating injuries that exceeds the statewide average for those functional classes of roadway. ‘‘(2) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—The term ‘highway safety improvement program’ means the program carried out under this section. ‘‘(3) HIGHWAY SAFETY IMPROVEMENT PROJECT.— ‘‘(A) IN GENERAL.—The term ‘highway safety improvement project’ means a project described in the State strategic highway safety plan that— ‘‘(i) corrects or improves a hazardous road location or feature; or ‘‘(ii) addresses a highway safety problem. ‘‘(B) INCLUSIONS.—The term ‘highway safety improvement project’ includes a project for one or more of the following: ‘‘(i) An intersection safety improvement. ‘‘(ii) Pavement and shoulder widening (including addition of a passing lane to remedy an unsafe condition). ‘‘(iii) Installation of rumble strips or another warning device, if the rumble strips or other warning devices do not adversely affect the safety or mobility of bicyclists, pedestrians, and the disabled. ‘‘(iv) Installation of a skid-resistant surface at an intersection or other location with a high frequency of accidents. ‘‘(v) An improvement for pedestrian or bicyclist safety or safety of the disabled. ‘‘(vi) Construction of any project for the elimination of hazards at a railway- highway crossing that is eligible for funding under section 130, including the separation or protection of grades at railway highway crossings. ‘‘(vii) Construction of a railway-highway crossing safety feature, including installation of protective devices. ‘‘(viii) The conduct of a model traffic enforcement activity at a railway-highway crossing. ‘‘(ix) Construction of a traffic calming feature. ‘‘(x) Elimination of a roadside obstacle. ‘‘(xi) Improvement of highway signage and pavement markings. ‘‘(xii) Installation of a priority control system for emergency vehicles at signalized intersections. ‘‘(xiii) Installation of a traffic control or other warning device at a location with high accident potential. ‘‘(xiv) Safety-conscious planning. ‘‘(xv) Improvement in the collection and analysis of crash data.

	‘‘(xvi) Planning, integrated interoperable emergency communications equipment, operational activities, or traffic enforcement activities (including police assistance) relating to workzone safety. ‘‘(xvii) Installation of guardrails, barriers (including barriers between construction work zones and traffic lanes for the safety of motorists and workers), and crash attenuators. ‘‘(xviii) The addition or retrofitting of structures or other measures to eliminate or reduce accidents involving vehicles and wildlife. ‘‘(xix) Installation and maintenance of signs (including fluorescent, yellow-green signs) at pedestrian-bicycle crossings and in school zones. ‘‘(xx) Construction and yellow-green signs at pedestrian-bicycle crossings and in school zones. ‘‘(xxi) Construction and operational improvements on high risk rural roads. ‘‘(4) SAFETY PROJECT UNDER ANY OTHER SECTION.— ‘‘(A) IN GENERAL.—The term ‘safety project under any other section’ means a project carried out for the purpose of safety under any other section of this title. ‘‘(B) INCLUSION.—The term ‘safety project under any other section’ includes a project to promote the awareness of the public and educate the public concerning highway safety matters (including motorcyclist safety) and a project to enforce highway safety laws. ‘‘(5) STATE HIGHWAY SAFETY IMPROVEMENT PROGRAM.—The term ‘State highway safety improvement program’ means projects or strategies included in the State strategic highway safety plan carried out as part of the State transportation improvement program under section 135(g). ‘‘(6) STATE STRATEGIC HIGHWAY SAFETY PLAN.—The term ‘State strategic highway safety plan’ means a plan developed by the State transportation department that— ‘‘(A) is developed after consultation with— ‘‘(i) a highway safety representative of the Governor of the State; ‘‘(ii) regional transportation planning organizations and metropolitan planning organizations, if any; ‘‘(iii) representatives of major modes of transportation; ‘‘(iv) State and local traffic enforcement officials; ‘‘(v) persons responsible for administering section 130 at the State level; ‘‘(vi) representatives conducting Operation Lifesaver; ‘‘(vii) representatives conducting a motor carrier safety program under section 20 31102, 31106, or 31309 of title

	49; ‘‘(viii) motor vehicle administration agencies; and ‘‘(ix) other major State and local safety stakeholders; ‘‘(B) analyzes and makes effective use of State, regional, or local crash data; ‘‘(C) addresses engineering, management, operation, education, enforcement, and emergency services elements (including integrated, interoperable emergency communications) of highway safety as key factors in evaluating highway projects; ‘‘(D) considers safety needs of, and high fatality segments of, public roads; ‘‘(E) considers the results of State, regional, or local transportation and highway safety planning processes; ‘‘(F) describes a program of projects or strategies to reduce or eliminate safety hazards; ‘‘(G) is approved by the Governor of the State or a responsible State agency; and ‘‘(H) is consistent with the requirements of section 135(g). ‘‘(b) PROGRAM.— ‘‘(1) IN GENERAL.—The Secretary shall carry out a highway safety improvement program. ‘‘(2) PURPOSE.—The purpose of the highway safety improvement program shall be to achieve a significant reduction in traffic fatalities and serious injuries on public roads. ‘‘(c) ELIGIBILITY.— ‘‘(1) IN GENERAL.—To obligate funds apportioned under section 104(b)(5) to carry out this section, a State shall have in effect a State highway safety improvement program under which the State— ‘‘(A) develops and implements a State strategic highway safety plan that identifies and analyzes highway safety problems and opportunities as provided in paragraph (2); ‘‘(B) produces a program of projects or strategies to reduce identified safety problems; ‘‘(C) evaluates the plan on a regular basis to ensure the accuracy of the data and priority of proposed improvements; and ‘‘(D) submits to the Secretary an annual report that— ‘‘(i) describes, in a clearly understandable fashion, not less than 5 percent of locations determined by the State, using criteria established in accordance with paragraph (2)(B)(ii), as exhibiting the most severe safety needs; and ‘‘(ii) contains an assessment of— ‘‘(I) potential remedies to hazardous locations identified; ‘‘(II) estimated costs associated with those remedies; and ‘‘(III) impediments to implementation other than cost associated with those remedies. ‘‘(2) IDENTIFICATION AND ANALYSIS OF HIGHWAY SAFETY PROBLEMS AND

	OPPORTUNITIES.—As part of the State strategic highway safety plan, a State shall— ‘‘(A) have in place a crash data system with the ability to perform safety problem identification and countermeasure analysis; ‘‘(B) based on the analysis required by subparagraph (A)— ‘‘(i) identify hazardous locations, sections, and elements (including roadside obstacles, railway-highway crossing needs, and unmarked or poorly marked roads) that constitute a danger to motorists (including motorcyclists), bicyclists, pedestrians, and other highway users; and ‘‘(ii) using such criteria as the State determines to be appropriate, establish the relative severity of those locations, in terms of accidents, injuries, deaths, traffic volume levels, and other relevant data; ‘‘(C) adopt strategic and performance based goals that— ‘‘(i) address traffic safety, including behavioral and infrastructure problems and opportunities on all public roads; ‘‘(ii) focus resources on areas of greatest need; and ‘‘(iii) are coordinated with other State highway safety programs; ‘‘(D) advance the capabilities of the State for traffic records data collection, analysis, and integration with other sources of safety data (such as road inventories) in a manner that— ‘‘(i) complements the State highway safety program under chapter 4 and the commercial vehicle safety plan under section 31102 of title 49; ‘‘(ii) includes all public roads; ‘‘(iii) identifies hazardous locations, sections, and elements on public roads that constitute a danger to motorists (including motorcyclists), bicyclists, pedestrians, the disabled, and other highway users; and ‘‘(iv) includes a means of identifying the relative severity of hazardous locations described in clause (iii) in terms of accidents, injuries, deaths, and traffic volume levels; ‘‘(E)(i) determine priorities for the correction of hazardous road locations, sections, and elements (including railway-highway crossing improvements), as identified through crash data analysis; ‘‘(ii) identify opportunities for preventing the development of such hazardous conditions; and ‘‘(iii) establish and implement a schedule of highway safety improvement projects for hazard correction and hazard prevention; and ‘‘(F)(i) establish an evaluation process to analyze and assess results achieved by highway safety improvement projects carried out in accordance with procedures and criteria established by this section; and ‘‘(ii) use the information obtained under clause (i) in setting priorities for highway safety improvement projects.

	‘‘(d) ELIGIBLE PROJECTS.— ‘‘(1) IN GENERAL.—A State may obligate funds apportioned to the State under section 104(b)(5) to carry out— ‘‘(A) any highway safety improvement project on any public road or publicly owned bicycle or pedestrian pathway or trail; or ‘‘(B) as provided in subsection (e), other safety projects. ‘‘(2) USE OF OTHER FUNDING FOR SAFETY.— ‘‘(A) EFFECT OF SECTION.—Nothing in this section prohibits the use of funds made available under other provisions of this title for highway safety improvement projects. ‘‘(B) USE OF OTHER FUNDS.—States are encouraged to address the full scope of their safety needs and opportunities by using funds made available under other provisions of this title (except a provision that specifically prohibits that use). ‘‘(e) FLEXIBLE FUNDING FOR STATES WITH A STRATEGIC HIGHWAY SAFETY PLAN.— ‘‘(1) IN GENERAL.—To further the implementation of a State strategic highway safety plan, a State may use up to 10 percent of the amount of funds apportioned to the State under section 104(b)(5) for a fiscal year to carry out safety projects under any other section as provided in the State strategic highway safety plan if the State certifies that— ‘‘(A) the State has met needs in the State relating to railway-highway crossings; and ‘‘(B) the State has met the State’s infrastructure safety needs relating to highway safety improvement projects. ‘‘(2) OTHER TRANSPORTATION AND HIGHWAY SAFETY PLANS.—Nothing in this subsection requires a State to revise any State process, plan, or program in effect on the date of enactment of this section. ‘‘(f) HIGH RISK RURAL ROADS.— ‘‘(1) IN GENERAL.—After making an apportionment under section 104(b)(5) for a fiscal year beginning after September 30, 2005, the Secretary shall ensure, from amounts made available to carry out this section for such fiscal year, that a total of $90,000,000 of such apportionment is set aside by the States, proportionally according to the share of each State of the total amount so apportioned, for use only for construction and operational improvements on high risk rural roads. ‘‘(2) SPECIAL RULE.—A State may use funds apportioned to the State pursuant to this subsection for any project under this section if the State certifies to the Secretary that the State has met all of State needs for construction and operational improvements on high risk rural roads. ‘‘(g) REPORTS.—

	‘‘(1) IN GENERAL.—A State shall submit to the Secretary a report that— ‘‘(A) describes progress being made to implement highway safety improvement projects under this section; ‘‘(B) assesses the effectiveness of those improvements; and ‘‘(C) describes the extent to which the improvements funded under this section contribute to the goals of— ‘‘(i) reducing the number of fatalities on roadways; ‘‘(ii) reducing the number of roadway related injuries; ‘‘(iii) reducing the occurrences of roadway-related crashes; ‘‘(iv) mitigating the consequences of roadway-related crashes; and ‘‘(v) reducing the occurrences of crashes at railway-highway crossings. ‘‘(2) CONTENTS; SCHEDULE.—The Secretary shall establish the content and schedule for a report under paragraph (1). ‘‘(3) TRANSPARENCY.—The Secretary shall make reports submitted under subsection (c)(1)(D) available to the public through— ‘‘(A) the Web site of the Department; and ‘‘(B) such other means as the Secretary determines to be appropriate. ‘‘(4) DISCOVERY AND ADMISSION INTO EVIDENCE OF CERTAIN REPORTS, SURVEYS, AND INFORMATION.—Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled or collected for any purpose directly relating to paragraph (1) or subsection (c)(1)(D), or published by the Secretary in accordance with paragraph (3), shall not be subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location identified or addressed in such reports, surveys, schedules, lists, or other data. ‘‘(h) FEDERAL SHARE OF HIGHWAY SAFETY IMPROVEMENT PROJECTS.—Except as provided in sections 120 and 130, the Federal share of the cost of a highway safety improvement project carried out with funds apportioned to a State under section 104(b)(5) shall be 90 percent.’’. (2) CLERICAL AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 148 and inserting the following: ‘‘148. Highway safety improvement program.’’. (3) CONFORMING AMENDMENTS.— (A) TRANSFERS OF APPORTIONMENTS.—Section 104(g) of such title is amended in the first sentence by striking ‘‘sections 130, 144, and 152 of this title’’ and inserting ‘‘sections 130 and 144’’. (B) UNIFORM TRANSFERABILITY.—Section 126(a) of

	such title is amended by inserting ''under'' after ''State's apportionment''. (C) OTHER SECTIONS.—Sections 154, 164, and 409 of such title are amended by striking ''152'' each place it appears and inserting ''148''. (b) APPORTIONMENT OF HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS.—Section 104(b) of such title (as amended by section 1103 of this Act) is 3 amended— (1) in the matter preceding paragraph (1) by inserting after ''Improvement program,'' the following: ''the highway safety improvement program,''; and (2) by adding at the end the following: ''(5) HIGHWAY SAFETY IMPROVEMENT PROGRAM.— ''(A) IN GENERAL.—For the highway safety improvement program, in accordance with the following formula: ''(i) 33 1/3 percent of the apportionments in the ratio that— ''(I) the total lane miles of Federal-aid highways in each State; bears to ''(II) the total lane miles of Federal-aid highways in all States. ''(ii) 33 1/3 percent of the apportionments in the ratio that— ''(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to ''(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States. ''(iii) 33 1/3 percent of the apportionments in the ratio that— ''(I) the number of fatalities on the Federal-aid system in each State in the latest fiscal year for which data are available; bears to ''(II) the number of fatalities on the Federal-aid system in all States in the latest fiscal year for which data are available. ''(B) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of 1/2 of 1 percent of the funds apportioned under this paragraph.''. (d) ELIMINATION OF HAZARDS RELATING TO RAILWAY-HIGHWAY CROSSINGS.— (1) FUNDS FOR PROTECTIVE DEVICES.—Section 130(e) of such title is amended— (A) by striking ''At'' and inserting the following: ''(1) IN GENERAL.—Before making an apportionment under section 104(b)(5) for a fiscal year, the Secretary shall set aside, from amounts made available to carry out the highway safety improvement program under section 148 for such fiscal year, at least $220,000,000 for the elimination of hazards and the installation of protective devices at railway-

	highway crossings. At''; and (B) by adding at the end the following: ''(2) SPECIAL RULE.—If a State demonstrates to the satisfaction of the Secretary that the State has met all its needs for installation of protective devices at railway-highway crossings, the State may use funds made available by this section for other purposes under this subsection.''. (2) APPORTIONMENT.—Section 130(f) of such title is amended to read as follows: ''(f) APPORTIONMENT.— ''(1) FORMULA.—Fifty percent of the funds set aside to carry out this section pursuant to subsection (e)(1) shall be apportioned to the States in accordance with the formula set forth in section 104(b)(3)(A), and 50 percent of such funds shall be apportioned to the States in the ratio that total public railway-highway crossings in each State bears to the total of such crossings in all States. ''(2) MINIMUM APPORTIONMENT.—Notwithstanding paragraph (1), each State shall receive a minimum of 1/2 of 1 percent of the funds apportioned under paragraph (1). ''(3) FEDERAL SHARE.—The Federal share payable on account of any project financed with funds set aside to carry out this section shall be 90 percent of the cost thereof.''. (3) BIENNIAL REPORTS TO CONGRESS.—Section 130(g) of such title is amended in the third sentence— (A) by inserting ''and the Committee on Commerce, Science, and Transportation,'' after ''Public Works''; and (B) by striking ''not later than April 1 of each year'' and inserting '', not later than April 1, 2006, and every 2 years thereafter,''. (4) EXPENDITURE OF FUNDS.—Section 130 of such title is amended by adding at the end the following: ''(k) EXPENDITURE OF FUNDS.—Not more than 2 percent of funds apportioned to a State to carry out this section may be used by the State for compilation and analysis of data in support of activities carried out under subsection (g).''. (e) TRANSITION.— (1) IMPLEMENTATION.—Except as provided in paragraph (2), the Secretary shall approve obligations of funds apportioned under section 104(b)(5) of title 23, United States Code (as added by subsection (b)) to carry out section 148 of that title, only if, not later than October 1 of the second fiscal year beginning after the date of enactment of this Act, a State has developed and implemented a State strategic highway safety plan as required pursuant to section 148(c) of that title. (2) INTERIM PERIOD.— (A) IN GENERAL.—Before October 1 of the second fiscal year after the date of enactment of this Act and until the date on which a State develops and implements a State

	strategic highway safety plan, the Secretary shall apportion funds to a State for the highway safety improvement program and the State may obligate funds apportioned to the State for the highway safety improvement program under section 148 for projects that were eligible for funding under sections 130 and 152 of that title, as in effect on the day before the date of enactment of this Act. (B) NO STRATEGIC HIGHWAY SAFETY PLAN.—If a State has not developed a strategic highway safety plan by October 1, 2007, the State shall receive for the highway safety improvement program for each subsequent fiscal year until the date of development of such plan an amount that equals the amount apportioned to the State for that program for fiscal year 2007.
SEC. 1405. ROADWAY SAFETY IMPROVEMENTS FOR OLDER DRIVERS AND PEDESTRIANS.	(a) IN GENERAL.—The Secretary shall carry out a program to improve traffic signs and pavement markings in all States (as such term is defined in section 101 of title 23, United States Code) in a manner consistent with the recommendations included in the publication of the Federal Highway Administration entitled ''Guidelines and Recommendations to Accommodate Older Drivers and Pedestrians (FHWA–RD–01–103)'' and dated October 2001. (b) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this section shall be determined in accordance with section 120 of title 23, United States Code. (c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2005 through 2009.
SEC. 1406. SAFETY INCENTIVE GRANTS FOR USE OF SEAT BELTS.	Section 157(g)(1) of title 23, United States Code, is amended by striking ''2004, and'' and all that follows through ''2005'' and inserting ''2004, and $112,000,000 for fiscal year 2005''..
SEC. 1407. SAFETY INCENTIVES TO PREVENT OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS.	(a) CODIFICATION OF PENALTY.—Section 163 of title 23, United States Code, is amended— (1) by redesignating subsection (e) as subsection (f); and (2) by inserting after subsection (d) the following: ''(e) PENALTY.— ''(1) IN GENERAL.—On October 1, 2003, and October 1 of each fiscal year thereafter, if a State has not enacted or is not enforcing a law described in subsection (a), the Secretary shall withhold from amounts apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) an amount equal to the amount specified in paragraph (2). ''(2) AMOUNT TO BE WITHHELD.—If a State is subject to a penalty under paragraph (1), the Secretary shall

	withhold for a fiscal year from the apportionments of the State described in paragraph (1) an amount equal to a percentage of the funds apportioned to the State under paragraphs (1), (3), and (4) of section 104(b) for fiscal year 2003. The percentage shall be as follows: ''(A) For fiscal year 2004, 2 percent. ''(B) For fiscal year 2005, 4 percent. ''(C) For fiscal year 2006, 6 percent. ''(D) For fiscal year 2007, and each fiscal year thereafter, 8 percent. ''(3) FAILURE TO COMPLY.—If, within 4 years from the date that an apportionment for a State is withheld in accordance with this subsection, the Secretary determines that the State has enacted and is enforcing a law described in subsection (a), the apportionment of the State shall be increased by an amount equal to the amount withheld. If, at the end of such 4-year period, any State has not enacted or is not enforcing a law described in subsection (a) any amounts so withheld from such State shall lapse.''. (b) AUTHORIZATION OF APPROPRIATIONS.—Section 163(f)(1) of such title (as redesignated by subsection (a)(1) of this section) is amended by striking ''2004, and'' and inserting ''2004, and $110,000,000 for fiscal year 2005''. (c) REPEAL.—Section 351 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (23 U.S.C. 163 note; 114 Stat. 1356A–34) is repealed.
SEC. 1411. ROADWAY SAFETY.	(a) ROAD SAFETY.— (1) IN GENERAL.—The Secretary shall enter into an agreement to assist in the activities of a national nonprofit organization that is dedicated solely to improving public road safety— (A) by improving the quality of data pertaining to public road hazards and design features that affect or increase the severity of motor vehicle crashes; (B) by developing and carrying out a public awareness campaign to educate State and local transportation officials, public safety officials, and motorists regarding the extent to which public road hazards and design features are a factor in motor vehicle crashes; and (C) by promoting public road safety research and technology transfer activities. (2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $500,000 for each of fiscal years 2006 through 2009 to carry out this subsection. (3) APPLICABILITY OF TITLE 23.—Funds made available by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

	(b) BICYCLE AND PEDESTRIAN SAFETY GRANTS.— (1) IN GENERAL.—The Secretary shall make grants to a national, not-for-profit organization engaged in promoting bicycle and pedestrian safety— (A) to operate a national bicycle and pedestrian clearinghouse; (B) to develop information and educational programs; and (C) to disseminate techniques and strategies for improving bicycle and pedestrian safety. (2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $300,000 for fiscal year 2005 and $500,000 for each of fiscal years 2006 through 2009 to carry out this subsection. (3) APPLICABILITY OF TITLE 23.—Funds made available by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.
SEC. 1412. IDLING REDUCTION FACILITIES IN INTERSTATE RIGHTS-OF-WAY.	Section 111 of title 23, United States Code, is amended by adding at the end the following: ‘‘(d) IDLING REDUCTION FACILITIES IN INTERSTATE RIGHTS-OF-WAY.— ‘‘(1) IN GENERAL.—Notwithstanding subsection (a), a State may— ‘‘(A) permit electrification or other idling reduction facilities and equipment, for use by motor vehicles used for commercial purposes, to be placed in rest and recreation areas, and in safety rest areas, constructed or located on rights-of-way of the Interstate System in the State, so long as those idling reduction measures do not reduce the existing number of designated truck parking spaces at any given rest or recreation area; and ‘‘(B) charge a fee, or permit the charging of a fee, for the use of those parking spaces actively providing power to a truck to reduce idling. ‘‘(2) PURPOSE.—The exclusive purpose of the facilities described in paragraph (1) (or similar technologies) shall be to enable operators of motor vehicles used for commercial purposes— ‘‘(A) to reduce idling of a truck while parked in the rest or recreation area; and ‘‘(B) to use installed or other equipment specifically designed to reduce idling of a truck, or provide alternative power for supporting driver comfort, while parked.’’.
SEC. 1808. ADDITION TO CMAQ-ELIGIBLE PROJECTS.	(a) FORMER 1-HOUR MAINTENANCE AREAS.—Section 149(b) of title 23, United States Code, is amended in the matter preceding paragraph (1)(A) by inserting ‘‘or is required to prepare, and file with the Administrator of the Environmental Protection Agency, maintenance plans under

	the Clean Air Act (42 U.S.C. 7401 et seq.)'' after ''1997,''. (b) ELIGIBLE PROJECTS.—Section 149(b) of such title is amended— (1) by striking paragraph (1) and inserting the following: ''(1)(A)(i) if the Secretary, after consultation with the Administrator determines, on the basis of information published by the Environmental Protection Agency pursuant to section 108(f)(1)(A) of the Clean Air Act (other than clause (xvi)) that the project or program is likely to contribute to— ''(I) the attainment of a national ambient air quality standard; or ''(II) the maintenance of a national ambient air quality standard in a maintenance area; and ''(ii) a high level of effectiveness in reducing air pollution, in cases of projects or programs where sufficient information is available in the database established pursuant to subsection (h) to determine the relative effectiveness of such projects or programs; or, ''(B) in any case in which such information is not available, if the Secretary, after such consultation, determines that the project or program is part of a program, method, or strategy described in such section 108(f)(1)(A);''. (2) in paragraph (4)— (A) by inserting '', including advanced truck stop electrification systems,'' after ''facility or program''; and (B) by striking ''or'' at the end; (3) in paragraph (5)— (A) by inserting ''improve transportation systems management and operations that mitigate congestion and improve air quality,'' after ''intersections,''; and (B) by striking the period at the end and inserting a semicolon; and (4) by adding at the end the following: ''(6) if the project or program involves the purchase of integrated, interoperable emergency communications equipment; or ''(7) if the project or program is for— ''(A) the purchase of diesel retrofits that are— ''(i) for motor vehicles (as defined in section 216 of the Clean Air Act (42 U.S.C. 7550)); or ''(ii) published in the list under subsection (f)(2) for non-road vehicles and non-road engines (as defined in section 216 of the Clean Air Act (42 U.S.C. 7550)) that are used in construction projects that are— ''(I) located in nonattainment or maintenance areas for ozone, PM10, or PM2.5 (as defined under the Clean Air Act (42 U.S.C. 7401 et seq.)); and ''(II) funded, in whole or in part, under this title; or ''(B) the conduct of outreach activities that are designed to provide information and technical assistance to the owners

	and operators of diesel equipment and vehicles regarding the purchase and installation of diesel retrofits.''. (c) STATES RECEIVING MINIMUM APPORTIONMENT.—Section 149(c) of such title is amended— (1) in paragraph (1) by striking ''for any project eligible under the surface transportation program under section 133.'' and inserting the following: ''for any project in the State that— ''(A) would otherwise be eligible under this section as if the project were carried out in a nonattainment or maintenance area; or ''(B) is eligible under the surface transportation program under section 133.''; and (2) in paragraph (2) by striking ''for any project in the State eligible under section 133.'' and inserting the following: ''for any project in the State that— ''(A) would otherwise be eligible under this section as if the project were carried out in a nonattainment or maintenance area; or ''(B) is eligible under the surface transportation program under section 133.''. (d) COST-EFFECTIVE EMISSION REDUCTION GUIDANCE.—Section 149 of such title is amended by adding at the end the following: ''(f) COST-EFFECTIVE EMISSION REDUCTION GUIDANCE.— ''(1) DEFINITIONS.—In this subsection, the following definitions apply: ''(A) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency. ''(B) DIESEL RETROFIT.—The term 'diesel retrofit' means a replacement, repowering, rebuilding, after treatment, or other technology, as determined by the Administrator. ''(2) EMISSION REDUCTION GUIDANCE.—The Administrator, in consultation with the Secretary, shall publish a list of diesel retrofit technologies and supporting technical information for— ''(A) diesel emission reduction technologies certified or verified by the Administrator, the California Air Resources Board, or any other entity recognized by the Administrator for the same purpose; ''(B) diesel emission reduction technologies identified by the Administrator as having an application and approvable test plan for verification by the Administrator or the California Air Resources Board that is submitted not later that [sic] 18 months of the date of enactment of this subsection; ''(C) available information regarding the emission

	reduction effectiveness and cost effectiveness of technologies identified in this paragraph, taking into consideration air quality and health effects. ‘‘(3) PRIORITY.— ‘‘(A) IN GENERAL.—States and metropolitan planning organizations shall give priority in distributing funds received for congestion mitigation and air quality projects and programs from apportionments derived from application of sections 104(b)(2)(B) and 104(b)(2)(C) to— ‘‘(i) diesel retrofits, particularly where necessary to facilitate contract compliance, and other cost-effective emission reduction activities, taking into consideration air quality and health effects; and ‘‘(ii) cost-effective congestion mitigation activities that provide air quality benefits. ‘‘(B) SAVINGS.—This paragraph is not intended to disturb the existing authorities and roles of governmental agencies in making final project selections. ‘‘(4) NO EFFECT ON AUTHORITY OR RESTRICTIONS.—Nothing in this subsection modifies or otherwise affects any authority or restriction established under the Clean Air Act (42 U.S.C. 7401 et seq.) or any other law (other than provisions of this title relating to congestion mitigation and air quality).’’. (e) IMPROVED INTERAGENCY CONSULTATION.—Section 149 of such title (as amended by subsection (d)) is amended by adding at the end the following: ‘‘(g) INTERAGENCY CONSULTATION.—The Secretary shall encourage States and metropolitan planning organizations to consult with State and local air quality agencies in nonattainment and maintenance areas on the estimated emission reductions from proposed congestion mitigation and air quality improvement programs and projects.’’. (f) EVALUATION AND ASSESSMENT OF CMAQ PROJECTS.—Section 149 of such title (as amended by subsection (e)) is amended by adding at the end the following: ‘‘(h) EVALUATION AND ASSESSMENT OF PROJECTS.— ‘‘(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall evaluate and assess a representative sample of projects funded under the congestion mitigation and air quality program to— ‘‘(A) determine the direct and indirect impact of the projects on air quality and congestion levels; and ‘‘(B) ensure the effective implementation of the program. ‘‘(2) DATABASE.—Using appropriate assessments of projects funded under the congestion mitigation and air quality program and results from other research, the

	Secretary shall maintain and disseminate a cumulative database describing the impacts of the projects. ''(3) CONSIDERATION.—The Secretary, in consultation with the Administrator, shall consider the recommendations and findings of the report submitted to Congress under section 1110(e) of the Transportation Equity Act for the 21st Century (112 Stat. 144), including recommendations and findings that would improve the operation and evaluation of the congestion mitigation and air quality improvement program.''. (g) FLEXIBILITY IN THE STATE OF MONTANA.—The State of Montana may use funds apportioned under section 104(b)(2) of title 23, United States Code, for the operation of public transit activities that serve a nonattainment or maintenance area. (h) AVAILABILITY OF FUNDS FOR STATE OF MICHIGAN.—The State of Michigan may use funds apportioned under section 104(b)(2) of such title for the operation and maintenance of intelligent transportation system strategies that serve a nonattainment or maintenance area. (i) AVAILABILITY OF FUNDS FOR THE STATE OF MAINE.—The State of Maine may use funds apportioned under section 104(b)(2) of such title to support, through September 30, 2009, the operation of passenger rail service between Boston, Massachusetts, and Portland, Maine. (j) AVAILABILITY OF FUNDS FOR OREGON.—The State of Oregon may use funds apportioned on or before September 30, 2009, under section 104(b)(2) of such title to support the operation of additional passenger rail service between Eugene and Portland. (k) AVAILABILTY OF FUNDS FOR CERTAIN OTHER STATES.—The States of Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, and Ohio may use funds apportioned under section 104(b)(2) of such title to purchase alternative fuel (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211)) or biodiesel.
SEC. 1901. INCLUSION OF REQUIREMENTS FOR SIGNS IDENTIFYING FUNDING SOURCES IN TITLE 23.	(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by inserting after section 320— (1) the following: **''§ 321. Signs identifying funding sources''**; and (2) the text of section 154 of the Federal-Aid Highway Act of 1987 (23 U.S.C. 101 note). (b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 320 the following: ''321. Signs identifying funding sources.''. (c) CONFORMING REPEAL.—Section 154 of the Federal-Aid Highway Act of 1987 (23 U.S.C. 101 note; 101 Stat. 209) is repealed.
SEC. 1906. GRANT PROGRAM TO	(a) GRANTS.—Subject to the requirements of this section,

PROHIBIT RACIAL PROFILING.	the Secretary shall make grants to a State that— (1)(A) has enacted and is enforcing a law that prohibits the use of racial profiling in the enforcement of State laws regulating the use of Federal-aid highways; and (B) is maintaining and allows public inspection of statistical information for each motor vehicle stop made by a law enforcement officer on a Federal-aid highway in the State regarding the race and ethnicity of the driver and any passengers; or (2) provides assurances satisfactory to the Secretary that the State is undertaking activities to comply with the requirements of paragraph (1). (b) ELIGIBLE ACTIVITIES.—A grant received by a State under subsection (a) shall be used by the State— (1) in the case of a State eligible under subsection (a)(1), for costs of— (A) collecting and maintaining of data on traffic stops; (B) evaluating the results of the data; and (C) developing and implementing programs to reduce the occurrence of racial profiling, including programs to train law enforcement officers; and (2) in the case of a State eligible under subsection (a)(2), for costs of— (A) activities to comply with the requirements of subsection (a)(1); and (B) any eligible activity under paragraph (1). (c) RACIAL PROFILING.— (1) IN GENERAL.—To meet the requirement of subsection (a)(1), a State law shall prohibit, in the enforcement of State laws regulating the use of Federal-aid highways, a State or local law enforcement officer from using the race or ethnicity of the driver or passengers to any degree in making routine or spontaneous law enforcement decisions, such as ordinary traffic stops on Federal-aid highways. (2) LIMITATION.—Nothing in this subsection shall alter the manner in which a State or local law enforcement officer considers race or ethnicity whenever there is trustworthy information, relevant to the locality or time frame, that links persons of a particular race or ethnicity to an identified criminal incident, scheme, or organization. (d) LIMITATIONS.— (1) MAXIMUM AMOUNT OF GRANTS.—The total amount of grants made to a State under this section in a fiscal year may not exceed 5 percent of the amount made available to carry out this section in the fiscal year. (2) ELIGIBILITY.—A State may not receive a grant under subsection (a)(2) in more than 2 fiscal years. (e) AUTHORIZATION OF APPROPRIATIONS.— (1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $7,500,000 for each of

	fiscal years 2005 through 2009. (2) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except the Federal share of the cost of activities carried out using such funds shall be 80 percent, and such funds shall remain available until expended and shall not be transferable.
SEC. 1914. MOTORCYCLIST ADVISORY COUNCIL.	(a) IN GENERAL.—The Secretary, acting through the Administrator of the Federal Highway Administration, in consultation with the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Sen2ate, shall appoint a Motorcyclist Advisory Council to coordinate with and advise the Administrator on infrastructure issues of concern to motorcyclists, including— (1) barrier design; (2) road design, construction, and maintenance practices; and (3) the architecture and implementation of intelligent transportation system technologies. (b) COMPOSITION.—The Council shall consist of not more than 10 members of the motorcycling community with professional expertise in national motorcyclist safety advocacy, including— (1) at least— (A) 1 member recommended by a national motorcyclist association; (B) 1 member recommended by a national motorcycle riders foundation; (C) 1 representative of the National Association of State Motorcycle Safety Administrators; (D) 2 members of State motorcyclists' organizations; (E) 1 member recommended by a national organization that represents the builders of highway infrastructure; (F) 1 member recommended by a national association that represents the traffic safety systems industry; and (G) 1 member of a national safety organization; and (2) at least 1, and not more than 2, motorcyclists who are traffic system design engineers or State transportation department officials.
SEC. 1947. ELIGIBLE SAFETY IMPROVEMENTS.	Section 120(c) of title 23, United States Code, is amended in the first sentence by inserting ''traffic circles (also known as 'roundabouts'),'' after ''traffic control signalization,''.
SEC. 1954. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.	Section 217(c) of title 23, United States Code, is amended by striking ''in conjunction with such trails, roads, highways, and parkways''.
SEC. 2002. HIGHWAY SAFETY	(a) PROGRAMS TO BE INCLUDED.—Section 402(a) of

PROGRAMS.	title 23, United States Code, is amended— (1) in clause (2) by striking ''and to increase public awareness of the benefit of motor vehicles equipped with airbags''; (2) by redesignating clause (6) as clause (7); (3) by inserting after clause (5) the following: ''(6) to reduce accidents resulting from unsafe driving behavior (including aggressive or fatigued driving and distracted driving arising from the use of electronic devices in vehicles)''; and (4) in the 10th sentence by inserting ''aggressive driving, fatigued driving, distracted driving,'' after ''school bus accidents,'' (b) ADMINISTRATION OF STATE PROGRAMS.—Section 402(b)(1) of such title is amended— (1) in subparagraph (C) by striking ''and'' at the end; (2) by redesignating clause (6) as clause (7); (3) in subparagraph (D) by striking ''State.'' and inserting ''State; and''; and (4) by adding at the end the following: ''(E) provide satisfactory assurances that the State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within a State as identified by the State highway safety planning process, including— ''(i) national law enforcement mobilizations; ''(ii) sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits; ''(iii) an annual statewide safety belt use survey in accordance with criteria established by the Secretary for the measurement of State safety belt use rates to en-sure that the measurements are accurate and representative; and ''(iv) development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources.''. (c) DEDUCTION DELETION.—Section 402(c) of such title is amended— (1) by striking the second sentence; and (2) in the sixth sentence by striking ''three-fourths of 1 percent'' and inserting ''2 percent''. (d) LAW ENFORCEMENT AND CONSOLIDATION OF APPLICATIONS.—Section 402 of such title is further amended by adding at the end the following: ''(l) LAW ENFORCEMENT VEHICULAR PURSUIT TRAINING.—A State shall actively encourage all relevant law enforcement agencies in such State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are in effect on the date of enactment of this subsection or as

	revised and in effect after such date as determined by the Secretary. ''(m) CONSOLIDATION OF GRANT APPLICATIONS.—The Secretary shall establish an approval process by which a State may apply for all grants under this chapter through a single application process with one annual deadline. The Bureau of Indian Affairs shall establish a similar simplified process for applications for grants from Indian tribes under this chapter.'' (e) CONFORMING REPEAL FOR ADMINISTRATIVE EXPENSES.—Section 405(d) of such title is repealed.
SEC. 2003. HIGHWAY SAFETY RESEARCH AND OUTREACH PROGRAMS.	(a) REVISED AUTHORITY AND REQUIREMENTS.—Section 403(a) of title 23, United States Code, is amended to read as follows: ''(a) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to use funds appropriated to carry out this section to— ''(1) conduct research on all phases of highway safety and traffic conditions, including accident causation, highway or driver characteristics, communications, and emergency care; ''(2) conduct ongoing research into driver behavior and its effect on traffic safety; ''(3) conduct research on, launch initiatives to counter, and conduct demonstration projects on fatigued driving by drivers of motor vehicles and distracted driving in such vehicles, including the effect that the use of electronic devices and other factors deemed relevant by the Secretary have on driving; ''(4) conduct training or education programs in cooperation with other Federal departments and agencies, States, private sector persons, highway safety personnel, and law enforcement personnel; ''(5) conduct research on, and evaluate the effectiveness of, traffic safety countermeasures, including seat belts and impaired driving initiatives; ''(6) conduct research on, evaluate, and develop best practices related to driver education programs (including driver education curricula, instructor training and certification, program administration and delivery mechanisms) and make recommendations for harmonizing driver education and multistage graduated licensing systems; ''(7) conduct research, training, and education programs related to older drivers; ''(8) conduct demonstration projects; and ''(9) conduct research, training, and programs relating to motorcycle safety, including impaired driving.'' (b) INTERNATIONAL COOPERATION.—Section 403 of such title is amended by adding at the end the following: ''(g) INTERNATIONAL COOPERATION.—The

	Administrator of the National Highway Traffic Safety Administration may participate and cooperate in international activities to enhance highway safety.''. (c) ON-SCENE MOTOR VEHICLE COLLISION CAUSATION.— (1) STUDY.—The Secretary shall conduct under section 403 of title 23, United States Code, a nationally representative study to collect on-scene motor vehicle collision data and to determine crash causation. The Secretary shall enter into a contract with the National Academy of Sciences to conduct a review of the research, design, methodology, and implementation of the study. (2) CONSULTATION.—The study under this subsection may be conducted in consultation with other Federal departments and agencies with relevant expertise. (3) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report on the results of the study conducted under this subsection to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation (d) RESEARCH ON DISTRACTED, INATTENTIVE, AND FATIGUED DRIVERS.—In conducting research under section 403(a)(3) of title 23, United States Code, the Secretary shall carry out not less than 2 demonstration projects to evaluate new and innovative means of combating traffic system problems caused by distracted, inattentive, or fatigued drivers. The demonstration projects shall be in addition to any other research carried out under such section. (e) PEDESTRIAN SAFETY.— (1) IN GENERAL.—The Secretary shall— (A) produce a comprehensive report on pedestrian safety that builds on the current level of knowledge of pedestrian safety counter measures by identifying the most effective advanced technology and intelligent transportation systems, such as automated pedestrian detection and warning systems (infrastructure-based and vehicle-based), road design, and vehicle structural design that could potentially mitigate the crash forces on pedestrians in the event of a crash; and (B) include in the report recommendations on how new technological developments could be incorporated into educational and enforcement efforts and how they could be integrated into national design guidelines developed by the American Association of State Highway and Transportation Officials. (2) DUE DATE.—The Secretary shall complete the report under this subsection not less than 2 years after the date of enactment of this Act and submit a copy of the report to the Committee on Commerce, Science, and Transportation of

	the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. (f) REFUSAL OF INTOXICATION TESTING.— (1) STUDY.—The Secretary shall carry out under section 403 of title 23, United States Code, a study of the frequency with which persons arrested for the offense of operating a motor vehicle while under the influence of alcohol and persons arrested for the offense of operating a motor vehicle while intoxicated refuse to take a test to determine blood alcohol concentration levels and the effect such refusals have on the ability of States to prosecute such persons for those offenses. (2) CONSULTATION.—In carrying out the study under this subsection, the Secretary shall consult with the Governors of the States, the States' Attorneys General, and the United States Sentencing Commission. (3) REPORT.— (A) REQUIREMENT FOR REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. (B) CONTENT.—The report shall include any recommendation for legislation, including any recommended model State legislation, and any other recommendations that the Secretary considers appropriate for implementing a program designed to decrease the occurrence of refusals by arrested persons to submit to a test to determine blood alcohol concentration levels. (g) IMPAIRED MOTORCYCLE DRIVING.— (1) STUDYING.—In conducting research under section 403(a)(9) of title 23, United States Code, the Secretary shall conduct a study on educational, public information and other activities targeted at reducing motorcycle accidents and resulting fatalities and injuries, where the operator of the motorcycle is impaired. (2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study, including the data collected and statistics compiled and recommendations to reduce the number of motorcycle accidents described in paragraph (1) and the resulting fatalities and injuries. (h) REDUCING IMPAIRED DRIVING RECIDIVISM.— (1) STUDY.—The Secretary shall conduct a study on reducing the incidence of alcohol-related motor vehicle crashes and fatalities through research of advanced vehicle-based alcohol detection systems, including an assessment of

	the practicability and cost effectiveness of such systems. (2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.
SEC. 2004. OCCUPANT PROTECTION INCENTIVE GRANTS.	(a) GENERAL AUTHORITY.—Section 405(a) of title 23, United States Code, is amended– (1) in paragraph (2) by striking ''Transportation Equity Act for the 21st Century'' and inserting ''SAFETEA–LU''; (2) in paragraph (3) by striking ''1997'' and inserting ''2003''; and (3) in each of paragraphs (4)(A), (4)(B), and (4)(C) by inserting after ''years'' the following: ''beginning after September 30, 2003,''. (c) GRANT AMOUNTS.—Section 405(c) of such title is amended– (1) by striking ''25 percent'' and inserting ''100 percent''; and (2) by striking ''1997'' and inserting ''2003''.
SEC. 2005. GRANTS FOR PRIMARY SAFETY BELT USE LAWS.	(a) IN GENERAL.—Section 406 of title 23, United States Code, is amended to read as follows: **''§ 406. Safety belt performance grants** ''(a) IN GENERAL.—The Secretary shall make grants to States in accordance with the provisions of this section to encourage the enactment and enforcement of laws requiring the use of safety belts in passenger motor vehicles. ''(b) GRANTS FOR ENACTING PRIMARY SAFETY BELT USE LAWS.— ''(1) IN GENERAL.—The Secretary shall make a single grant to each State that either— ''(A) enacts for the first time after December 31, 2002, and has in effect and is enforcing a conforming primary safety belt use law for all passenger motor vehicles; or ''(B) in the case of a State that does not have such a primary safety belt use law, has after December 31, 2005, a State safety belt use rate of 85 percent or more for each of the 2 calendar years immediately preceding the fiscal year of a grant, as measured under criteria determined by the Secretary. ''(2) AMOUNT.—The amount of a grant available to a State in fiscal year 2006 or in a subsequent fiscal year under paragraph (1) shall equal 475 percent of the amount apportioned to the State under section 402(c) for fiscal year 2003. ''(3) JULY 1 CUT-OFF.—For the purpose of determining the eligibility of a State for a grant under paragraph (1)(A), a conforming primary safety belt use law enacted after June 30th of any year shall—

	‘‘(A) not be considered to have been enacted in the Federal fiscal year in which that June 30th falls; but ‘‘(B) be considered as if it were enacted after October 1 of the next Federal fiscal year. ‘‘(4) SHORTFALL.—If the total amount of grants provided for by this subsection for a fiscal year exceeds the amount of funds available for such grants for that fiscal year, the Secretary shall make grants under this subsection to States in the order in which— ‘‘(A) the conforming primary safety belt use law came into effect; or ‘‘(B) the State’s safety belt use rate was 85 percent or more for 2 consecutive calendar years (as measured under by criteria determined by the Secretary), whichever first occurs. ‘‘(5) CATCH-UP GRANTS.—The Secretary shall make a grant to any State eligible for a grant under this subsection that did not receive a grant for a fiscal year because of the application of paragraph (4), in the next fiscal year if the State’s conforming primary safety belt use law remains in effect or its safety belt use rate is 85 percent or more for the 2 consecutive calendar years preceding such next fiscal year (subject to the condition in paragraph (4)). ‘‘(c) GRANTS FOR PRE-2003 LAWS.— ‘‘(1) IN GENERAL.—To the extent that amounts made available for grants under this section for any of fiscal years 2006 through 2009 exceed the total amount of grants to be awarded under subsection (b) for the fiscal year, including amounts to be awarded for catch-up grants under subsection (b)(5), the Secretary shall make a single grant to each State that enacted, has in effect, and is enforcing a conforming primary safety belt use law for all passenger motor vehicles that was in effect before January 1, 2003. ‘‘(2) AMOUNT; INSTALLMENTS.—The amount of a grant available to a State under this subsection shall be equal to 200 percent of the amount of funds apportioned to the State under section 402(c) for fiscal year 2003. The Secretary may award the grant in annual installments. ‘‘(d) ALLOCATION OF UNALLOCATED FUNDS.— ‘‘(1) ADDITIONAL GRANTS.—The Secretary shall make additional grants under this section of any amounts made available for grants under this section that, on July 1, 2009, have not been allocated to States under this section.. ‘‘(2) ALLOCATION.—The additional grants made under this subsection shall be allocated among all States that, as of that date, have enacted, have in effect, and are enforcing conforming primary safety belt laws for all passenger motor vehicles. The allocations shall be made in accordance with the formula for apportioning funds among the States under section 402(c). ‘‘(e) USE OF GRANT FUNDS.—

	‘‘(1) IN GENERAL.—Subject to paragraph (2), a State may use a grant under this section for any safety purpose under this title or for any project that corrects or improves a hazardous roadway location or feature or proactively addresses highway safety problems, including— ‘‘(A) intersection improvements; ‘‘(B) pavement and shoulder widening; ‘‘(C) installation of rumble strips and other warning devices; ‘‘(D) improving skid resistance; ‘‘(E) improvements for pedestrian or bicyclist safety; ‘‘(F) railway-highway crossing safety; ‘‘(G) traffic calming; ‘‘(H) the elimination of roadside obstacles; ‘‘(I) improving highway signage and pavement marking; ‘‘(J) installing priority control systems for emergency vehicles at signalized intersections; ‘‘(K) installing traffic control or warning devices at locations with high accident potential; ‘‘(L) safety-conscious planning; and ‘‘(M) improving crash data collection and analysis. ‘‘(2) SAFETY ACTIVITY REQUIREMENT.—Notwithstanding paragraph (1), the Secretary shall ensure that at least $1,000,000 of amounts received by States under this section are obligated for safety activities under this chapter. ‘‘(3) SUPPORT ACTIVITY.—The Secretary or his designee may engage in activities with States and State legislators to consider proposals related to safety belt use laws. ‘‘(f) CARRY-FORWARD OF EXCESS FUNDS.—If the amount available for grants under this section for any fiscal year exceeds the sum of the grants made under this section for that fiscal year, the excess amount and obligational authority shall be carried forward and made available for grants under this section in the succeeding fiscal year. ‘‘(g) FEDERAL SHARE.—The Federal share payable for grants under this section shall be 100 percent. ‘‘(h) PASSENGER MOTOR VEHICLE DEFINED.—In this section, the term ‘passenger motor vehicle’ means— ‘‘(1) a passenger car; ‘‘(2) a pickup truck; and ‘‘(3) a van, minivan, or sport utility vehicle with a gross vehicle weight rating of less than 10,000 pounds.’’. (b) CLERICAL AMENDMENT.—The analysis for chapter 4 of such title is amended by striking the item relating to section 406 and inserting the following: ‘‘406. Safety belt performance grants.’’.
SEC. 2006. STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.	(a) IN GENERAL.—Section 408 of title 23, United States Code, is amended to read as follows: **‘‘§ 408. State traffic safety information system**

	improvements ‘‘(a) GRANT AUTHORITY.—Subject to the requirements of this section, the Secretary shall make grants to eligible States to support the development and implementation of effective programs by such States to— ‘‘(1) improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of the safety data of the State that is needed to identify priorities for national, State, and local highway and traffic safety programs; ‘‘(2) evaluate the effectiveness of efforts to make such improvements; ‘‘(3) link the State data systems, including traffic records, with other data systems within the State, such as systems that contain medical, roadway, and economic data; and ‘‘(4) improve the compatibility and interoperability of the data systems of the State with national data systems and data systems of other States and enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances. ‘‘(b) FIRST-YEAR GRANTS.—To be eligible for a first year grant under this section in a fiscal year, a State shall demonstrate to the satisfaction of the Secretary that the State has— ‘‘(1) established a highway safety data and traffic records coordinating committee with a multidisciplinary membership that includes, among others, managers, collectors, and users of traffic records and public health and injury control data systems; and ‘‘(2) developed a multiyear highway safety data and traffic records system strategic plan— ‘‘(A) that addresses existing deficiencies in the State’s highway safety data and traffic records system; ‘‘(B) that is approved by the highway safety data and traffic records coordinating committee; ‘‘(C) that specifies how existing deficiencies in the State’s highway safety data and traffic records system were identified; ‘‘(D) that prioritizes, on the basis of the identified highway safety data and traffic records system deficiencies of the State, the highway safety data and traffic records system needs and goals of the State, including the activities under subsection (a); ‘‘(E) that identifies performance-based measures by which progress toward those goals will be determined; and ‘‘(F) that specifies how the grant funds and any other funds of the State are to be used to address needs and goals identified in the multiyear plan. ‘‘(c) SUCCESSIVE YEAR GRANTS.—A State shall be eligible for a grant under this subsection in a fiscal year succeeding the first fiscal year in which the State receives a

	grant under subsection (b) if the State— ‘‘(1) certifies to the Secretary that an assessment or audit of the State’s highway safety data and traffic records system has been conducted or updated within the preceding 5 years; ‘‘(2) certifies to the Secretary that its highway safety data and traffic records coordinating committee continues to operate and supports the multiyear plan; ‘‘(3) specifies how the grant funds and any other funds of the State are to be used to address needs and goals identified in the multiyear plan; ‘‘(4) demonstrates to the Secretary measurable progress toward achieving the goals and objectives identified in the multiyear plan; and ‘‘(5) submits to the Secretary a current report on the progress in implementing the multiyear plan. ‘‘(d) GRANT AMOUNT.—Subject to subsection (e)(3), the amount of a year grant made to a State for a fiscal year under this section shall equal the higher of— ‘‘(1) the amount determined by multiplying— ‘‘(A) the amount appropriated to carry out this section for such fiscal year, by ‘‘(B) the ratio that the funds apportioned to the State under section 402 for fiscal year 2003 bears to the funds apportioned to all States under such section for fiscal year 2003; or ‘‘(2)(A) $300,000 in the case of the first fiscal year a grant is made to a State under this section after the date of enactment of this subparagraph; or ‘‘(B) $500,000 in the case of a succeeding fiscal year a grant is made to the State under this section after such date of enactment. ‘‘(e) ADDITIONAL REQUIREMENTS AND LIMITATIONS.— ‘‘(1) MODEL DATA ELEMENTS.—The Secretary, in consultation with States and other appropriate parties, shall determine the model data elements that are useful for the observation and analysis of State and national trends in occurrences, rates, outcomes, and circumstances of motor vehicle traffic accidents. In order to be eligible for a grant under this section, a State shall submit to the Secretary a certification that the State has adopted and uses such model data elements, or a certification that the State will use grant funds provided under this section toward adopting and using the maximum number of such model data elements as soon as practicable. ‘‘(2) DATA ON USE OF ELECTRONIC DEVICES.—The model data elements required under paragraph (1) shall include data elements, as determined appropriate by the Secretary, in consultation with the States and appropriate elements of the law enforcement community,

	on the impact on traffic safety of the use of electronic devices while driving. ''(3) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for highway safety data programs at or above the average level of such expenditures maintained by such State in the 2 fiscal years preceding the date of enactment of the SAFETEA–LU. ''(4) FEDERAL SHARE.—The Federal share of the cost of adopting and implementing in a fiscal year a State program described in subsection (a) may not exceed 80 percent. ''(5) LIMITATION ON USE OF GRANT PROCEEDS.—A State may use the proceeds of a grant received under this section only to implement the program described in subsection (a) for which the grant is made. ''(f) APPLICABILITY OF CHAPTER 1.—Section 402(d) of this title shall apply in the administration of this section.''. (b) CLERICAL AMENDMENT.—The analysis for chapter 4 of such title is amended by striking the item relating to section 408 and inserting the following: ''408. State traffic safety information system improvements.''.
SEC. 2007. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.	(a) MAINTENANCE OF EFFORT.—Section 410(a)(2) of title 23, United States Code, is amended— (1) by striking ''under this section'' and inserting ''under this subsection''; and (2) by striking ''Transportation Equity Act for the 21st Century'' and inserting ''SAFETEA–LU''. (b) REVISED GRANT AUTHORITY.—Section 410 of such title is amended— (1) in subsection (a)— (A) by striking paragraph (3); (B) by redesignating paragraph (4) as paragraph (3); and (C) in paragraph (3) (as so redesignated) by striking the second comma following ''sixth''; (2) by redesignating subsections (e) and (f) as subsections (h) and (i), respectively; (3) by striking subsections (b) through (d) and inserting the following: ''(b) ELIGIBILITY REQUIREMENTS.—To be eligible for a grant under subsection (a), a State shall— ''(1) have an alcohol related fatality rate of 0.5 or less per 100,000,000 vehicle miles traveled as of the date of the grant, as determined by the Secretary using the most recent Fatality Analysis Reporting System of the National Highway Traffic Safety Administration; or ''(2)(A) for fiscal year 2006 by carrying out 3 of the

	programs and activities under subsection (c); ‘‘(B) for fiscal year 2007 by carrying out 4 of the programs and activities under subsection (c); or ‘‘(C) for fiscal years 2008 and 2009 by carrying out 5 of the programs and activities under subsection (c). ‘‘(c) STATE PROGRAMS AND ACTIVITIES.—The programs and activities referred to in subsection (b) are the following: ‘‘(1) CHECK POINT, SATURATION PATROL PROGRAM.—A State program to conduct a series of high visibility, Statewide law enforcement campaigns in which law enforcement personnel monitor for impaired driving, either through the use of sobriety check points or saturation patrols, on a nondiscriminatory, lawful basis for the purpose of determining whether the operators of the motor vehicles are driving while under the influence of alcohol— ‘‘(A) if the State organizes the campaigns in cooperation with related periodic national campaigns organized by the National Highway Traffic Safety Administration, except that this subparagraph does not preclude a State from initiating sustained high visibility, Statewide law enforcement campaigns independently of the cooperative efforts; and ‘‘(B) if, for each fiscal year, the State demonstrates to the Secretary that the State and the political subdivisions of the State that receive funds under this section have increased, in the aggregate, the total number of impaired driving law enforcement activities at high incident locations (or any other similar activity approved by the Secretary) initiated in such State during the preceding fiscal year by a factor that the Secretary determines meaningful for the State over the number of such activities initiated in such State during the preceding fiscal year. ‘‘(2) PROSECUTION AND ADJUDICATION OUTREACH PROGRAM.—A State prosecution and adjudication program under which— ‘‘(A) the State works to reduce the use of diversion programs by educating and informing prosecutors and judges through various outreach methods about the benefits and merits of prosecuting and adjudicating defendants who repeatedly commit impaired driving offenses; ‘‘(B) the courts in a majority of the judicial jurisdictions of the State are monitored on the courts’ adjudication of cases of impaired driving offenses; or ‘‘(C) annual statewide outreach is provided for judges and prosecutors on innovative approaches to the prosecution and adjudication of cases of impaired driving offenses that have the potential for significantly improving the prosecution and adjudication of such cases. ‘‘(3) TESTING OF BAC.—An effective system for

	increasing from the previous year the rate of blood alcohol concentration testing of motor vehicle drivers involved in fatal accidents. ‘‘(4) HIGH RISK DRIVERS.—A law that establishes stronger sanctions or additional penalties for individuals convicted of operating a motor vehicle while under the influence of alcohol whose blood alcohol concentration is 0.15 percent or more than for individuals convicted of the same offense but with a lower blood alcohol concentration. For purposes of this paragraph, ‘additional penalties’ includes— ‘‘(A) a 1 year suspension of a driver’s license, but with the individual whose license is suspended becoming eligible after 45 days of such suspension to obtain a provisional driver’s license that would permit the individual to drive— ‘‘(i) only to and from the individual’s place of employment or school; and ‘‘(ii) only in an automobile equipped with a certified alcohol ignition interlock device; and ‘‘(B) a mandatory assessment by a certified substance abuse official of whether the individual has an alcohol abuse problem with possible referral to counseling if the official determines that such a referral is appropriate. ‘‘(5) PROGRAMS FOR EFFECTIVE ALCOHOL REHABILITATION AND DWI COURTS.—A program for effective inpatient and outpatient alcohol rehabilitation based on mandatory assessment and appropriate treatment for repeat offenders or a program to refer impaired driving cases to courts that specialize in driving while impaired cases that emphasize the close supervision of high-risk offenders. ‘‘(6) UNDERAGE DRINKING PROGRAM.—An effective strategy, as determined by the Secretary, for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages and for preventing persons from making alcoholic beverages available to individuals under age 21. Such a strategy may include— ‘‘(A) the issuance of tamper-resistant drivers’ licenses to individuals under age 21 that are easily distinguishable in appearance from drivers’ licenses issued to individuals age 21 or older; and ‘‘(B) a program provided by a nonprofit organization for training point of sale personnel concerning, at a minimum— ‘‘(i) the clinical effects of alcohol; ‘‘(ii) methods of preventing second party sales of alcohol; ‘‘(iii) recognizing signs of intoxication; ‘‘(iv) methods to prevent underage drinking; and ‘‘(v) Federal, State, and local laws that are relevant to such personnel; and

	‘‘(C) having a law in effect that creates a 0.02 percent blood alcohol content limit for drivers under 21 years old. ‘‘(7) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver’s license suspension or revocation system for individuals who operate motor vehicles while under the influence of alcohol that requires that— ‘‘(A) in the case of an individual who, in any 5-year period beginning after the date of enactment of the Transportation Equity Act for the 21st Century, is determined on the basis of a chemical test to have been operating a motor vehicle while under the influence of alcohol or is determined to have refused to submit to such a test as proposed by a law enforcement officer, the State agency responsible for administering drivers’ licenses, upon receipt of the report of the law enforcement officer— ‘‘(i) suspend the driver’s license of such individual for a period of not less than 90 days if such individual is a first offender in such 5-year period; except that under such suspension an individual may operate a motor vehicle, after the 15-day period beginning on the date of the suspension, to and from employment, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual; and ‘‘(ii) suspend the driver’s license of such individual for a period of not less than 1 year, or revoke such license, if such individual is a repeat offender in such 5–year period; except that such individual to operate a motor vehicle, after the 45-day period beginning on the date of the suspension or revocation, to and from employment, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual; and ‘‘(B) the suspension and revocation referred to under clause (i) take effect not later than 30 days after the date on which the individual refused to submit to a chemical test or received notice of having been determined to be driving under the influence of alcohol, in accordance with the procedures of the State. ‘‘(8) SELF SUSTAINING IMPAIRED DRIVING PREVENTION PROGRAM.—A program under which a significant portion of the fines or surcharges collected from individuals who are fined for operating a motor vehicle while under the influence of alcohol are returned to communities for comprehensive programs for the prevention of impaired driving. ‘‘(d) USES OF GRANTS.—Subject to subsection (g)(2), grants made under this section may be used for all programs and activities described in subsection (c), and to defray the following costs: ‘‘(1) Labor costs, management costs, and equipment

	procurement costs for the high visibility, State-wide law enforcement campaigns under subsection (c)(1). ‘‘(2) The costs of the training of law enforcement personnel and the procurement of technology and equipment, including video equipment and passive alcohol sensors, to counter directly impaired operation of motor vehicles. ‘‘(3) The costs of public awareness, advertising, and educational campaigns that publicize use of sobriety check points or increased law enforcement efforts to counter impaired operation of motor vehicles. ‘‘(4) The costs of public awareness, advertising, and educational campaigns that target impaired operation of motor vehicles by persons under 34 years of age. ‘‘(5) The costs of the development and implementation of a State impaired operator information system. ‘‘(6) The costs of operating programs that result in vehicle forfeiture or impoundment or license plate impoundment. ‘‘(e) ADDITIONAL AUTHORITIES FOR CERTAIN ‘‘(1) COMBINATION OF GRANT PROCEEDS.—Grant funds used for a campaign under subsection (d)(3) may be combined, or expended in coordination, with proceeds of grants under section 402. ‘‘(2) COORDINATION OF USES.—Grant funds used for a campaign under paragraph (3) or (4) of subsection (d) may be expended— ‘‘(A) in coordination with employers, schools, entities in the hospitality industry, and nonprofit traffic safety groups; and ‘‘(B) in coordination with sporting events and concerts and other entertainment events. ‘‘(f) ALLOCATION.—Subject to subsection (g), funds made available to carry out this section shall be allocated among States that meet the eligibility criteria in subsection (b) on the basis of the apportionment formula under section 402(c). ‘‘(g) GRANTS TO HIGH FATALITY RATE STATES.— ‘‘(1) IN GENERAL.—The Secretary shall make a separate grant under this section to each state that— ‘‘(A) is among the 10 States with the highest impaired driving related fatalities as determined by the Secretary using the most recent Fatality Analysis Reporting System of the National Highway Traffic Safety Administration; and ‘‘(B) prepares a plan for grant expenditures under this subsection that is approved by the Administrator of the National Highway Traffic Safety Administration. ‘‘(2) REQUIRED USES.—At least one-half of the amounts allocated to States under this subsection may only be used for the program described in subsection (c)(1). ‘‘(3) ALLOCATION.—Funds made available under this subsection shall be allocated among States described in

	paragraph (1) on the basis of the apportionment formula under section 402(c), except that no State shall be allocated more than 30 percent of the funds made available to carry out this subsection for a fiscal year. ''(4) FUNDING.—Not more than 15 percent per fiscal year of amounts made available to carry out this section for a fiscal year shall be made available by the Secretary for making grants under this subsection.''; and (4) by adding at the end of subsection (i) (as redesignated by paragraph (2)) the following: ''(4) IMPAIRED OPERATOR.— The term 'impaired operator' means a person who, while operating a motor vehicle ''(A) has a blood alcohol content of 0.08 percent or higher; or ''(B) is under the influence of a controlled substance. ''(5) IMPAIRED DRIVING RELATED FATALITY RATE.—The term 'impaired driving related fatality rate' means the rate of alcohol related fatalities, as calculated in accordance with regulations which the Administrator of the National Highway Traffic Safety Administration shall prescribe.''. (c) NHTSA TO ISSUE REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the National Highway Traffic Safety Administration shall issue guidelines to the States specifying the types and formats of data that States should collect relating to drivers who are arrested or convicted for violation of laws prohibiting the impaired operation of motor vehicles.
SEC. 2008. NHTSA ACCOUNTABILITY.	(a) IN GENERAL.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following: **''§ 412. Agency accountability** ''(a) TRIENNIAL STATE MANAGEMENT REVIEWS.—At least once every 3 years the Secretary shall conduct a review of each State highway safety program. The review shall include a management evaluation of all grant programs funded under this chapter. The Secretary shall provide review-based recommendations on how each State could improve the management and oversight of its grant activities and may provide a management and oversight plan for such grant programs. ''(b) RECOMMENDATIONS BEFORE SUBMISSION.—In order to provide guidance to State highway safety agencies on matters that should be addressed in the goals and initiatives of the State highway safety program before the program is submitted for review, the Secretary shall provide data-based recommendations to each State at least 90 days before the date on which the program is to be submitted for approval. ''(c) STATE PROGRAM REVIEW.—The Secretary shall—

	‘‘(1) conduct a program improvement review of a highway safety program under this chapter of a State that does not make substantial progress over a 3-year period in meeting its priority program goals; and ‘‘(2) provide technical assistance and safety program requirements to be incorporated in the State highway safety program for any goal not achieved. ‘‘(d) REGIONAL HARMONIZATION.—The Secretary and the Inspector General of the Department of Transportation shall undertake an administrative review of the practices and procedures of the management reviews and program reviews of State highway safety programs under this chapter conducted by the regional offices of the National Highway Traffic Safety Administration and prepare a written report of best practices and procedures for use by the regional offices in conducting such reviews. The report shall be completed within 180 days after the date of enactment of this section. ‘‘(e) BEST PRACTICES GUIDELINES.— ‘‘(1) UNIFORM GUIDELINES.—The Secretary shall issue uniform management review guidelines and program review guidelines based on the report under subsection (d). Each regional office shall use the guidelines in executing its State administrative review duties under this section. ‘‘(2) PUBLICATION.—The Secretary shall make publicly available on the Web site (or successor electronic facility) of the Administration the following documents upon their completion: ‘‘(A) The Secretary’s management review guidelines and program review guidelines. ‘‘(B) All State highway safety programs submitted under this chapter. ‘‘(C) State annual accomplishment reports. ‘‘(D) The Administration’s Summary Report of findings from Management Reviews and Improvement Plans. ‘‘(3) REPORTS TO STATE HIGHWAY SAFETY AGENCIES.—The Secretary may not make publicly available a program, report, or review under paragraph (2) that is directed to a State highway safety agency until after the date on which the program, report, or review is submitted to that agency under this chapter. ‘‘(f) GAO REVIEW.— ‘‘(1) ANALYSIS.—The Comptroller General shall analyze the effectiveness of the Administration’s oversight of traffic safety grants under this chapter by determining the usefulness of the Administration’s advice to the States regarding administration and State activities under this chapter, the extent to which the States incorporate the Administration’s recommendations into their highway safety programs, and the improvements that result in a State’s highway safety program that may be attributable to

	the Administration's recommendations. ''(2) REPORT.—Not later than the September 30, 2008, the Comptroller General shall submit a report on the results of the analysis to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate..''. (b) CLERICAL AMENDMENT.—The analysis for chapter 4 of such title is amended by adding at the end the following: ''412. Agency accountability.''.
SEC. 2009. HIGH VISIBILITY ENFORCEMENT PROGRAM.	(a) IN GENERAL.—The Administrator of the National Highway Traffic Safety Administration shall establish and administer a program under which at least 2 high-visibility traffic safety law enforcement campaigns will be carried out for the purposes specified in subsection (b) in each of years 2006 through 2009. (b) PURPOSE.—The purpose of each law enforcement campaign under this section shall be to achieve either or both of the following objectives: (1) Reduce alcohol-impaired or drug-impaired operation of motor vehicles. (2) Increase use of seat belts by occupants of motor vehicles. (c) ADVERTISING.—The Administrator may use, or authorize the use of, funds available to carry out this section to pay for the development, production, and use of broadcast and print media advertising in carrying out traffic safety law enforcement campaigns under this section. Consideration shall be given to advertising directed at non-English speaking populations, including those who listen, read, or watch nontraditional media. (d) COORDINATION WITH STATES.—The Administrator shall coordinate with the States in carrying out the traffic safety law enforcement campaigns under this section, including advertising funded under subsection (c), with a view to— (1) relying on States to provide the law enforcement resources for the campaigns out of funding available under this section and sections 402, 405, 406, and 410 of title 23, United States Code; and (2) providing out of National Highway Traffic Safety Administration resources most of the means necessary for national advertising and education efforts associated with the law enforcement campaigns. (e) USE OF 1 FUNDS.—Funds made available to carry out this section may only be used for activities described in subsections (a), (c), and (f). (f) ANNUAL EVALUATION.—The Secretary shall conduct an annual evaluation of the effectiveness of campaigns referred to in subsection (a).

	(g) STATE DEFINED.—The term ''State'' has the meaning such term has under section 401 of title 23, United States Code.
SEC. 2010. MOTORCYCLIST SAFETY.	(a) AUTHORITY TO MAKE GRANTS.—Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs to reduce the number of single- and multi-vehicle crashes involving motorcyclists. (b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in a fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all the other sources for motorcyclist safety training programs and motorcyclist awareness programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this Act. (c) ALLOCATION.—The amount of a grant made to a State for a fiscal year under this section may not be less than $100,000 and may not exceed 25 percent of the amount apportioned to the State for fiscal year 2003 under section 402 of title 23, United States Code. (d) GRANT ELIGIBILITY.— (1) IN GENERAL.—A State becomes eligible for a grant under this section by adopting or demonstrating to the satisfaction of the Secretary— (A) for the first fiscal year for which the State will receive a grant under this section, at least 1 of the 6 criteria listed in paragraph (2); and (B) for the second, third, and fourth fiscal years for which the State will receive a grant under this section, at least 2 of the 6 criteria listed in paragraph (2). (2) CRITERIA.—The criteria for eligibility for a grant under this section are the following: (A) MOTORCYCLE RIDER TRAINING COURSES.—An effective motorcycle rider training course that is offered throughout the State, provides a formal program of instruction in accident avoidance and other safety-oriented operational skills to motorcyclists and that may include innovative training opportunities to meet unique regional needs. (B) MOTORCYCLISTS AWARENESS PROGRAM.—An effective statewide program to enhance motorist awareness of the presence of motorcyclists on or near roadways and safe driving practices that avoid injuries to motorcyclists. (C) REDUCTION OF FATALITIES AND CRASHES INVOLVING MOTORCYCLES.—A reduction for the preceding calendar year in the number of motorcycle fatalities and the rate of motor vehicle crashes involving motorcycles in the State (expressed as a function of 10,000 motorcycle registrations).

	(D) IMPAIRED DRIVING PROGRAM.—Implementation of a statewide program to reduce impaired driving, including specific measures to reduce impaired motorcycle operation. (E) REDUCTION OF FATALITIES AND ACCIDENTS INVOLVING IMPAIRED MOTORCYCLISTS.—A reduction for the preceding calendar year in the number of fatalities and the rate of reported crashes involving alcohol- or drug-impaired motorcycle operators (expressed as a function of 10,000 motorcycle registrations). (F) FEES COLLECTED FROM MOTORCYCLISTS.—All fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs will be used for motorcycle training and safety programs. (e) ELIGIBLE USES.— (1) IN GENERAL.—A State may use funds from a grant under this section only for motorcyclist safety training and motorcyclist awareness programs, including— (A) improvements to motorcyclist safety training curricula; (B) improvements in program delivery of motorcycle training to both urban and rural areas, including— (i) procurement or repair of practice motorcycles; (ii) instructional materials; (iii) mobile training units; and (iv) leasing or purchasing facilities for closed-course motorcycle skill training; (C) measures designed to increase the recruitment or retention of motorcyclist safety training instructors; and (D) public awareness, public service announcements, and other outreach programs to enhance driver awareness of motorcyclists, such as the ''share-the-road'' safety messages developed under subsection (g). (2) SUBALLOCATIONS OF FUNDS.—An agency of a State that receives a grant under this section may suballocate funds from the grant to a nonprofit organization incorporated in that State to carry out under this section. (f) DEFINITIONS.—In this section, the following definitions apply: (1) MOTORCYCLIST SAFETY TRAINING.—The term ''motorcyclist safety training'' means a formal program of instruction that— (A) is approved for use in a State by the designated State authority having jurisdiction over motorcyclist safety issues, which may include the State motorcycle safety administrator or a motorcycle advisory council appointed by the Governor of the State. (2) MOTORCYCLIST AWARENESS.—The term ''motorcyclist awareness'' means individual or collective awareness of—

	(A) the presence of motorcycles on or near roadways; and (B) safe driving practices that avoid injury to motorcyclists. (3) MOTORCYCLIST AWARENESS PROGRAM.—The term ''motorcyclist awareness program'' means an informational or public awareness program designed to enhance motorcyclist awareness that is developed by or in coordination with the designated State authority having jurisdiction over motorcyclist safety issues, which may include the State motorcycle safety administrator or a motorcycle advisory council appointed by the Governor of the State. (4) STATE.—The term ''State'' has the same meaning such term has in section 101(a) of title 23, United States Code. (g) SHARE-THE-ROAD MODEL LANGUAGE.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the National Highway Traffic Safety Administration, shall develop and provide to the States model language for use in traffic safety education courses, driver's manuals, and other driver's training materials instructing the drivers of motor vehicles on the importance of sharing the roads safely with motorcyclists.
SEC. 2011. CHILD SAFETY AND CHILD BOOSTER SEAT INCENTIVE GRANTS.	(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the Secretary shall make grants to States that are enforcing a law requiring that any child riding in a passenger motor vehicle in the State who is too large to be secured in a child safety seat be secured in a child restraint that meets the requirements prescribed by the Secretary under section 3 of Anton's Law (49 U.S.C. 30127 note; 116 Stat. 2772). (b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in a fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for child safety seat and child restraint programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this Act. (c) FEDERAL SHARE.—The Federal share of the costs of activities funded using amounts from grants under this section shall not exceed— (1) for the first 3 fiscal years for which a State receives a grant under this section, 75 percent; and (2) for the fourth fiscal year for which a State receives a grant under this section, 50 percent. (d) USE OF GRANT AMOUNTS.— (1) ALLOCATIONS.—Of the amounts received by a State in grants under this section for a fiscal year not more than 50 percent shall be used to fund programs for purchasing and distributing child safety seats and child restraints to low-income families.

	(2) REMAINING AMOUNTS.—Amounts received by a State in grants under this section, other than amounts subject to paragraph (1), shall be used to carry out child safety seat and and child restraint programs, including the following: (A) A program to support enforcement of child restraint laws. (B) A program to train child passenger safety professionals, police officers, fire and emergency medical personnel, educators, and parents concerning all aspects of the use of child safety seats and and child restraints. (C) A program to educate the public concerning the proper use and installation of child safety seats and and child restraints. (e) GRANT AMOUNT.—The amount of a grant to a State for a fiscal year under this section may not exceed 25 percent of the amount apportioned to the State for fiscal year 2003 under section 402 of title 23, United States Code. (f) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) of such title shall apply to this section. (g) REPORT.—A State that receives a grant under this section shall transmit to the Secretary a report documenting the manner in which the grant amounts were obligated and expended and identifying the specific programs carried out using the grant funds. The report shall be in a form prescribed by the Secretary and may be combined with other State grant reporting requirements under of chapter 4 of title 23, United States Code. (h) DEFINITIONS.—In this section, the following definitions apply: (1) CHILD RESTRAINT.—The term ''child restraint'' means any product designed to provide restraint to a child (including booster seats and other products used with a lap and shoulder belt assembly) that meets applicable Federal motor vehicle safety standards prescribed by the National Highway Traffic Safety Administration. (2) CHILD 1 SAFETY SEAT.—The term ''child safety seat'' has the meaning such term has in section 405(f) of title 23, United States Code. (3) PASSENGER MOTOR VEHICLE.—The term ''passenger motor vehicle'' has the meaning such term has in section 405(f) of such title. (4) STATE.—The term ''State'' has the meaning such term has in section 101(a) of such title.
SEC. 2012. SAFETY DATA.	(a) IN GENERAL.—Using funds made available to carry out section 403 of title 23, United States Code, for fiscal years 2005 through 2009, the Secretary shall collect data and compile statistics on accidents involving motor vehicles being backed up that result in fatalities and injuries and that

	occur on public and nonpublic roads and residential and commercial driveways and parking facilities. (b) REPORT.—Not later than January 1, 2009, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on accidents described in subsection (a), including the data collected and statistics compiled under subsection (a) and any recommendations regarding measures to be taken to reduce the number of such accidents and the resulting fatalities and injuries.
SEC. 2013. DRUG-IMPAIRED DRIVING ENFORCEMENT.	(a) ILLICIT DRUG.—In this section, the term ''illicit drug'' includes substances listed in schedules I through V of section 112(e) of the Controlled Substances Act (215 U.S.C. 812) not obtained by a legal and valid prescription. (b) DUTIES.—The Secretary shall– (1) advise and coordinate with other Federal agencies on how to address the problem of driving under the influence of an illegal drug; and (2) conduct research on the prevention, detection, and prosecution of driving under the influence of an illegal drug. (c) REPORT.— (1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in cooperation with the National Institutes of Health, shall submit to Congress a report on the problem of drug-impaired driving. (2) CONTENTS.—The report shall include, at a minimum, the following: (A) An assessment of methodologies and technologies for measuring driver impairment resulting from use of the most common illicit drugs (including the use of such drugs in combination with alcohol). (B) Effective and efficient methods for training law enforcement personnel, including drug recognition experts, to detect or measure the level of impairment of a driver who is under the influence of an illicit drug by the use of technology or otherwise. (C) A description of the role of drugs as causal factor in traffic crashes and the extent of the problem of drug-impaired driving. (D) A description and assessment of current State and Federal laws relating to drugimpaired driving. (E) Recommendations for addressing the problem of drug-impaired driving, including recommendations on levels of impairment. (F) Recommendations for developing a model statute relating to drug-impaired driving. (d) MODEL STATUTE.— (1) IN GENERAL.—The Secretary shall develop a model statute for States relating to drug-impaired driving.

	(2) CONTENTS.—Based on recommendations and findings contained in the report submitted under subsection (c), the model statute may include– (A) threshold levels of impairment for illicit drugs; (B) practicable methods for detecting the presence of illicit drugs; and (C) penalties for drug impaired driving. (3) DATE.—The model statute shall be provided to States not later than 1 year after date of submission of the report under subsection (c). (e) RESEARCH AND DEVELOPMENT.—Section 403(b) of title 23, United States Code, is amended by adding at the end the following: ''(5) Technology to detect drug use and enable States to efficiently process toxicology evidence. ''(6) Research on the effects of illicit drugs and the compound effects of alcohol and illicit drugs on impairment.''. (f) FUNDING.—Out of amounts made available to carry out section 403 of title 23, United States Code, for each of fiscal years 2006 through 2009, the Secretary shall make available $1,200,000 for such fiscal year to carry out this section.
SEC. 2015. DRIVER PERFORMANCE STUDY.	(a) IN GENERAL.—Using funds made available to carry out section 403 of title 23, United States Code, for fiscal year 2005, the Secretary shall make $1,000,000 available to conduct a study on the risks associated with glare to oncoming drivers, including increased risks to drivers on 2-lane highways, increased risks to drivers over the age of 50, and the overall effects of glare on driver performance. (b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study and any recommendations regarding measures to reduce the risks associated with glare to oncoming drivers.
SEC. 2017. OLDER DRIVER SAFETY; LAW ENFORCEMENT TRAINING.	(a) IMPROVING OLDER DRIVER SAFETY.— (1) IN GENERAL.—Of the funds made available to carry out section 403 of title 23, United States Code, the Secretary shall allocate $1,700,000 for each of fiscal years 2006 through 2009 to conduct a comprehensive research and demonstration program to improve traffic safety pertaining to older drivers. (2) ELEMENTS OF PROGRAM.—The program shall— (A) provide information and guidelines to assist older drivers, physicians, and other related medical personnel, families, licensing agencies, enforcement officers, and various public and transit agencies in enhancing the safety of older drivers;

	(B) improve the scientific basis of medical standards and screenings strategies used in the licensing of all drivers in a non-discriminatory manner; (C) conduct field tests to assess the safety benefits and mobility impacts of different driver licensing strategies and driver assessment and rehabilitation methods; (D) assess the value and improve the safety potential of driver retraining courses of particular benefit to older drivers; and (E) conduct other activities to accomplish the objectives of this section. (3) FORMULATION OF PLAN.—After consultation with affected parties, the Secretary shall formulate an older driver traffic safety plan to guide the design and implementation of the program. (4) SUBMISION OF PLAN TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit the plan to the Committee on Transportation and Infrastructure House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. (b) LAW ENFORCEMENT TRAINING.— (1) REQUIREMENT FOR PROGRAM.—The Secretary shall carry out a program to provide guidance and support to law enforcement agencies in police chase techniques that are consistent with the police chase guidelines issued by the International Association of Chiefs of Police. (2) AMOUNT FOR PROGRAM.—Of the funds made available to carry out section 403 of title 23, United States Code, the Secretary shall allocate $500,000 in each of fiscal years 2006 through 2009 to carry out this subsection.
SEC. 2018. SAFE INTERSECTIONS.	(a) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following: **‘‘§ 39. Traffic signal preemption transmitters** ‘‘(a) OFFENSES.— ‘‘(1) SALE.—Whoever, in or affecting interstate or foreign commerce, knowingly sells a traffic signal preemption transmitter to a nonqualifying user shall be fined under this title, or imprisoned not more than 1 year, or both. ‘‘(2) USE.—Whoever, in or affecting interstate or foreign commerce, being a nonqualifying user makes unauthorized use of a traffic signal preemption transmitter shall be fined under this title, or imprisoned not more than 6 months, or both. ‘‘(b) DEFINITIONS.—In this section, the following definitions apply: ‘‘(1) TRAFFIC SIGNAL PREEMPTION TRANSMITTER.—The term ‘traffic signal preemption transmitter’ means any mechanism that can change or alter a traffic signal’s phase time or sequence.

	''(2) NONQUALIFYING USER.—The term 'non-qualifying user' means a person who uses a traffic signal preemption transmitter and is not acting on behalf of a public agency or private corporation authorized by law to provide fire protection, law enforcement, emergency medical services, transit services, maintenance, or other services for a Federal, State, or local government entity, but does not include a person using a traffic signal preemption transmitter for classroom or instructional purposes.''. (b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following: ''39. Traffic signal preemption transmitters.''.
SEC. 2019. NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE TECHNICAL CORRECTION.	Section 404(d) of title 23, United States Code, is amended by striking ''Commerce'' and inserting ''Transportation''.
SEC. 2020. PRESIDENTIAL COMMISSION ON ALCOHOL-IMPAIRED DRIVING.	(a) FINDINGS.—Congress finds that— (1) there has been considerable progress over the past 25 years in reducing the number and rate of alcohol-related highway facilities [sic; "fatalities"?; (2) the National Highway Traffic Safety Administration projects that fatalities in alcohol-related crashes declined in 2003 for the 2nd year in a row; (3) in spite of this progress, an estimated 17,013 Americans died in 2003, in alcohol-related crashes; (4) these fatalities comprise 40 percent of the annual total highway fatalities; (5) about 250,000 are injured each year in alcohol-related crashes; (6) the past 2 years of decreasing alcohol-related fatalities follows a 3-year increase; (7) alcohol-impaired driving is the Nation's most frequently committed violent crime; (8) the annual cost of alcohol-related crashes is over $100,000,000,000, including $9,000,000,000 in costs to employers; (9) a Presidential Commission on Alcohol Impaired Driving in 1982 and 1983 helped to lead to substantial progress on this issue; and (10) these facts point to the need to renew the national commitment to preventing these deaths and injuries. (b) SENSE OF THE CONGRESS.—It is the sense of Congress that, in an effort to further change the culture of alcohol-impaired driving on our Nation's highways, the President should consider establishing a Presidential Commission on Alcohol-Impaired Driving— (1) comprised of representatives of— (A) State and local governments, including State legislators; (B) law enforcement; (C) traffic safety experts, including researchers; (D) victims of alcohol-related crashes;

	(E) affected industries, including the alcohol, insurance, motorcycle, and auto industries; (F) the business community; (G) labor; (H) the medical community; (I) public health; and (J) Members of Congress; and (2) that not later than September 30, 2006, would— (A) conduct a full examination of alcohol impaired driving issues; and (B) make recommendations for a broad range of policy and program changes that would serve to further reduce the level of deaths and injuries caused by alcohol impaired driving.
SEC. 2021. SENSE OF THE CONGRESS IN SUPPORT OF INCREASED PUBLIC AWARENESS OF BLOOD ALCOHOL CONCENTRATION LEVELS AND DANGERS OF ALCOHOL-IMPAIRED DRIVING.	(a) FINDINGS.—Congress finds that— (1) in 2003— (A) 17,013 Americans died in alcohol-related traffic crashes; (B) 40 percent of the persons killed in traffic crashes died in alcohol-related crashes; and (C) drivers with blood alcohol concentration levels over 0.15 were involved in 58 percent of alcohol-related traffic fatalities; (2) research shows that 77 percent of Americans think they have received enough information about alcohol-impaired driving and the way in which alcohol affects individual blood alcohol levels; and (3) only 28 percent of the American public can correctly identify the legal limit of blood alcohol concentration of the State in which they reside. (b) SENSE OF CONGRESS.—It is the sense of Congress that the National Highway Traffic Safety Administration should work with State and local governments and independent organizations to increase public awareness of— (1) State legal limits on blood alcohol concentration levels; and (2) the dangers of alcohol-impaired driving.
SEC. 2022. EFFECTIVE DATE.	Sections 2002 through 2007 of this title (and the amendments and repeals made by such sections) shall take effect October 1, 2005.
SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.	(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a) of title 49, United States Code, is amended to read as follows: ‘‘(a) IN GENERAL.—Subject to subsection (f), there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 31102— ‘‘(1) $188,480,000 for fiscal year 2005; ‘‘(2) $188,000,000 for fiscal year 2006; ‘‘(3) $197,000,000 for fiscal year 2007;

	''(4) $202,000,000 for fiscal year 2008; and ''(5) $209,000,000 for fiscal year 2009.''. (b) ADMINISTRATIVE EXPENSES.—Section 31104 of such title is amended by adding the following at the end: ''(i) ADMINISTRATIVE EXPENSES.— ''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration— ''(A) $254,849,000 for fiscal year 2005; ''(B) $213,000,000 for fiscal year 2006; ''(C) $223,000,000 for fiscal year 2007; ''(D) $228,000,000 for fiscal year 2008; and ''(E) $234,000,000 for fiscal year 2009. ''(2) USE OF FUNDS.—The funds authorized by this subsection shall be used for personnel costs; administrative infrastructure; rent; information technology; programs for research and technology, information management, regulatory development, the administration of the performance and registration information system management, and outreach and education; other operating expenses; and such other expenses as may from time to time become necessary to implement statutory mandates of the Administration not funded from other sources. ''(j) AVAILABILITY OF FUNDS; CONTRACT AUTHORITY.— ''(1) PERIOD OF AVAILABILITY.—The amounts made available under this section shall remain available until expended. ''(2) INITIAL DATE OF AVAILABILITY.—Authorizations from the Highway Trust Fund (other than the Mass Transit Account) by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first. ''(3) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under this section imposes upon the United States a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.''. (c) GRANT PROGRAMS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) the following sums for the following Federal Motor Carrier Safety Administration programs: (1) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENT GRANTS.—For commercial driver's license program improvement grants under section 31313 of title 49, United States Code $25,000,000 for each of fiscal years 2006 through 2009. (2) BORDER ENFORCEMENT GRANTS.—For border

	enforcement grants under section 31107 of such title $32,000,000 for each of fiscal years 2006, 2007, 2008, and 2009. (3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANT PROGRAM.— For the performance and registration information system management grant program under section 31109 of such title $5,000,000 for each of fiscal years 2006, 2007, 2008, and 2009. (4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—For carrying out the commercial vehicle information systems and networks deployment program under section 4126 of this Act, $25,000,000 for each of fiscal years 2006 through 2009. (5) SAFETY DATA IMPROVEMENT GRANTS.— For safety data improvement grants under section 4128 of this Act $2,000,000 for fiscal year 2006 and $3,000,000 for each of fiscal years 2007 through 2009. (d) PERIOD OF AVAILABILITY.—The amounts made available under subsection (b) of this section shall remain available until expended. (e) INITIAL DATE OF AVAILABILITY.—Amounts authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) by subsection (b) shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first. (f) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under subsection (b) imposes upon the United States a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant. **SEC. 4102. INCREASED PENALTIES FOR OUT-OF-SERVICE VIOLATIONS AND FALSE RECORDS.** (a) RECORDKEEPING AND REPORTING VIOLATIONS.—Section 521(b)(2)(B) of title 49, United States Code, is amended— (1) in clause (i) by striking ''$500'' and inserting ''$1,000''; and (2) by striking ''$5,000'' each place it appears and inserting ''$10,000''. (b) VIOLATIONS OF OUT-OF-SERVICE ORDERS.—Section 31310(i)(2) of title 49, United States Code, is amended— (1) by striking ''Not later than December 18, 1992, the'' and inserting ''The''; (2) in subparagraph (A)— (A) by striking ''90 days'' and inserting ''180 days''; and (B) by striking ''$1,000'' and inserting ''$2,500'';

	(3) in subparagraph (B)— (A) by striking ''one year'' and inserting ''2 years''; and (B) by striking ''$1,000; and'' and inserting ''$5,000;''; (4) in subparagraph (C) by striking ''$10,000.'' and inserting ''$25,000; and''; and (5) by adding at the end the following: ''(D) an employer that knowingly and willfully allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order shall, upon conviction, be subject for each offense to imprisonment for a term not to exceed one year or a fine under title 18, or both.''.
SEC. 4103. PENALTY FOR DENIAL OF ACCESS TO RECORDS	Section 521(b) of title 49, United States Code, is amended— (1) by striking ''(b)(1)(A) If the Secretary'' and inserting the following: ''(b) VIOLATIONS RELATING TO COMMERCIAL MOTOR VEHICLE SAFETY REGULATION AND OPERATORS.— ''(1) NOTICE.— ''(A) IN GENERAL.—If the Secretary''; and (2) by adding at the end of paragraph (2) the following: ''(E) COPYING OF RECORDS AND ACCESS TO EQUIPMENT, LANDS, AND BUILDINGS.—A person subject to chapter 51 or a motor carrier, broker, freight forwarder, or owner or operator of a commercial motor vehicle subject to part B of subtitle VI who fails to allow promptly, upon demand, the Secretary (or an employee designated by the Secretary) to inspect and copy any record or inspect and examine equipment, lands, buildings and other property in accordance with sections 504(c), 5121(c), and 14122(b) shall be liable to the United States for a civil penalty not to exceed $1,000 for each offense. Each day the Secretary is denied the right to inspect and copy any record or inspect and examine equipment, lands, buildings and other property shall constitute a separate offense, except that the total of all civil penalties against any violator for all offenses related to a single violation shall not exceed $10,000. It shall be a defense to such penalty that the records did not exist at the time of the Secretary's request or could not be timely produced without unreasonable expense or effort. Nothing in this subparagraph amends or supersedes any remedy available to the Secretary under section 502(d), section 507(c), or any other provision of this title.''.
SEC. 4104. REVOCATION OF OPERATING AUTHORITY.	Section 13905(e) of title 49, United States Code, is amended— (1) by striking paragraph (1) and inserting the following: ''(1) PROTECTION OF SAFETY.—Notwithstanding subchapter II of chapter 5 of title 5, the Secretary— ''(A) may suspend the registration of a motor carrier, a

	freight forwarder, or a broker for failure to comply with requirements of the Secretary pursuant to section 13904(c) or 13906 or an order or regulation of the Secretary prescribed under those sections; and ''(B) shall revoke the registration of a motor carrier that has been prohibited from operating in interstate commerce for failure to comply with the safety fitness requirements of section 31144.''; (2) in paragraph (2) by striking ''may suspend a registration'' and inserting ''shall revoke the registration''; and (3) by striking paragraph (3) and inserting the following: ''(3) NOTICE; PERIOD OF SUSPENSION.—The Secretary may suspend or revoke under this subsection the registration only after giving notice of the suspension or revocation to the registrant. A suspension remains in effect until the registrant complies with the applicable sections or, in the case of a suspension under paragraph (2), until the Secretary revokes the suspension.''.
SEC. 4105. STATE LAWS RELATING TO VEHICLE TOWING.	(a) STATE LAWS RELATING TO VEHICLE TOWING.— Section 14501(c) of title 49, United States Code, is amended by adding at the end the following: ''(5) LIMITATION ON 1 STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to prevent a State from requiring that, in the case of a motor vehicle to be towed from private property without the consent of the owner or operator of the vehicle, the person towing the vehicle have prior written authorization from the property owner or lessee (or an employee or agent thereof) or that such owner or lessee (or an employee or agent thereof) be present at the time the vehicle is towed from the property, or both.''. (b) PREDATORY TOW TRUCK OPERATIONS.— (1) STUDY.—The Secretary shall conduct a study— (A) to identify issues related to the protection of the rights of individuals whose motor vehicles are towed; (B) to establish the scope and geographic reach of any issues so identified, and (C) to identify potential remedies for those issues. (2) 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 Transportation and Infrastructure of the House of Representatives a report on the results of the study.
SEC. 4106. MOTOR CARRIER SAFETY GRANTS.	(a) STATE PLAN CONTENTS.—Section 31102(b)(1) of title 49, United States Code, is amended— (1) by striking subparagraph (A) and inserting the following: ''(A) implements performance-based activities, including

	deployment of technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs;''; (2) by striking subparagraph (E) and inserting the following: ''(E) provides that the total expenditure of amounts of the State and its political subdivisions (not including amounts of the Government) for commercial motor vehicle safety programs for enforcement of commercial motor vehicle size and weight limitations, drug interdiction, and State traffic safety laws and regulations under subsection (c) of this section will be maintained at a level at least equal to the average level of that expenditure for the 3 full fiscal years beginning after October 1 of the year 5 years prior to the beginning of each Government fiscal year.''; (3) by striking subparagraph (Q) and inserting the following: ''(Q) provides that the State has established a program to ensure that— ''(i) accurate, complete, and timely motor carrier safety data is collected and reported to the Secretary; and ''(ii) the State will participate in a national motor carrier safety data correction system prescribed by the Secretary;''; (4) by aligning subparagraph (R) with subparagraph (S); (5) by striking ''and'' at the end of subparagraph (S); (6) by striking the period at the end of subparagraph (T) and inserting a semicolon; and (7) by adding at the end the following: ''(U) provides that the State will include in the training manual for the licensing examination to drive a noncommercial motor vehicle and a commercial motor vehicle, information on best practices for driving safely in the vicinity of noncommercial and commercial motor vehicles; ''(V) provides that the State will enforce the registration requirements of section 13902 by prohibiting the operation of any vehicle discovered to be operated by a motor carrier without a registration issued under such section or to operate beyond the scope of such registration; ''(W) provides that the State will conduct comprehensive and highly visible traffic enforcement and commercial motor vehicle safety inspection programs in high-risk locations and corridors; and ''(X) except in the case of an imminent or obvious safety hazard, ensures that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a station, terminal, border crossing, maintenance facility, destination, or other location where a motor carrier may make a planned stop.''. (b) USE OF GRANTS TO ENFORCE OTHER LAWS.—Section 31102 of such title is amended— (1) by striking subsection (c) and inserting the following:

	''(c) USE OF GRANTS TO ENFORCE OTHER LAWS.—A State may use amounts received under a grant under subsection (a)— ''(1) for the following activities if the activities are carried out in conjunction with an appropriate inspection of the commercial motor vehicle to enforce Government or State commercial motor vehicle safety regulations: ''(A) enforcement of commercial motor vehicle size and weight limitations at locations other than fixed weight facilities, at specific locations such as steep grades or mountainous terrains where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States; and ''(B) detection of the unlawful presence of a controlled substance (as defined under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)) in a commercial motor vehicle or on the person of any occupant (including the operator) of the vehicle; and ''(2) for documented enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles, including documented enforcement of such laws and regulations relating to noncommercial motor vehicles when necessary to promote the safe operation of commercial motor vehicles if the number of motor carrier safety activities (including roadside safety inspections) conducted in the State is maintained at a level at least equal to the average level of such activities conducted in the State in fiscal years 2003, 2004, and 2005; except that the State may not use more than 5 percent of the basic amount the State receives under the grant under subsection (a) for enforcement activities relating to noncommercial motor vehicles described in this paragraph unless the Secretary determines a higher percentage will result in significant increases in commercial motor vehicle safety.''; and (2) by adding at the end the following: ''(e) ANNUAL REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate an annual report that— ''(1) analyzes commercial motor vehicle safety trends among the States and documents the most effective commercial motor vehicle safety programs implemented with grants under this section; and ''(2) describes the effect of activities carried out with grants made under this section on commercial motor vehicle safety.''.
SEC. 4107. HIGH PRIORITY	(a) HIGH PRIORITY ACTIVITIES.—Section 31104 of

ACTIVITIES AND NEW ENTRANTS AUDITS.	title 49, United States Code (as amended by section 4101 of this Act), is amended by adding at the end the following: ''(k) HIGH-PRIORITY ACTIVITIES.— ''(1) CRITERIA.—The Secretary shall establish safety performance criteria to be used to distribute high priority program funds under this subsection. ''(2) SET ASIDE.—The Secretary may set aside from amounts made available by subsection (a) up to $15,000,000 for each of fiscal years 2006 through 2009 for States, local governments, and organizations representing government agencies or officials described in paragraph (3) for carrying out high priority activities and projects that improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations (including activities and projects that are national in scope), increase public awareness and education, demonstrate new technologies, and reduce the number and rate of accidents involving commercial motor vehicles. ''(3) DESCRIPTION OF RECIPIENTS.—Amounts set aside under this subsection shall be allocated by the Secretary only to State agencies, local governments, and organizations representing government agencies or officials that use and train qualified officers and employees in coordination with State motor vehicle safety agencies. ''(4) LIMITATION.—At least 90 percent of the amounts set aside for a fiscal year under this subsection shall be awarded in grants to State agencies and local government agencies.''. (b) NEW ENTRANT AUDITS.—Section 31104 of such title is amended— (1) by redesignating the second subsection as subsection (f); and (2) by adding at the end of such subsection the following: ''(5) NEW ENTRANT AUDITS.— ''(A) GRANTS.—The Secretary may make grants to States and local governments for new entrant motor carrier audits under this subsection without requiring a matching contribution from such States and local governments. ''(B) SET ASIDE.—The Secretary shall set aside from amounts made available by section 31104(a) up to $29,000,000 per fiscal year for audits of new entrant motor carriers conducted pursuant to this paragraph. ''(C) DETERMINATION.—If the Secretary determines that a State or local government is not able to use government employees to conduct new entrant motor carrier audits, the Secretary may use the funds set aside under this paragraph to conduct audits for such States or local governments.''.
SEC. 4108. DATA QUALITY IMPROVEMENT.	(a) IN GENERAL.—Section 31106(a)(3) of title 49, United States Code, is amended— (1) by striking ''and'' at the end of subparagraph (D);

	(2) by striking the period at the end of subparagraph (E) and inserting a semicolon; and (3) by adding at the end the following: ‘‘(F) ensure, to the maximum extent practical, all the data is complete, timely, and accurate across all information systems and initiatives; and ‘‘(G) establish and implement a national motor carrier safety data correction system.’’. (b) REPORT ON STATUS OF SAFETY FITNESS RATING SYSTEM REVISION.—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 status of revision of the safety fitness rating system of motor carriers.
SEC. 4109. PERFORMANCE AND REGISTRATION INFORMA12 **TION SYSTEM MANAGEMENT.**	(a) DESIGN AND CONDITIONS FOR PARTICIPATION.— Section 31106(b) of title 49, United States Code, is amended by striking paragraphs (2), (3), and (4) and inserting the following: ‘‘(2) DESIGN.—The program shall link Federal motor carrier safety information systems with State commercial vehicle registration and licensing systems and shall be designed to enable a State to— ‘‘(A) determine the safety fitness of a motor carrier or registrant when licensing or registering the registrant or motor carrier or while the license or registration is in effect; and ‘‘(B) deny, suspend, or revoke the commercial motor vehicle registrations of a motor carrier or registrant that has been issued an operations out-of-service order by the Secretary. ‘‘(3) CONDITIONS FOR PARTICIPATION.—The Secretary shall require States, as a condition of participation in the program, to— ‘‘(A) comply with the uniform policies, procedures, and technical and operational standards prescribed by the Secretary under subsection (a)(4); ‘‘(B) possess or seek the authority to possess for a time period no longer than determined reasonable by the Secretary, to impose sanctions relating to commercial motor vehicle registration on the basis of a Federal safety fitness determination; and ‘‘(C) establish and implement a process to cancel the motor vehicle registration and seize the registration plates of a vehicle when an employer is found liable under section 31310(i)(2)(C) for knowingly allowing or requiring an employee to operate such a commercial motor vehicle in violation of an out-of-service order. ‘‘(4) GRANTS.—From the funds authorized by section

	31104(i), the Secretary may make a grant in a fiscal year to a State to implement the performance and registration information system management requirements of this subsection.''. (b) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANTS.— (1) IN GENERAL.—Subchapter I of chapter 311 of title 49, United States Code, is further amended by adding at the end the following: **''§ 31109. Performance and registration information System management** ''The Secretary of Transportation may make a grant to a State to implement the performance and registration information system management requirements of section 31106(b).''. (2) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following: ''31109. Performance and registration information system management.''.
SEC. 4110. BORDER ENFORCEMENT GRANTS.	(a) IN GENERAL.—Chapter 311 of title 49, United States Code, is amended— (1) by striking the heading for subchapter I and inserting the following: ''SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS''; and (2) by striking section 31107 and inserting the following: **''§ 31107. Border enforcement grants** ''(a) GENERAL AUTHORITY.—The Secretary of Transportation may make a grant in a fiscal year to an entity or State that shares a land border with another country for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects. ''(b) MAINTENANCE OF EXPENDITURES.—The Secretary may make a grant to a State under this section only if the State agrees that the total expenditure of amounts of the State and political subdivisions of the State, exclusive of amounts from the United States, for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects will be maintained at a level at least equal to the average level of that expenditure by the State and political subdivisions of the State for the last 2 fiscal years of the State or the Federal Government ending before October 1, 2005, whichever the State designates. ''(c) GOVERNMENTS SHARE OF COSTS.—The Secretary shall this section an amount that is not more than 100 percent of the costs incurred by the State in a fiscal year for carrying out border commercial motor vehicle safety programs and related enforcement activities and

	projects. ‘‘(d) AVAILABILITY AND REALLOCATION OF AMOUNTS.—Allocations to a State remain available for expenditure in the State for the fiscal year in which they are allocated and for the next fiscal year. Amounts not expended by a State during those 2 fiscal years are available to the Secretary for reallocation under this section.’’. (b) CLERICAL AMENDMENTS.— (1) ITEM RELATING TO SUBCHAPTER I.—The analysis for such chapter is amended by striking the item relating to subchapter I and inserting the following: ‘‘SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS’’. (2) ITEM RELATING TO SECTION 31107.—The analysis for such chapter is amended by striking the item relating to section 31107 and inserting the following: ‘‘31107. Border enforcement grants.’’.
SEC. 4111. MOTOR CARRIER RESEARCH AND TECHNOLOGY PROGRAM.	(a) IN GENERAL.—Section 31108 of title 49, United States Code, is amended to read as follows: **‘‘§ 31108. Motor carrier research and technology program** ‘‘(a) RESEARCH, TECHNOLOGY, AND TECHNOLOGY TRANSFER ACTIVITIES.— ‘‘(1) ESTABLISHMENT.—The Secretary of Transportation shall establish and carry out a motor carrier and motor coach research and technology program. ‘‘(2) MULTIYEAR PLAN.—The program must include a multi-year research plan that focuses on nonredundant innovative research and shall be coordinated with other research programs or projects ongoing or planned within the Department of Transportation, as appropriate. ‘‘(3) RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—The Secretary may carry out under the program research, development, technology, and technology transfer activities with respect to— ‘‘(A) the causes of accidents, injuries, and fatalities involving commercial motor vehicles; ‘‘(B) means of reducing the number and severity of accidents, injuries, and fatalities involving commercial motor vehicles; ‘‘(C) improving the safety and efficiency of commercial motor vehicles through technological innovation and improvement; ‘‘(D) improving technology used by enforcement officers when conducting roadside inspections and compliance reviews to increase efficiency and information transfers; and ‘‘(E) increasing the safety and security of hazardous materials transportation. ‘‘(4) TESTS AND DEVELOPMENT.—The Secretary may

	test, develop, or assist in testing and developing any material, invention, patented article, or process related to the research and technology program. ‘‘(5) TRAINING.—The Secretary may use the funds made available to carry out this section for training or education of commercial motor vehicle safety personnel, including training in accident reconstruction and detection of controlled substances or other contraband and stolen cargo or vehicles. ‘‘(6) PROCEDURES.—The Secretary may carry out this section— ‘‘(A) independently; ‘‘(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories; or ‘‘(C) by making grants to, or entering into contracts and cooperative agreements with, any Federal laboratory, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, or person. ‘‘(7) DEVELOPMENT AND PROMOTION OF USE OF PRODUCTS.—The Secretary shall use funds made available to carry out this section to develop, administer, communicate, and promote the use of products of research, technology, and technology transfer programs under this section. ‘‘(b) COLLABORATIVE RESEARCH AND DEVELOPMENT.— ‘‘(1) IN GENERAL.—To advance innovative solutions to problems involving commercial motor vehicle and motor carrier safety, security, and efficiency, and to stimulate the deployment of emerging technology, the Secretary may carry out, on a costshared basis, collaborative research and development with— ‘‘(A) non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, and sole proprietorships that are incorporated or established under the laws of any State; and ‘‘(B) Federal laboratories. ‘‘(2) COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)). ‘‘(3) COST SHARING.— ‘‘(A) FEDERAL SHARE.—The Federal share of the cost of activities carried out under a cooperative research and development agreement entered into under this subsection shall not exceed 50 percent; except that, if there is substantial public interest or benefit associated with any such activity, the Secretary may approve a greater Federal share.

	‘‘(B) TREATMENT OF DIRECTLY INCURRED NON-FEDERAL COSTS.—All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware or software development costs, shall be credited toward the non-Federal share of the cost of the activities described in subparagraph (A). ‘‘(4) USE OF TECHNOLOGY.—The research, development, or use of a technology under a cooperative research and development agreement entered into under this subsection, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).’’. (b) CLERICAL AMENDMENT.—The analysis for chapter 311 of such title is amended by striking the item relating to section 31108 and inserting the following: ‘‘31108. Motor carrier research and technology program.’’.
SEC. 4113. PATTERN OF SAFETY VIOLATIONS BY MOTOR CARRIER MANAGEMENT.	(a) DUTIES OF EMPLOYERS AND EMPLOYEES.—Section 31135 of title 49, United States Code, is amended— (1) by inserting ‘‘(a) In General.—’’ before ‘‘Each’’; and (2) by adding at the end the following: ‘‘(b) PATTERN OF NONCOMPLIANCE.—If the Secretary finds that an officer of a motor carrier engages or has engaged in a pattern or practice of avoiding compliance, or masking or otherwise concealing noncompliance, with regulations on commercial motor vehicle safety prescribed under this subchapter, while serving as an officer of any motor carrier, the Secretary may suspend, amend, or revoke any part of the motor carrier’s registration under section 13905. ‘‘(c) REGULATIONS.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall by regulation establish standards to implement subsection (b). ‘‘(d) DEFINITIONS.—In this section, the following definitions apply: ‘‘(1) MOTOR CARRIER.—The term ‘motor carrier’ has the meaning such term has under section 13102. ‘‘(2) OFFICER.—The term ‘officer’ means an owner, director, chief executive officer, chief operating officer, chief financial officer, safety director, vehicle maintenance supervisor, and driver supervisor of a motor carrier, regardless of the title attached to those functions, and any person, however designated, exercising controlling influence over the operations of a motor carrier.’’. (b) CROSS REFERENCE.—Section 13902(a)(1)(B) of such title is amended to read as follows: ‘‘(B)(i) any safety regulations imposed by the Secretary; ‘‘(ii) the duties of employers and employees established by the Secretary under section 31135; and ‘‘(iii) the safety fitness requirements established by the Secretary under

	section 31144;and''.
SEC. 4114. INTRASTATE OPERATIONS OF INTERSTATE MOTOR CARRIERS.	(a) IN GENERAL.—Section 31144(a) of title 49, United States Code, is amended to read as follows: ''(a) IN GENERAL.—The Secretary shall— ''(1) determine whether an owner or operator is fit to operate safely commercial motor vehicles, utilizing among other things the accident record of an owner or operator operating in interstate commerce and the accident record and safety inspection record of such owner or operator— ''(A) in operations that affect interstate commerce within the United States; and ''(B) in operations in Canada and Mexico if the owner or operator also conducts operations within the United States; ''(2) periodically update such safety fitness determinations; ''(3) make such final safety fitness determinations readily available to the public; and ''(4) prescribe by regulation penalties for violations of this section consistent with section 521.''. (b) PROHIBITED TRANSPORTATION.—The first subsection (c) of section 31144 of such title is amended by adding at the end the following: ''(5) TRANSPORTATION AFFECTING INTERSTATE COMMERCE.—Owners or operators of commercial motor vehicles prohibited from operating in interstate commerce pursuant to paragraphs (1) through (3) of this section may not operate any commercial motor vehicle that affects interstate commerce until the Secretary determines that such owner or operator is fit.''. (c) DETERMINATION OF UNFITNESS BY STATE.—Section 31144 of such title is amended— (1) by redesignating subsections (d), (e), and the second subsection (c) as subsections (e), (f), and (g), respectively; and (2) by inserting after subsection (c) the following: ''(d) DETERMINATION OF UNFITNESS BY STATE.—If a State that receives motor carrier safety assistance program funds under section 31102 determines, by applying the standards prescribed by the Secretary under subsection (b), that an owner or operator of a commercial motor vehicle that has its principal place of business in that State and operates in intrastate commerce is unfit under such standards and prohibits the owner or operator from operating such vehicle in the State, the Secretary shall prohibit the owner or operator from operating such vehicle in interstate commerce until the State determines that the owner or operator is fit.''.
SEC. 4115. TRANSFER PROVISION.	(a) IN GENERAL.—Title II of the Motor Carrier Safety Improvement Act of 1999 (113 Stat. 1748–1773) is amended by inserting after section 228— (1) the following: **''SEC. 229. CERTAIN EXEMPTIONS.''**; and

	(2) the text of section 345 of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note). (b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 228 the following: ''Sec. 229. Certain exemptions.''. (c) CONFORMING AMENDMENT.—Section 229 of such Act (as added by this section) is amended by striking subsection (f). (d) CONFORMING REPEAL.—Section 345 of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat. 613) is repealed.
SEC. 4116. MEDICAL PROGRAM.	(a) IN GENERAL.—Subchapter III of chapter 311 of title 49, United States Code, is amended by adding at the end the following: **''§ 31149. Medical program** ''(a) MEDICAL REVIEW BOARD.— ''(1) ESTABLISHMENT AND FUNCTION.—The Secretary of Transportation shall establish a Medical Review Board to provide the Federal Motor Carrier Safety Administration with medical advice and recommendations on medical standards and guidelines for the physical qualifications of operators of commercial motor vehicles, medical examiner education, and medical research. ''(2) COMPOSITION.—The Medical Review Board shall be appointed by the Secretary and shall consist of 5 members selected from medical institutions and private practice. The membership shall reflect expertise in a variety of medical specialties relevant to the driver fitness requirements of the Federal Motor Carrier Safety Administration. ''(b) CHIEF MEDICAL EXAMINER.—The Secretary shall appoint a chief medical examiner who shall be an employee of the Federal Motor Carrier Safety Administration and who shall hold a position under section 3104 of title 5, United States Code, relating to employment of specially qualified scientific and professional personnel, and shall be paid under section 5376 of title 5, United States Code, relating to pay for certain senior-level positions. ''(c) MEDICAL STANDARDS AND REQUIREMENTS.— ''(1) IN GENERAL.—The Secretary, with the advice of the Medical Review Board and the chief medical examiner, shall— ''(A) establish, review, and revise— ''(i) medical standards for operators of commercial motor vehicles that will ensure that the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely; ''(ii) requirements for periodic physical examinations of

	such operators performed by medical examiners who have, at a minimum, self-certified that they have completed training in physical and medical examination standards and are listed on a national registry maintained by the Department of Transportation; and ‘‘(B) require each such operator to have a current valid medical certificate; ‘‘(C) conduct periodic reviews of a select number of medical examiners on the national registry to ensure that proper examinations of such operators are being conducted; ‘‘(D) develop, as appropriate, specific courses and materials for medical examiners listed in the national registry established under this section, and require those medical examiners to, at a minimum, self-certify that they have completed specific training, including refresher courses, to be listed in the registry; ‘‘(E) require medical examiners to transmit the name of the applicant and numerical identifier, as determined by the Administrator of the Federal Motor Carrier Safety Administration, for any completed medical examination report required under section 391.43 of title 49, Code of Federal Regulations, electronically to the chief medical examiner on monthly basis; and ‘‘(F) periodically review a representative sample of the medical examination reports associated with the name and numerical identifiers of applicants transmitted under subparagraph (E) for errors, omissions, or other indications of improper certification. ‘‘(2) MONITORING PERFORMANCE.—The Secretary shall investigate patterns of errors or improper certification by a medical examiner. If the Secretary finds that a medical examiner has issued a medical certificate to an operator of a commercial motor vehicle who fails to meet the applicable standards at the time of the examination or that a medical examiner has falsely claimed to have completed training in physical and medical examination standards as required by this section, the Secretary may remove such medical examiner from the registry and may void the medical certificate of the applicant or holder. ‘‘(d) NATIONAL REGISTRY OF MEDICAL EXAMINERS.—The Secretary, acting through the Federal Motor Carrier Safety Administration— ‘‘(1) shall establish and maintain a current national registry of medical examiners who are qualified to perform examinations and issue medical certificates; ‘‘(2) shall remove from the registry the name of any medical examiner that fails to meet or maintain the qualifications established by the Secretary for being listed in the registry or otherwise does not meet the requirements of this section or regulation issued under this section;

	''(3) shall accept as valid only medical certificates issued by persons on the national registry of medical examiners; and ''(4) may make participation of medical examiners in the national registry voluntary if such a change will enhance the safety of operators of commercial motor vehicles. ''(e) REGULATIONS.—The Secretary such regulations as may be necessary to carry out this section.''. (b) MEDICAL EXAMINERS.—Section 31136(a)(3) of such title is amended to read as follows: ''(3) the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely and the periodic physical examinations required of such operators are performed by medical examiners who have received training in physical and medical examination standards and, after the national registry maintained by the Department of Transportation under section 31149(d) is established, are listed on such registry; and''. (c) DEFINITION OF MEDICAL EXAMINER.—Section 31132 of such title is amended— (1) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively; and (2) by inserting after paragraph (5) the following: ''(6) 'medical examiner' means an individual licensed, certified, or registered in accordance with regulations issued by the Federal Motor Carrier Safety Administration as a medical examiner.''. (d) FUNDING.—Amounts made available pursuant to section 31104(i) of title 49, United States Code, shall be used by the Secretary to carry out section 31149 of title 49, United States Code. (e) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by inserting after the item relating to section 31148 the following: ''31149. Medical program.''. (f) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the 365th day following the date of enactment of this Act.
SEC. 4117. SAFETY PERFORMANCE HISTORY SCREENING.	(a) IN GENERAL.—Subchapter III of chapter 311 of title 49, United States Code (as amended by section 4116 of this Act), is amended by adding at the end the following: **''§ 31150. Safety performance history screening** ''(a) IN GENERAL.—The Secretary of Transportation shall provide persons conducting preemployment screening services for the motor carrier industry electronic access to the following reports contained in the Motor Carrier Management Information System: ''(1) Commercial motor vehicle accident reports. ''(2) Inspection reports that contain no driver-related safety

	violations. ‘‘(3) Serious driver-related safety violation inspection reports. ‘‘(b) CONDITIONS ON PROVIDING ACCESS.—Before providing a person access to the Motor Carrier Management Information System under subsection (a), the Secretary shall— ‘‘(1) ensure that any information that is released to such person will be in accordance with the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) and all other applicable Federal law; ‘‘(2) ensure that such person will not conduct a screening without the operator-applicant’s written consent; ‘‘(3) ensure that any information that is released to such person will not be released to any person or entity, other than the motor carrier requesting the screening services or the operator-applicant, unless expressly authorized or required by law; and ‘‘(4) provide a procedure for the operator-applicant to correct inaccurate information in the System in a timely manner. ‘‘(c) DESIGN.—The process for providing access to the Motor Carrier Management Information System under subsection (a) shall be designed to assist the motor carrier industry in assessing an individual operator’s crash and serious safety violation inspection history as a preemployment condition. Use of the process shall not be mandatory and may only be used during the preemployment assessment of an operator-applicant. ‘‘(d) SERIOUS DRIVER-RELATED SAFETY VIOLATION DEFINED.—In this section, the term ‘serious driver-related violation’ means a violation by an operator of a commercial motor vehicle that the Secretary determines will result in the operator being prohibited from continuing to operate a commercial motor vehicle until the violation is corrected.’’. (b) CLERICAL AMENDMENT.—The analysis for such subchapter (as amended by section 4116 of this Act) is amended by adding at the end the following: ‘‘31150. Safety performance history screening.’’.
SEC. 4118. ROADABILITY.	(a) IN GENERAL.—Subchapter III of chapter 311 of title 49, United States Code (as amended by sections 4116 and 4117 of this Act) is amended by adding at the end the following: **‘‘§ 31151. Roadability** ‘‘(a) INSPECTION, REPAIR, AND MAINTENANCE OF INTERMODAL EQUIPMENT.— ‘‘(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary of Transportation, after providing notice and opportunity for comment, shall issue regulations establishing a program to ensure that

	intermodal equipment used to transport intermodal containers is safe and systematically maintained. ‘‘(2) INTERMODAL EQUIPMENT SAFETY REGULATIONS.—The Secretary shall issue the regulations under this section as a subpart of the Federal motor carry safety regulations. ‘‘(3) CONTENTS.—The regulations issued under this section shall include, at a minimum— ‘‘(A) a requirement to identify intermodal equipment providers responsible for the inspection and maintenance of intermodal equipment that is interchanged or intended for interchange to motor carriers in intermodal transportation; ‘‘(B) a requirement to match intermodal equipment readily to an intermodal equipment provider through a unique identifying number; ‘‘(C) a requirement that an intermodal equipment provider identified under subparagraph (A) systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, intermodal equipment described in subparagraph (A) that is intended for interchange with a motor carrier; ‘‘(D) a requirement to ensure that each intermodal equipment provider identified under subparagraph (A) maintains a system of maintenance and repair records for such equipment; ‘‘(E) requirements that— ‘‘(i) a specific list of intermodal equipment components or items be identified for the visual or audible inspection of which a driver is responsible before operating the equipment over the road; and ‘‘(ii) the inspection under clause (i) be conducted as part of the Federal requirement in effect on the date of enactment of this Act that a driver be satisfied that the intermodal equipment components are in good working order before the equipment is operated over the road; ‘‘(F) a requirement that a facility at which an intermodal equipment provider regularly makes intermodal equipment available for interchange have an operational process and space readily available for a motor carrier to have an equipment defect identified pursuant to subparagraph (E) repaired or the equipment replaced prior to departure; ‘‘(G) a program for the evaluation and audit of compliance by intermodal equipment providers with applicable Federal motor carrier safety regulations; ‘‘(H) a civil penalty structure consistent with section 521(b) of title 49, United States Code, for intermodal equipment providers that fail to attain satisfactory compliance with applicable Federal motor carrier safety regulations; and ‘‘(I) a prohibition on intermodal equipment providers from placing intermodal equipment in service on the public highways to the extent such providers or their equipment

	are found to pose an imminent hazard; ‘‘(J) a process by which motor carriers and agents of motor carriers shall be able to request the Federal Motor Carrier Safety Administration to undertake an investigation of an intermodal equipment provider identified under subparagraph (A) that is alleged to be not in compliance with the regulations under this section; ‘‘(K) a process by which equipment providers and agents of equipment providers shall be able to request the Administration to undertake an investigation of a motor carrier that is alleged to be not in compliance with the regulations issued under this section; ‘‘(L) a process by which a driver or motor carrier transporting intermodal equipment is required to report to the intermodal equipment provider or the provider’s designated agent any actual damage or defect in the intermodal equipment of which the driver or motor carrier is aware at the time the intermodal equipment is returned to the intermodal equipment provider or the provider’s designated agent; ‘‘(M) a requirement that any actual damage or defect identified in the process established under subparagraph (L) be repaired before the equipment is made available for interchange to a motor carrier and that repairs of equipment made pursuant to the requirements of this subparagraph and reports made pursuant to the subparagraph (L) process be documented in the maintenance records for such equipment; and ‘‘(N) a procedure under which motor carriers, drivers and intermodal equipment providers may seek correction of their motor carrier safety records through the deletion from those records of violations of safety regulations attributable to deficiencies in the intermodal chassis or trailer for which they should not have been held responsible. ‘‘(4) DEADLINE FOR RULEMAKING PROCEEDING.—Not later than 120 days after the date of enactment of this section, the Secretary shall initiate a rulemaking proceeding for issuance of the regulations under this section. ‘‘(b) INSPECTION, REPAIR, AND MAINTENANCE OF INTERMODAL EQUIPMENT.—The Secretary or an employee of the Department of Transportation designated by the Secretary may inspect intermodal equipment, and copy related maintenance and repair records for such equipment, on demand and display of proper credentials. ‘‘(c) OUT-OF-SERVICE UNTIL REPAIR.—Any intermodal equipment that is determined under this section to fail to comply with applicable Federal safety regulations may be placed out of service by the Secretary or a Federal, State, or government official designated by the Secretary and may not be used on a public highway until the repairs necessary to bring such equipment into compliance have

	been completed. Repairs of equipment taken out of service shall be documented in the maintenance records for such equipment. ‘‘(d) PREEMPTION GENERALLY.—Except as provided in subsection (e), a law, regulation, order, or other requirement of a State, a political subdivision of a State, or a tribal organization relating to commercial motor vehicle safety is preempted if such law, regulation, order, or other requirement exceeds or is inconsistent with a requirement imposed under or pursuant to this section. ‘‘(e) PRE-EXISTING STATE REQUIREMENTS.— ‘‘(1) IN GENERAL.—Except as provided in paragraph (2), a State requirement for the periodic inspection of intermodal chassis by intermodal equipment providers that was in effect on January 1, 2005, shall remain in effect only until the date on which requirements prescribed under this section take effect. ‘‘(2) NONPREEMPTION DETERMINATIONS.— ‘‘(A) IN GENERAL.—Notwithstanding subsection (d), a State requirement described in paragraph (1) is not preempted by a Federal requirement prescribed under this section if the Secretary determines that the State requirement is as effective as the Federal requirement and does not unduly burden interstate commerce. ‘‘(B) APPLICATION REQUIRED.—Subparagraph (A) applies to a State requirement only if the State applies to the Secretary for a determination under this paragraph with respect to the requirement before the date on which the regulations issued under this section take effect. The Secretary shall make a determination with respect to any such application within 6 months after the date on which the Secretary receives the application. ‘‘(C) AMENDED STATE REQUIREMENTS.— Any amendment to a State requirement not preempted under this subsection because of a determination by the Secretary under subparagraph (A) may not take effect unless— ‘‘(i) it is submitted to the Secretary before the effective date of the amendment; and ‘‘(ii) the Secretary determines that the amendment would not cause the State requirement to be less effective than the Federal requirement and would not unduly burden interstate commerce. ‘‘(f) DEFINITIONS.—In this section, the following definitions apply: ‘‘(1) INTERMODAL EQUIPMENT.—The term ‘intermodal equipment’ means trailing equipment that is used in the intermodal transportation of containers over public highways in interstate commerce, including trailers and chassis. ‘‘(2) INTERMODAL EQUIPMENT INTERCHANGE

	AGREEMENT.—The term 'intermodal equipment interchange agreement' means the Uniform Intermodal Interchange and Facilities Access Agreement or any other written document executed by an intermodal equipment provider or its agent and a motor carrier or its agent, the primary purpose of which is to establish the responsibilities and liabilities of both parties with respect to the interchange of the intermodal equipment. ''(3) INTERMODAL EQUIPMENT PROVIDER.—The term 'intermodal equipment provider' means any person that interchanges intermodal equipment with a motor carrier pursuant to a written interchange agreement or has a contractual responsibility for the maintenance of the intermodal equipment. ''(4) INTERCHANGE.—The term 'interchange'— ''(A) means the act of providing intermodal equipment to a motor carrier pursuant to an intermodal equipment interchange agreement for the purpose of transporting the equipment for loading or unloading by any person or repositioning the equipment for the benefit of the equipment provider; but ''(B) does not include the leasing of equipment to a motor carrier for primary use in the motor carrier's freight hauling operations.''. (b) CLERICAL AMENDMENT.—The analysis for such subchapter (as amended by sections 4116 and 4117 of this Act) is amended by adding at the end the following: ''31151. Roadability.''.
SEC. 4119. INTERNATIONAL COOPERATION.	(a) IN GENERAL.—Chapter 311 of title 49, United States Code, is amended by adding at the end the following: ''SUBCHAPTER IV—MISCELLANEOUS **''§ 31161. International cooperation** ''The Secretary of Transportation is authorized to use funds made available by section 31104(i) to participate and cooperate in international activities to enhance motor carrier, commercial motor vehicle, driver, and highway safety by such means as exchanging information, conducting research, and examining needs, best practices, and new technology.''. (b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following: ''SUBCHAPTER IV—MISCELLANEOUS ''31161. International cooperation.''.
SEC. 4120. FINANCIAL RESPONSIBILITY FOR PRIVATE MOTOR CARRIERS.	(a) TRANSPORTATION OF PASSENGERS.— (1) GENERAL REQUIREMENT.—Section 31138(a) of title 49, United States Code, is amended— (A) by striking ''for compensation''; and (B) by inserting ''commercial'' before ''motor vehicle''. (2) OTHER PERSONS.—Section 31138(c) of such title is amended by adding at the end the following: ''(4) OTHER PERSONS.—The Secretary may require a

	person, other than a motor carrier (as defined in section 13102), transporting passengers by commercial motor vehicle to file with the Secretary the evidence of financial responsibility specified in subsection (c)(1) in an amount not less than the greater of the amount required by subsection (b)(1) or the amount required for such person to transport passengers under the laws of the State or States in which the person is operating; except that the amount of the financial responsibility must be sufficient to pay not more than the amount of the financial responsibility for each final judgment against the person for bodily injury to, or death of, an individual resulting from the negligent operation, maintenance, or use of the commercial motor vehicle, or for loss or damage to property, or both.''. (b) TRANSPORTATION OF PROPERTY.—Section 31139 of such title is amended— (1) in subsection (b)(1)— (A) by striking ''for compensation''; and (B) by inserting ''commercial'' before ''motor vehicle''; (2) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively; and (3) by inserting after subsection (b) the following: ''(c) FILING OF EVIDENCE OF FINANCIAL RESPONSIBILITY.—The Secretary may require a motor private carrier (as defined in section 13102) to file with the Secretary the evidence of financial responsibility specified in subsection (b) in an amount not less than the greater of the minimum amount required by this section or the amount required for such motor private carrier to transport property under the laws of the State or States in which the motor private carrier is operating; except that the amount of the financial responsibility must be sufficient to pay not more than the amount of the financial responsibility for each final judgment against the motor private carrier for bodily injury to, or death of, an individual resulting from negligent operation, maintenance, or use of the commercial motor vehicle, or for loss or damage to property, or both.''.
SEC. 4122. CDL LEARNER'S PERMIT PROGRAM .	Chapter 313 of title 49, United States Code, is amended— (1) in section 31302 by inserting ''and may have only 1 learner's permit at any time'' after ''time''; (2) in section 31308— (A) by inserting after ''license'' the first place it appears ''and learner's permits'' ; (B) by striking ''licenses.'' and inserting ''licenses and permits.''; (C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and (D) by inserting after paragraph (1) the following: ''(2) before a commercial driver's license learner's permit

	may be issued to an individual, the individual must pass a written test, that complies with the minimum standards prescribed by the Secretary under section 31305(a), on the operation of the commercial motor vehicle that the individual will be operating under the permit;''; and (E) in paragraphs (3) and (4) of section 31308 (as so redesignated) and in section 31309 (b) by inserting after ''license'' each place it appears ''or learner's permit''.
SEC. 4123. COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM MODERNIZATION.	(a) MODERNIZATION PLAN.—Section 31309 of title 49, United States Code, is amended by adding at the end the following: ''(e) MODERNIZATION PLAN.— ''(1) IN GENERAL.—Not later than 120 days after the date of enactment of this subsection, the Secretary shall develop and publish a comprehensive national plan to modernize the information system under this section that— ''(A) complies with applicable Federal information technology security standards; ''(B) provides for the electronic exchange of all information including the posting of convictions; ''(C) contains self auditing features to ensure that data is being posted correctly and consistently by the States; ''(D) integrates the commercial driver's license and the medical certificate; and ''(E) provides a schedule for modernization of the system. ''(2) CONSULTATION.—The plan shall be developed in consultation with representatives of the motor carrier industry, State safety enforcement agencies, and State licensing agencies designated by the Secretary. ''(3) STATE FUNDING OF FUTURE EFFORTS.— The plan shall specify that States will fund future efforts to modernize the commercial driver's information system. ''(4) DEADLINE FOR STATE PARTICIPATION.— ''(A) IN GENERAL.—The Secretary shall establish in the plan a date by which all States must be operating commercial driver's license information systems that are compatible with the modernized information system under this section. ''(B) FACTORS TO CONSIDER.—In establishing the date under subparagraph (A), the Secretary shall consider the following: ''(i) Availability and cost of technology and equipment needed to comply with subparagraph (A). ''(ii) Time necesary to install, and test the operation of, such technology and equipment. ''(5) IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) and modernize the information system under this section to meet the requirements of the plan. ''(f) FUNDING.—At the Secretary's discretion, a State

	may use the funds made available to the State under section 31318 to modernize its commercial driver's license information system to be compatible with the modernized information system under this section.''. (b) STATE PARTICIPATIONS.—Section 31311(a) of such title is amended— (1) in paragraph (15) by striking ''(g)(1)(A), and (g)(2)'' and inserting ''(i)(1)(A) and (i)(2)''; (2) in paragraph (17) by striking ''section 31310(h)'' and inserting ''as 31310(j)''; and (3) by adding at the end the following: ''(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.''. (c) GRANTS.— (1) IN GENERAL.—The Secretary may make a grant to a State or organization representing agencies and officials of a State in a fiscal year to modernize the commercial driver's license information system of the State to be compatible with the modernized commercial driver's license information system under section 31309 of title 49, United States Code, if the State is in substantial compliance with the requirements of section 31311 of such title and this section, as determined by the Secretary. (2) CRITERIA.—The Secretary shall establish criteria for the distribution of grants and notify each State annually of such criteria. (3) USE OF GRANT.—A State may use a grant under this subsection only to implement improvements that are consistent with the modernization plan developed by the Secretary. (4) GOVERNMENT SHARE.—A grant under this subsection to a State or organization may not be for more than 80 percent of the costs incurred by the State or organization in a fiscal year in modernizing the commercial driver's license information system of the State to be compatible with the modernized commercial driver's license information system under section 31309 of title 49, United States Code. In determining these costs, the Secretary shall include in-kind contributions of the State. (d) FUNDING.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section— (1) $5,000,000 for fiscal year 2006; (2) $7,000,000 for fiscal year 2007; (3) $8,000,000 for fiscal year 2008; and (4) $8,000,000 for fiscal year 2009. (e) CONTRACT AUTHORITY AND AVAILABILITY.— (1) PERIOD OF AVAILABILITY.—The amounts made

	available under subsection (d) shall remain available until expended. (2) INITIAL DATE OF AVAILABILITY.—Amounts authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) by subsection (d) shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first. (3) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under subsection (d) imposes upon the United States a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant. (f) BASELINE AUDIT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Inspector General of the Department of Transportation, shall perform a baseline audit of the information system maintained under section 31309 of title 49, United States Code. The audit shall include— (1) an assessment of the validity of data in the information system on a State-by-State basis; (2) an assessment of the extent to which convictions are validly posted on a driver's record; (3) recommendations to the Secretary on how to update the baseline audit annually to ensure that any shortcomings in the information system are addressed, and a methodology for conducting the update; (4) identification, on a State-by-State basis, of any actions that the Inspector General finds necessary to improve the integrity of data collected by the system and to ensure the proper posting of convictions; and (5) an analysis of amounts and use of the revenues derived from fees charged for use of the commercial driver's license information system.
SEC. 4124. COMMERCIAL DRIVER'S LICENSE IMPROVEMENTS.	(a) STATE GRANTS.—Chapter 313 of title 49, United States Code, is amended by inserting after section 31312 the following: **"§ 31313. Grants for commercial driver's license program improvements** ''(a) GRANTS FOR COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENTS.— ''(1) GENERAL AUTHORITY.—The Secretary of Transportation may make a grant to a State in a fiscal year— ''(A) to comply with the requirements of section 31311; and ''(B) in the case of a State that is making a good faith effort toward substantial compliance with the requirements of section 31311 and this section, to improve its implementation of its commercial driver's license program. ''(2) PURPOSES FOR WHICH GRANTS MAY BE

	USED.— ‘‘(A) IN GENERAL.—A State may use grants under paragraphs (1)(A) and (1)(B) only for expenses directly related to its compliance with section 31311; except that a grant under paragraph (1)(B) may be used for improving implementation of the State’s commercial driver’s license program, including expenses for computer hardware and software, publications, testing, personnel, training, and quality control. The grant may not be used to rent, lease, or buy land or buildings. ‘‘(B) PRIORITY.—In making grants under paragraph (1)(B), the Secretary shall give priority to States that will use such grants to achieve compliance with the requirements of the Motor Carrier Safety Improvement Act of 1999, including the amendments made by such Act. ‘‘(3) APPLICATION.—In order to receive a grant under this section, a State shall submit an application for such grant that is in such form, and contains such information, as the Secretary may require. The application shall include the State’s assessment of its commercial drivers license program. ‘‘(4) MAINTENANCE OF EXPENDITURES.—The Secretary may make a grant to a State under this subsection only if the State agrees that the total expenditure of amounts of the State and political subdivisions of the State, exclusive of amounts from the United States, for the State’s commercial driver’s license program will be maintained at a level at least equal to the average level of that expenditure by the State and political subdivisions of the State for the last 2 fiscal years of the State ending before the date of enactment of the this section. ‘‘(5) GOVERNMENT SHARE.—The Secretary shall reimburse a State under a grant made under this subsection an amount that is not more than 100 percent of the costs incurred by the State in a fiscal year in complying with section 31311 and improving its implementation of its commercial driver’s license program. In determining such costs, the Secretary shall include in-kind contributions by the State. Amounts required to be expended by the State under paragraph (4) may not be included as part of the non-Federal share of such costs. ‘‘(b) HIGH-PRIORITY ACTIVITIES.— ‘‘(1) GRANTS FOR NATIONAL CONCERNS.—The Secretary may make a grant to a State agency, local government, or other person for 100 percent of the costs of research, development, demonstration projects, public education, and other special activities and projects relating to commercial driver licensing and motor vehicle safety that are of benefit to all jurisdictions of the United States or are designed to address national safety concerns and circumstances.

	''(2) FUNDING.—The Secretary may deduct up to 10 percent of the amounts made available to carry out this section for a fiscal year to make grants under this subsection. ''(c) EMERGING ISSUES.—The Secretary may designate up to 10 percent of the amounts made available to carry out this section for a fiscal year for allocation to a State agency, local government, or other person at the discretion of the Secretary to address emerging issues relating to commercial driver's license improvements. ''(d) APPORTIONMENT.—Except as otherwise provided in subsection (c), all amounts made available to carry out this section for a fiscal year shall be apportioned to States according to criteria prescribed by the Secretary.''. (b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 31312 the following: ''31313. Grants for commercial driver's license program improvements.''. (c) AMOUNTS WITHHELD.—Subsections (a) and (b) of section 31314 of such title are each amended by inserting ''up to'' after ''withhold''.
SEC. 4126. COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.	(a) IN GENERAL.—The Secretary shall carry out a commercial vehicle information systems and networks program to— (1) improve the safety and productivity of commercial vehicles and drivers; and (2) reduce costs associated with commercial vehicle operations and Federal and State commercial vehicle regulatory requirements. (b) PURPOSE.—The program shall advance the technological capability and promote the deployment of intelligent transportation system applications for commercial vehicle operations, including commercial vehicle, commercial driver, and carrier-specific information systems and networks. (c) CORE DEPLOYMENT GRANTS.— (1) IN GENERAL.—The Secretary shall make grants to eligible States for the core deployment of commercial vehicle information systems and networks. (2) AMOUNT OF GRANTS.—The maximum aggregate amount the Secretary may grant to a State for the core deployment of commercial vehicle information systems and networks under this subsection and sections 5001(a)(5) and 5001(a)(6) of the Transportation Equity Act for the 21st Century (112 Stat. 420) may not exceed $2,500,000. (3) USE OF FUNDS.—Funds from a grant under this subsection may only be used for the core deployment of commercial vehicle information systems and networks. An eligible State that has either completed the core deployment of commercial vehicle information systems and networks or

	completed such deployment before grant funds are expended under this subsection may use the grant funds for the expanded deployment of commercial vehicle information systems and networks in the State. (d) EXPANDED DEPLOYMENT GRANTS.— (1) IN GENERAL.—For each fiscal year, from the funds remaining after the Secretary has made grants under subsection (c), the Secretary may make grants to each eligible State, upon request, for the expanded deployment of commercial vehicle information systems and networks. (2) ELIGIBILITY.—Each State that has completed the core deployment of commercial vehicle information systems and networks in such State is eligible for an expanded deployment grant under this subsection. (3) AMOUNT OF GRANTS.—Each fiscal year, the Secretary may distribute funds available for expanded deployment grants equally among the eligible States, but not to exceed $1,000,000 per State. (4) USE OF FUNDS.—A State may use funds from a grant under this subsection only for the expanded deployment of commercial vehicle information systems and networks. (e) ELIGIBILITY.—To be eligible for a grant under this section, a State— (1) shall have a commercial vehicle information systems and networks program plan approved by the Secretary that describes the various systems and networks at the State level that need to be refined, revised, upgraded, or built to accomplish deployment of core capabilities; (2) shall certify to the Secretary that its commercial vehicle information systems and networks deployment activities, including hardware procurement, software and system development, and infrastructure modifications— (A) are consistent with the national intelligent transportation systems and commercial vehicle information systems and networks architectures and available standards; and (B) promote interoperability and efficiency to the extent practicable; and (3) shall agree to execute interoperability tests developed by the Federal Motor Carrier Safety Administration to verify that its systems conform with the national intelligent transportation systems architecture, applicable standards, and protocols for commercial vehicle information systems and networks. (f) FEDERAL SHARE.—The Federal share of the cost of a project payable from funds made available to carry out this section shall not exceed 50 percent. The total Federal share of the cost of a project payable from all eligible Federal sources shall not exceed 80 percent. (g) DEFINITIONS.—In this section, the following

	definitions apply: (1) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS.—The term ''commercial vehicle information systems and networks'' means the information systems and communications networks that provide the capability to— (A) improve the safety of commercial motor vehicle operations; (B) increase the efficiency of regulatory inspection processes to reduce administrative burdens by advancing technology to facilitate inspections and increase the effectiveness of enforcement efforts; (C) advance electronic processing of registration information, driver licensing information, fuel tax information, inspection and crash data, and other safety information; (D) enhance the safe passage of commercial motor vehicles across the United States and across international borders; and (E) promote the communication of information among the States and encourage multistate cooperation and corridor development. (2) COMMERCIAL MOTOR VEHICLE OPERATIONS.—The term ''commercial motor vehicle operations''— (A) means motor carrier operations and motor vehicle regulatory activities associated with the commercial motor vehicle movement of goods, including hazardous materials, and passengers; and (B) with respect to the public sector, includes the issuance of operating credentials, the administration of motor vehicle and fuel taxes, and roadside safety and border crossing inspection and regulatory compliance operations. (3) CORE DEPLOYMENT.—The term ''core deployment'' means the deployment of systems in a State necessary to provide the State with the following capabilities: (A) Safety information exchange to— (i) electronically collect and transmit commercial motor vehicle and driver inspection data at a majority of inspection sites in the State; (ii) connect to the safety and fitness electronic records system for access to interstate carrier and commercial motor vehicle data, summaries of past safety performance, and commercial motor vehicle credentials information; and (iii) exchange carrier data and commercial motor vehicle safety and credentials information within the State and connect to such system for access to interstate carrier and commercial motor vehicle data. (B) Interstate credentials administration to— (i) perform end-to-end processing, including carrier

	application, jurisdiction application processing, and credential issuance, of at least the international registration plan and international fuel tax agreement credentials and extend this processing to other credentials, including intrastate registration, vehicle titling, oversize vehicle permits, overweight vehicle permits, carrier registration, and hazardous materials permits; (ii) connect to such plan and agreement clearinghouses; and (iii) have at least 10 percent of the credentialing transaction volume in the State handled electronically and have the capability to add more carriers and to extend to branch offices where applicable. (C) Roadside electronic screening to electronically screen transponder-equipped commercial vehicles at a minimum of one fixed or mobile inspection site in the State and to replicate this screening at other sites in the State. (4) EXPANDED DEPLOYMENT.—The term ''expanded deployment'' means the deployment of systems in a State that exceed the requirements of a core deployment of commercial vehicle information systems and networks, improve safety and the productivity of commercial motor vehicle operations, and enhance transportation security.
SEC. 4127. OUTREACH AND EDUCATION.	(a) IN GENERAL.—The Secretary shall conduct, through any combination of grants, contracts, or cooperative agreements, an outreach and education program to be administered by the Federal Motor Carrier Safety Administration and the National Highway Traffic Safety Administration. (b) PROGRAM ELEMENTS.—The program shall include, at a minimum, the following: (1) A program to promote a more comprehensive and national effort to educate commercial motor vehicle drivers and passenger vehicle drivers about how commercial motor vehicle drivers and passenger vehicle drivers can more safely share the road with each other. (2) A program to promote enhanced traffic enforcement efforts aimed at reducing the incidence of the most common unsafe driving behaviors that cause or contribute to crashes involving commercial motor vehicles and passenger vehicles. (3) A program to establish a public-private partnership to provide resources and expertise for the development and dissemination of information relating to sharing the road referred to in paragraphs (1) and (2) to each partner's constituents and to the general public through the use of brochures, videos, paid and public advertisements, the Internet, and other media. (c) FEDERAL SHARE.—The Federal share of a program or activity for which a grant is made under this section shall be 100 percent of the cost of such program or activity. (d) ANNUAL REPORT.—The Secretary shall prepare and

	transmit to Congress an annual report on the programs and activities carried out under this section. The final annual report shall be submitted not later than September 30, 2009. (e) FUNDING.—From amounts made available under section 31104(i) of title 49, United States Code, the Secretary shall make available $1,000,000 to the Federal Motor Carrier Safety Administration, and $3,000,000 to the National Highway Traffic each of fiscal years 2006, 2007, 2008, and 2009 to carry out this section (other than subsection (f)). (f) STUDY.—The Comptroller General shall update the Government Accountability Office's evaluation of the ''Share the Road Safely'' program to determine if it has achieved reductions in the number and severity of commercial motor vehicle crashes, including reductions in the number of deaths and the severity of injuries sustained in these crashes and shall report its updated evaluation to Congress no later than June 30, 2006.
SEC. 4128. SAFETY DATA IMPROVEMENT PROGRAM.	(a) IN GENERAL.—The Secretary shall make grants to States for projects and activities to improve the accuracy, timeliness, and completeness of commercial motor vehicle safety data reported to the Secretary. (b) ELIGIBILITY.—A State shall be eligible for a grant under this section in a fiscal year if the Secretary determines that the State has— (1) conducted a comprehensive audit of its commercial motor vehicle safety data system within the preceding 2 years; (2) developed a plan that identifies and prioritizes its commercial motor vehicle safety data needs and goals; and (3) identified performance-based measures to determine progress toward those goals. (c) FEDERAL SHARE.—The Federal share of a grant under this section shall be 80 percent of the cost of the activities for which the grant is made. (d) BIENNIAL REPORT.—Not later 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary shall transmit to Congress a report on the activities and results of the program carried out under this section, together with any recommendations the Secretary determines appropriate.
SEC. 4129. OPERATION OF COMMERCIAL MOTOR VEHICLES BY INDIVIDUALS WHO USE INSULIN TO TREAT DIABETES MELLITUS.	(a) REVISION OF FINAL RULE.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall begin revising the final rule published in the Federal Register on September 3, 2003, relating to persons with diabetes, to allow individuals who use insulin to treat their diabetes to operate commercial motor vehicles in interstate commerce. The revised final rule shall provide for the individual assessment of applicants who use insulin to treat their diabetes and who are, except for their use of insulin, otherwise qualified under the Federal motor carrier safety

	regulations. The revised final rule shall be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305 note) and shall conclude the rulemaking process in the Federal Motor Carrier Safety Administration docket relating to qualifications of drivers with diabetes. (b) NO PERIOD OF COMMERCIAL DRIVING WHILE USING INSULIN REQUIRED FOR QUALIFICATION.—After the earlier of the date of issuance of the revised final rule under subsection (a) or the 90th day following the date of enactment of this Act, the Secretary may not require individuals with insulin-treated diabetes mellitus who are applying for an exemption from the physical qualification standards to have experience operating commercial motor vehicles while using insulin in order to be exempted from the physical qualification standards to operate a commercial motor vehicle in interstate commerce. (c) MINIMUM PERIOD OF INSULIN USE.—Subject to subsection (b), the Secretary shall require individuals with insulin-treated diabetes mellitus to have a minimum period of insulin use to demonstrate stable control of diabetes before operating a commercial motor vehicle in interstate commerce. Such demonstration shall be consistent with the findings reported in July 2000, by the expert medical panel established by the Secretary, in ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate Commercial Motor Vehicles in Interstate Commerce as Directed by the Transportation Equity Act for the 21st Century''. For individuals who have been newly diagnosed with type 1 diabetes, the minimum period of insulin use may not exceed 2 months, unless directed by the treating physician. For individuals who have type 2 diabetes and are converting to insulin use, the minimum period of insulin use may not exceed 1 month, unless directed by the treating physician. (d) LIMITATIONS.—Insulin-treated individuals may not be held by the Secretary to a higher standard of physical qualification in order to operate a commercial motor vehicle in interstate commerce than other individuals applying to operate, or operating, a commercial motor vehicle in interstate commerce; except to the extent that limited operating, monitoring, and medical requirements are deemed medically necessary under regulations issued by the Secretary.
SEC. 4130. OPERATORS OF VEHICLES TRANSPORTING AGRICULTURAL COMMODITIES AND FARM SUPPLIES.	(a) AGRICULTURAL EXEMPTION.—Section 229(a)(1) of the Federal Motor Carrier Safety Improvement Act of 1999 (as added by section 4115 of this Act), is amended to read as follows: ''(1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Regulations prescribed by the Secretary under sections 31136 and 31502

	regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply during planting and harvest periods, as determined by each State, to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation is limited to an area within a 100 air mile radius from the source of the commodities or the distribution point for the farm supplies.''. (b) REVIEW BY THE SECRETARY.—Section 229(c) of such Act is amended by striking ''paragraph (2)'' and inserting ''paragraph (1), (2), or (4)''. (c) DEFINITIONS.—Section 229(e) of such Act is amended by adding at the end the following: ''(7) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' means any agricultural commodity, non-processed food, feed, fiber, or livestock (including livestock as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471) and insects). ''(8) FARM SUPPLIES FOR AGRICULTURAL PURPOSES.—The term 'farm supplies for agricultural purposes' means products directly related to the growing or harvesting of agricultural commodities during the planting and harvesting seasons within each State, as determined by the State, and livestock feed at any time of the year.''.
SEC. 4131. MAXIMUM HOURS OF SERVICE FOR OPERATORS OF GROUND WATER WELL DRILLING RIGS.	Section 229(a)(2) of the Motor Carrier Safety Improvement Act of 1999 (as added by section 4115 of this Act), is amended by adding at the end the following: ''Except as required in section 395.3 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this sentence, no additional off-duty time shall be required in order to operate such vehicle.''.
SEC. 4132. HOURS OF SERVICE FOR OPERATORS OF UTILITY SERVICE VEHICLES.	Section 229 of the Federal Motor Carrier Safety Improvements Act of 1999 (as added by section 4115 of this Act), is amended— (1) in subsection (a) by striking paragraph (4) and inserting the following: ''(4) OPERATORS OF UTILITY SERVICE VEHICLES.— ''(A) INAPPLICABILITY OF FEDERAL REGULATIONS.—Such regulations shall not apply to a driver of a utility service vehicle. ''(B) PROHIBITION ON STATE REGULATIONS.—A State, a political subdivision of a State, an interstate agency, or other entity consisting of 2 or more States, shall not enact or enforce any law, rule, regulation, or standard that imposes requirements on a driver of a utility service vehicle that are similar to the requirements contained in such regulations.''; and (2) in subsection (b) by striking ''Nothing'' and inserting ''Except as provided in subsection (a)(4), nothing''.

SEC. 4133. HOURS OF SERVICE RULES FOR OPERATORS PROVIDING TRANSPORTATION TO MOVIE PRODUCTION SITES .	Notwithstanding sections 31136 and 31502 of title 49, United States Code, and any other provision of law, the maximum daily hours of service for an operator of a commercial motor vehicle providing transportation of property or passengers to or from a theatrical or television motion picture production site located within a 100 air mile radius of the work reporting location of such operator shall be those in effect under the regulations in effect under such sections on April 27, 2003.
SEC. 4134. GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.	(a) ESTABLISHMENT.—The Secretary shall establish a grant program for persons to train operators of commercial motor vehicles (as defined in section 31301 of title 49, United States Code). The purpose of the program shall be to train operators and future operators in the safe use of such vehicles. (b) FEDERAL SHARE.—The Federal share of the cost for which a grant is made under this section shall be 80 percent. (c) FUNDING.—From amounts made available under section 31104(i) of title 49, United States Code, the Secretary shall make available $1,000,000 for each of fiscal years 2005 through 2009 to carry out this section.
SEC. 4135. CDL TASK FORCE.	(a) IN GENERAL.—The Secretary shall convene a task force to study and address current impediments and foreseeable challenges to the commercial driver's license program's effectiveness and measures needed to realize the full safety potential of the commercial driver's license program, including such issues as— (1) State enforcement practices; (2) operational procedures to detect and deter fraud; (3) needed improvements for seamless information sharing between States; (4) effective methods for accurately sharing electronic data between States; (5) adequate proof of citizenship; (6) updated technology; and (7) timely notification from judicial bodies concerning traffic and criminal convictions of commercial drivers license holders. (b) MEMBERSHIP.—Members of the task force should include State motor vehicle administrators, organizations representing government agencies or officials, members of the Judicial Conference, representatives of the trucking industry, representatives of labor organizations, safety advocates, and other significant stakeholders. (c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary, on behalf of the task force, shall complete a report of the task forces findings and recommendations for legislative, regulatory, and enforcement changes to improve the commercial drivers license program and submit such the report to the Committee on Commerce, Science, and Transportation of

	the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. (d) FUNDING.—From the funds amounts made available by section 4101(c)(1), $200,000 shall be available for each of fiscal years 2006 and 2007 to carry out this section.
SEC. 4136. INTERSTATE VAN OPERATIONS.	The Federal motor carrier safety regulations that apply to interstate operations of commercial motor vehicles designed to transport between 9 and 15 passengers (including the driver) shall apply to all interstate operations of such carriers regardless of the distance traveled.
SEC. 4137. DECALS.	The Commercial Vehicle Safety Alliance may not restrict the sale of any inspection decal to the Federal Motor Carrier Safety Administration unless the Administration fails to meet its responsibilities under its memorandum of understanding with the Alliance (other than a failure due to the Administration's compliance with Federal law).
SEC. 4138. HIGH RISK CARRIER COMPLIANCE REVIEWS.	From the funds authorized by section 31104(i) of title 49, United States Code, the Secretary shall ensure that compliance reviews are completed on motor carriers that have demonstrated through performance data that they pose the highest safety risk. At a minimum, a compliance review shall be conducted whenever a motor carrier is rated as category A or B for 2 consecutive months.
SEC. 4139. FOREIGN COMMERCIAL MOTOR VEHICLES.	(a) OPERATING AUTHORITY ENFORCEMENT ASSISTANCE FOR STATES.— (1) TRAINING AND OUTREACH.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Motor Carrier Safety Administration shall conduct outreach and provide training as necessary to State personnel engaged in the enforcement of Federal motor carrier safety regulations to ensure their awareness of the process to be used for verification of the operating authority of motor carriers, including motor carriers of passengers, and to ensure proper enforcement when motor carriers are found to be in violation of operating authority requirements. (2) ASSESSMENT.—The Inspector General of the Department of Transportation may periodically assess the implementation and effectiveness of the training and outreach program. (b) STUDY OF FOREIGN COMMERCIAL MOTOR VEHICLES.— (1) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Administrator shall conduct a review to determine the degree to which Canadian and Mexican commercial motor vehicles, including motor carriers of passengers, currently operating or expected to operate in the United States comply with the Federal motor vehicle safety standards. (2) REPORTS.—Not later than 1 year after the date of

	enactment, the Adminstrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives containing the findings and conclusions of the review. Not later than 4 months after the date on which the report is submitted to the Committees, the Inspector General of the Department shall provide comments and observations to the Committees on the scope and methodology of the review.
SEC. 4140. SCHOOL BUS DRIVER QUALIFICATIONS AND EN20 DORSEMENT KNOWLEDGE TEST.	(a) RECOGNITION OF TEST.—The Secretary shall recognize any driver who passes a test approved by the Federal Motor Carrier Safety Administration as meeting the knowledge test requirement for a school bus endorsement under section 383.123 of title 49, Code of Federal Regulations. (b) DRIVER QUALIFICATIONS.— Section 383.123 of such title (as in effect on the date of enactment of this Act) shall not be in effect during the period beginning on the date of enactment of this Act and ending on September 30, 2006.
SEC. 4141. DRIVEAWAY SADDLEMOUNT VEHICLES.	(a) DEFINITION.—Section 31111(a) of tile 49, United States Code, is amended by adding at the end of the following: ‘‘(4) DRIVE-AWAY SADDLEMOUNT WITH FULLMOUNT VEHICLE TRANSPORTER COMBINATION.—The term ‘drive-away saddlemount with fullmount vehicle transporter combination’ means a vehicle combination designed and specifically used to tow up to 3 trucks or truck tractors, each connected by a saddle to the frame or fifth-wheel of the forward vehicle of the truck or truck tractor in front of it.’’. (b) GENERAL LIMITATIONS.—Section 31111(b)(1) of such title is amended (1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and (2) by inserting after subparagraph (C) the following: ‘‘(D) imposes a vehicle length limitation of not less than or more than 97 feet on a driveaway saddlemount with fullmount vehicle transporter combinations;’’.
SEC. 4142. REGISTRATION OF MOTOR CARRIERS AND FREIGHT FORWARDERS.	(a) DEFINITIONS RELATING TO MOTOR CARRIERS.— Paragraphs (6), (7), (12), and (13) of section 13102 of title 49, United States Code, are each amended by striking ‘‘motor vehicle’’ and inserting ‘‘commercial motor vehicle (as defined in section 31132)’’. (b) FREIGHT FORWARDERS.—Section 13903(a) of such title is amended— (1) by striking ‘‘The Secretary’’ and inserting the following: ‘‘(1) HOUSEHOLD GOODS.—The Secretary’’; (2) by inserting ‘‘of household goods’’ after ‘‘freight forwarder’’; and

	(3) by adding at the end the following: ''(2) OTHERS.—The Secretary may register a person to provide service subject to jurisdiction under subchapter III of chapter 135 as a freight forwarder (other than a freight forwarder of household goods) if the Secretary finds that such registration is needed for the protection of shippers and that the person is fit, willing, and able to provide the service and to comply with this part and applicable regulations of the Secretary and Board.''. (c) BROKERS.—Section 13904(a) of such title is amended— (1) by striking ''The Secretary'' and inserting the following: ''(1) HOUSEHOLD GOODS.—The Secretary''; (2) by inserting ''of household goods'' after ''broker''; and (3) by adding at the end the following: ''(2) OTHERS.—The Secretary may register a person to provide service subject to jurisdiction under subchapter III of chapter 135 as a broker (other than a broker of household goods) if the Secretary finds that such registration is needed for the protection of shippers and that the person is fit, willing, and able to provide the service and to comply with this part and applicable regulations of the 22 Secretary and Board.''.
SEC. 4143. AUTHORITY TO STOP COMMERCIAL MOTOR VEHICLES.	(a) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following: **''§ 39. Commercial motor vehicles required to stop for inspections** ''(a) A driver of a commercial motor vehicle (as defined in section 31132 of title 49) shall stop and submit to inspection of the vehicle, driver, cargo, and required records when directed to do so by an authorized employee of the Federal Motor Carrier Safety Administration of the Department of Transportation, at or in the vicinity of an inspection site. The driver shall not leave the inspection site until authorized to do so by an authorized employee. ''(b) A driver of a commercial motor vehicle, as defined in subsection (a), who knowingly fails to stop for inspection when directed to do so by an authorized employee of the Administration at or in the vicinity of an inspection site, or leaves the inspection site without authorization, shall be fined under this title or imprisoned not more than 1 year, or both.''. (b) AUTHORITY OF FMCSA.—Chapter 203 of such title is amended by adding at the end the following: **''§ 3064. Powers of Federal Motor Carrier Safety Administration** ''Authorized employees of the Federal Motor Carrier Safety Administration may direct a driver of a commercial motor vehicle (as defined in section 31132 of title 49) to stop for

	inspection of the vehicle, driver, cargo, and required records at or in the vicinity of an inspection site.''. (c) CLERICAL AMENDMENTS.— (1) The analysis for chapter 2 of such title is amended by inserting after the item relating to section 38 the following: ''39. Commercial motor vehicles required to stop for inspections.''. (2) The analysis for chapter 203 of such title is amended by inserting after the item relating to section 3063 the following: ''3064. Powers of Federal Motor Carrier Safety Administration.''.
SEC. 4144. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.	(a) ESTABLISHMENT AND DUTIES.—The Secretary shall establish in the Federal Motor Carrier Safety Administration a motor carrier safety advisory committee. The committee shall— (1) provide advice and recommendations to the Administrator of the Federal Motor Carrier Safety Administration about needs, objectives, plans, approaches, content, and accomplishments of the motor carrier safety programs carried out by the Administration; and (2) provide advice and recommendations to the Administrator on motor carrier safety regulations. (b) MEMBERS, CHAIRMAN, PAY, AND EXPENSES.— (1) IN GENERAL.—The committee shall be composed of not more than 20 members appointed by the Administrator from among individuals who are not employees of the Administration and who are specially qualified to serve on the committee because of their education, training, or experience. The members shall include representatives of the motor carrier industry, safety advocates, and safety enforcement officials. Representatives of a single enumerated interest group may not constitute a majority of the members of the advisory committee. (2) CHAIRMAN.—The Administrator shall designate the chairman of the committee. (3) PAY.—A member of the committee shall serve without pay; except that the Administrator may allow a member, when attending meetings of the committee or a subcommittee of the committee, expenses authorized under section 5703 of title 5, relating to per diem, travel, and transportation expenses. (c) SUPPORT STAFF, INFORMATION, AND SERVICES.—The Administrator shall provide support staff for the committee. On request of the committee, the Administrator shall provide information, administrative services, and supplies that the Administrator considers necessary for the committee to carry out its duties and powers. (d) TERMINATION DATE.—Notwithstanding the Federal Advisory Committee Act (5 U.S.C. App.), the advisory

	committee shall terminate on September 30, 2010.
SEC. 4146. EXEMPTION DURING HARVEST PERIODS.	Regulations issued by the Secretary under sections 31136 and 31502 of title 49, United States Code, regarding maximum driving and on-duty time for a driver used by a motor carrier, shall not apply, beginning on the date of enactment of this Act and ending at the end of fiscal year 2009, for the transportation of grapes west of Interstate 81 in the State of New York if such transportation— (1) is during a harvesting period, as determined by the State; and (2) is limited to a 150-air mile radius from where the grapes are picked or distributed.
SEC. 4149. OFFICE OF INTERMODALISM.	Section 5503 of title 49, United States Code, is amended— (1) in subsection (e) by inserting ''Amounts reserved under section 5504(d) not awarded to States as grants may be used by the Director to provide technical assistance under this subsection.'' after ''organizations.''; (2) by redesignating subsection (f) as subsection (h); and (3) by inserting after subsection (e) the following: ''(f) NATIONAL INTERMODAL SYSTEM IMPROVEMENT PLAN.— ''(1) IN GENERAL.—The Director, in consultation with the advisory board established under section 5502 and other public and private transportation interests, shall develop a plan to improve the national intermodal transportation system. The plan shall include— ''(A) an assessment and forecast of the national intermodal transportation system's impact on mobility, safety, energy consumption, the environment, technology, international trade, economic activity, and quality of life in the United States; ''(B) an assessment of the operational and economic attributes of each passenger and freight mode of transportation and the optimal role of each mode in the national intermodal transportation system; ''(C) a description of recommended intermodal and multi-modal research and development projects; ''(D) a description of emerging trends that have an impact on the national intermodal transportation system; ''(E) recommendations for improving intermodal policy, transportation decision-making, and financing to maximize mobility and the return on investment of Federal spending on transportation; ''(F) an estimate of the impact of current Federal and State transportation policy on the national intermodal transportation system; and ''(G) specific near and long-term goals for the national intermodal transportation system. ''(2) PROGRESS REPORTS.—The Director shall submit an initial report on the plan to improve the national intermodal transportation system 2 years after the date of

	enactment of the Surface Transportation Safety Improvement Act of 2005, and a follow-up report 2 years after that, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The progress report shall— ''(A) describe progress made toward achieving the plan's goals; ''(B) describe challenges and obstacles to achieving the plan's goals; ''(C) update the plan to reflect changed circumstances or new developments; and ''(D) make policy and legislative recommendations the Director believes are necessary and appropriate to achieve the goals of the plan. ''(3) PLAN DEVELOPMENT FUNDING.—Such sums as may be necessary from the administrative expenses of the Research and Innovative Technology Administration shall be reserved by the Secretary of Transportation each year for the purpose of completing and updating the plan to improve the national intermodal transportation plan. ''(g) IMPACT MEASUREMENT METHODOLOGY; IMPACT REVIEW.—The Director and the Director of the Bureau of Transportation Statistics shall jointly— ''(1) develop, in consultation with the modal administrations, and State and local planning organizations, common measures to compare transportation investment decisions across the various modes of transportation; and ''(2) formulate a methodology for measuring the impact of intermodal transportation on— ''(A) the environment; ''(B) public health and welfare; ''(C) energy consumption; ''(D) the operation and efficiency of the transportation system; ''(E) congestion, including congestion at the Nation's ports; and ''(F) the economy and employment. ''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for fiscal years 2006 through 2009 to carry out this chapter.''.

SEC. 4301. SHORT TITLE.	This subtitle may be cited as the `Unified Carrier Registration Act of 2005'.
SEC. 4302. RELATIONSHIP TO OTHER LAWS.	Except as provided in section 14504 of title 49, United States Code, and sections 14504a and 14506 of title 49, United States Code, as added by this subtitle, this subtitle is not intended to prohibit any State or any political subdivision of any State from enacting, imposing, or enforcing any law or regulation with respect to a motor carrier, motor private carrier, broker, freight forwarder, or leasing company that is not otherwise prohibited by law.
SEC. 4303. INCLUSION OF MOTOR PRIVATE AND EXEMPT CARRIERS.	(a) PERSONS REGISTERED TO PROVIDE TRANSPORTATION OR SERVICE AS A MOTOR CARRIER OR MOTOR PRIVATE CARRIER.—Section 13905 of title 49, United States Code, is amended— (1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and (2) by inserting after subsection (a) the following: ‘‘(b) PERSON REGISTERED WITH SECRETARY.— ‘‘(1) IN GENERAL.—Except as provided in paragraph (2), any person having registered with the Secretary to provide transportation or service as a motor carrier or motor private carrier under this title, as in effect on January 1, 2005, but not having registered pursuant to section 13902(a), shall be treated, for purposes of this part, to be registered to provide such transportation or service for purposes of sections 13908 and 14504a. ‘‘(2) EXCLUSIVELY INTRASTATE OPERATORS.—Paragraph (1) does not apply to a motor carrier or motor private carrier (including a transporter of waste or recyclable materials) engaged exclusively in intrastate transportation operations.’’. (b) SECURITY REQUIREMENT.—Section 13906(a) of such title is amended— (1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and (2) by inserting after paragraph (1) the following: ‘‘(2) SECURITY REQUIREMENT.—Not later than 120 days after the date of enactment of the Unified Carrier Registration Act of 2005, any person, other than a motor private carrier, registered with the Secretary to provide transportation or service as a motor carrier under section 13905(b) shall file with the Secretary a bond, insurance policy, or other type of security approved by the Secretary, in an amount not less than required by sections 31138 and 31139.’’. (c) TERMINATION OF TRANSITION RULE.—Section 13902 of such title is amended— (1) by adding at the end of subsection (d) the following: ‘‘(3) TERMINATION.—This subsection shall cease to be in effect on the transition termination date.’’; and (2) by redesignating subsection (f) as subsection (g), and

	inserting after subsection (e) the following: ''(f) MODIFICATION OF CARRIER REGISTRATION.— ''(1) IN GENERAL.—On and after the transition termination date, the Secretary— ''(A) may not register a motor carrier under this section as a motor common carrier or a motor contract carrier; ''(B) shall register applicants under this section as motor carriers; and ''(C) shall issue any motor carrier registered under this section after that date a motor carrier certificate of registration that specifies whether the holder of the certificate may provide transportation of persons, household goods, other property, or any combination thereof. ''(2) PRE-EXISTING CERTIFICATES AND PERMITS.—The Secretary shall redesignate any motor carrier certificate or permit issued before the transition termination date as a motor carrier certificate of registration. On and after the transition termination date, any person holding a motor carrier certificate of registration redesignated under this paragraph may provide both contract carriage (as defined in section 13102(4)(B)) and transportation under terms and conditions meeting the requirements of section 13710(a)(1). The Secretary may not, pursuant to any regulation or form issued before or after the transition termination date, make any distinction among holders of motor carrier certificates of registration on the basis of whether the holder would have been classified as a common carrier or as a contract carrier under— ''(A) subsection (d) of this section, as that section was in effect before the transition termination date; or ''(B) any other provision of this title that was in effect before the transition termination date. ''(3) TRANSITION TERMINATION DATE DEFINED.—In this section, the term 'transition termination date' means the first day of January occurring more than 12 months after the date of enactment of the Unified Carrier Registration Act of 2005.''. (d) CLERICAL AMENDMENTS.— (1) HEADING FOR SECTION 13906.—Section 13906 of such title is amended by striking the section designation and heading and inserting the following: **''§ 13906. Security of motor carriers, motor private carriers, brokers, and freight forwarders''**. (2) CHAPTER ANALYSIS.—The analysis for chapter 139 of such title is amended by striking the item relating to section 13906 and inserting the following: ''13906. Security of motor carriers, motor private carriers, brokers, and freight forwarders.''.
SEC. 4304. UNIFIED CARRIER REGISTRATION SYSTEM.	Section 13908 of title 49, United States Code, is amended to read as follows:

	‘‘§ 13908. Registration and other reforms ‘‘(a) ESTABLISHMENT OF UNIFIED CARRIER REGISTRATION SYSTEM.—The Secretary, in cooperation with the States, representatives of the motor carrier, motor private carrier, freight forwarder, and broker industries and after notice and opportunity for public comment, shall issue within 1 year after the date of enactment of the Unified Carrier Registration Act of 2005 regulations to establish an online Federal registration system, to be named the ‘Unified Carrier Registration System’, to replace— ‘‘(1) the current Department of Transportation identification number system, the single State registration system under section 14504; ‘‘(2) the registration system contained in this chapter and the financial responsibility information system under section 13906; and ‘‘(3) the service of process agent systems under sections 503 and 13304. ‘‘(b) ROLE AS CLEARINGHOUSE AND DEPOSITORY OF INFORMATION.— The Unified Carrier Registration System shall serve as a clearinghouse and depository of information on, and identification of, all foreign and domestic motor carriers, motor private carriers, brokers, freight forwarders, and others required to register with the Department of Transportation, including information with respect to a carrier’s safety rating, compliance with required levels of financial responsibility, and compliance with the provisions of section 14504a. The Secretary shall ensure that Federal agencies, States, representatives of the motor carrier industry, and the public have access to the Unified Carrier Registration System, including the records and information contained in the System. ‘‘(c) PROCEDURES FOR CORRECTING INFORMATION.—Not later than 60 days after the effective date of this section, the Secretary shall prescribe regulations establishing procedures that enable a motor carrier to correct erroneous information contained in any part of the Unified Carrier Registration System. ‘‘(d) FEE SYSTEM.—The Secretary shall establish, under section 9701 of title 31, a fee system for the Unified Carrier Registration System according to the following guidelines: ‘‘(1) REGISTRATION AND FILING EVIDENCE OF FINANCIAL RESPONSIBILITY.—The fee for new registrants shall as nearly as possible cover the costs of processing the registration but shall not exceed $300. ‘‘(2) EVIDENCE OF FINANCIAL RESPONSIBILITY.—The fee for filing evidence of financial responsibility pursuant to this section shall not exceed $10 per filing. No fee shall be charged for a filing for purposes of designating

	an agent for service of process or the filing of other information relating to financial responsibility. ‘‘(3) ACCESS AND RETRIEVAL FEES.— ‘‘(A) IN GENERAL.—Except as provided in subparagraph (B), the fee system shall include a nominal fee for the access to or retrieval of information from the Unified Carrier Registration System to cover the costs of operating and upgrading the System, including the personnel costs incurred by the Department and the costs of administration of the unified carrier registration agreement. ‘‘(B) EXCEPTIONS.—There shall be no fee charged under this paragraph— ‘‘(i) to any agency of the Federal Government or a State government or any political subdivision of any such government for the access to or retrieval of information and data from the Unified Carrier Registration System for its own use; or ‘‘(ii) to any representative of a motor carrier, motor private carrier, leasing company, broker, or freight forwarder (as each is defined in section 14504a) for the access to or retrieval of the individual information related to such entity from the Unified Carrier Registration System for the individual use of such entity. ‘‘(e) APPLICATION TO CERTAIN INTRASTATE OPERATIONS.—Nothing in this section requires the registration of a motor carrier, a motor private carrier of property, or a transporter of waste or recyclable materials operating exclusively in intrastate transportation not otherwise required to register with the Secretary under another provision of this title.’’.
SEC. 4305. REGISTRATION OF MOTOR CARRIERS BY STATES.	(a) TERMINATION OF REGISTRATION PROVISIONS.—Section 14504, and the item relating to such section in the analysis for chapter 145, of title 49, United States Code, are repealed effective on the first January 1st occurring more than 12 months after the date of enactment of this Act. (b) UNIFIED CARRIER REGISTRATION SYSTEM PLAN AND AGREEMENT.— Chapter 145 of title 49, United States Code, is amended by inserting after section 14504 the following: **‘‘§ 14504a. Unified Carrier Registration System plan and agreement** ‘‘(a) DEFINITIONS.—In this section and section 14506, the following definitions apply: ‘‘(1) COMMERCIAL MOTOR VEHICLE.— ‘‘(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘commercial motor vehicle’ has the meaning such term has under section 31101. ‘‘(B) EXCEPTION.—With respect to a motor carrier required to make any filing or pay any fee to a State with respect to the motor carrier’s authority or insurance

	related to operation within such State, the motor carrier shall have the option to include, in addition to commercial motor vehicles as defined in subparagraph (A), any selfpropelled vehicle used on the highway in commerce to transport passengers or property for compensation regardless of the gross vehicle weight rating of the vehicle or the number of passengers transported by such vehicle. ‘‘(2) BASE-STATE.— ‘‘(A) IN GENERAL.—Subject to subparagraph (B), the term ‘base-State’ means, with respect to a unified carrier registration agreement, a State— ‘‘(i) that is in compliance with the requirements of subsection (e); and ‘‘(ii) in which the motor carrier, motor private carrier, broker, freight forwarder, or leasing company to which the agreement applies maintains its principal place of business. ‘‘(B) DESIGNATION OF BASE-STATE.—A motor carrier, motor private carrier, broker, freight forwarder, or leasing company may designate another State in which it maintains an office or operating facility to be its base-State in the event that— ‘‘(i) the State in which the motor carrier, motor private carrier, broker, freight forwarder, or leasing company maintains its principal place of business is not in compliance with the requirements of subsection (e); or ‘‘(ii) the motor carrier, motor private carrier, broker, freight forwarder, or leasing company does not have a principal place of business in the United States. ‘‘(3) INTRASTATE FEE.—The term ‘intrastate fee’ means any fee, tax, or other type of assessment, including per vehicle fees and gross receipts taxes, imposed on a motor carrier or motor private carrier for the renewal of the intrastate authority or insurance filings of such carrier with a State. ‘‘(4) LEASING COMPANY.—The term ‘leasing company’ means a lessor that is engaged in the business of leasing or renting for compensation motor vehicles without drivers to a motor carrier, motor private carrier, or freight forwarder. ‘‘(5) MOTOR CARRIER.—The term ‘motor carrier’ includes all carriers that are otherwise exempt from this part under subchapter I of chapter 135 or exemption actions by the former Interstate Commerce Commission under this title. ‘‘(6) PARTICIPATING STATE.—The term ‘participating State’ means a State that has complied with the requirements of subsection (e). ‘‘(7) SSRS.—The term ‘SSRS’ means the single state registration system in effect on the date of enactment of this section.

	‘‘(8) UNIFIED CARRIER REGISTRATION AGREEMENT.—The terms ‘unified carrier registration agreement’ and ‘UCR agreement’ mean the interstate agreement developed under the unified carrier registration plan governing the collection and distribution of registration and financial responsibility information provided and fees paid by motor carriers, motor private carriers, brokers, freight forwarders, and leasing companies pursuant to this section. ‘‘(9) UNIFIED CARRIER REGISTRATION PLAN.—The terms ‘unified carrier registration plan’ and ‘UCR plan’ mean the organization of State, Federal, and industry representatives responsible for developing, implementing, and administering the unified carrier registration agreement. ‘‘(10) VEHICLE REGISTRATION.—The term ‘vehicle registration’ means the registration of any commercial motor vehicle under the International Registration Plan (as defined in section 31701) or any other registration law or regulation of a jurisdiction. ‘‘(b) APPLICABILITY OF PROVISIONS TO FREIGHT FORWARDERS.— A freight forwarder that operates commercial motor vehicles and is not required to register as a carrier pursuant to section 13903(b) shall be subject to the provisions of this section as if the freight forwarder is a motor carrier. ‘‘(c) UNREASONABLE BURDEN.—For purposes of this section, it shall be considered an unreasonable burden upon interstate commerce for any State or any political subdivision of a State, or any political authority of two or more States— ‘‘(1) to enact, impose, or enforce any requirement or standards with respect to, or levy any fee or charge on, any motor carrier or motor private carrier providing transportation or service subject to jurisdiction under subchapter I of chapter 135 (in this section referred to as an ‘interstate motor carrier’ and an ‘interstate motor private carrier’, respectively) in connection with— ‘‘(A) the registration with the State of the interstate operations of the motor carrier or motor private carrier; ‘‘(B) the filing with the State of information relating to the financial responsibility of the a motor carrier or motor private carrier pursuant to sections 31138 or 31139; ‘‘(C) the filing with the State of the name of the local agent for service of process of the motor carrier or motor private carrier pursuant to sections 503 or 13304; or ‘‘(D) the annual renewal of the intrastate authority, or the insurance filings, of the motor carrier or motor private carrier, or other intrastate filing requirement necessary to operate within the State if the motor carrier or motor private carrier is— ‘‘(i) registered under section 13902 or section

	13905(b); and ‘‘(ii) in compliance with the laws and regulations of the State authorizing the carrier to operate in the State in accordance with section 14501(c)(2)(A); except with respect to— ‘‘(I) intrastate service provided by motor carriers of passengers that is not subject to the preemption provisions of section 14501(a); ‘‘(II) motor carriers of property, motor private carriers, brokers, or freight forwarders, or their services or operations, that are described in subparagraphs (B) and (C) of section 14501(c)(2). ‘‘(III) the intrastate transportation of waste or recyclable materials by any carrier; or ‘‘(2) to require any interstate motor carrier or motor private carrier that also performs intrastate operations to pay any fee or tax which a carrier engaged exclusively in interstate operations is exempt. ‘‘(d) UNIFIED CARRIER REGISTRATION PLAN.— ‘‘(1) BOARD OF DIRECTORS.— ‘‘(A) GOVERNANCE OF PLAN; ESTABLISHMENT.—The unified carrier registration plan shall have a board of directors consisting of representatives of the Department of Transportation, participating States, and the motor carrier industry. The Secretary shall establish the board. ‘‘(B) COMPOSITION.—The board shall consist of 15 directors appointed by the Secretary as follows: ‘‘(i) FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.—One director from each of the Federal Motor Carrier Safety Administration’s 4 service areas (as those areas were defined by the Federal Motor Carrier Safety Administration on January 1, 2005) from among the chief administrative officers of the State agencies responsible for overseeing the administration of the UCR agreement. ‘‘(ii) STATE AGENCIES.—Five directors from the professional staffs of State agencies responsible for overseeing the administration of the UCR agreement in their respective States. Nominees for these 5 directorships shall be submitted to the Secretary by the national association of professional employees of the State agencies responsible for overseeing the administration of the UCR agreement in their respective States. ‘‘(iii) MOTOR CARRIER INDUSTRY.—Five directors from the motor carrier industry. At least 1 of the appointees under this clause shall be a representative of a national trade association representing the general motor carrier of property industry. At least 1 of the appointees under this clause shall represent a motor carrier that falls within the smallest fleet fee bracket. ‘‘(iv) DEPARTMENT OF TRANSPORTATION.—The

	Deputy Administrator of the Federal Motor Carrier Safety Administration, or such other presidential appointee from the Department, as the Secretary may appoint. ''(C) CHAIRPERSON AND VICE-CHAIRPERSON.—The Secretary shall designate 1 director as chairperson and 1 director as vice-chairperson of the board. The chairperson and vice-chairperson shall serve in such capacity for the term of their appointment as directors. ''(D) TERMS.— ''(i) INITIAL TERMS.—In appointing the initial board, the Secretary shall designate 5 of the appointed directors for initial terms of 3 years, 5 of the appointed directors for initial terms of 2 years, and 5 of the appointed directors for initial terms of 1 year. ''(ii) THEREAFTER.—After the initial term, all directors shall be appointed for terms of 3 years; except that the term of the Deputy Administrator or other individual designated by the Secretary under subparagraph (B)(iv) shall be at the discretion of the Secretary. ''(iii) SUCCESSION.—A director may be appointed to succeed himself or herself. ''(iv) END OF SERVICE.—A director may continue to serve on the board until his or her successor is appointed. ''(2) RULES AND REGULATIONS GOVERNING THE UCR AGREEMENT.— The board of directors shall issue rules and regulations to govern the UCR agreement. The rules and regulations shall— ''(A) prescribe uniform forms and formats, for— ''(i) the annual submission of the information required by a base-State of a motor carrier, motor private carrier, leasing company, broker, or freight forwarder; ''(ii) the transmission of information by a participating State to the Unified Carrier Registration System; ''(iii) the payment of excess fees by a State to the designated depository and the distribution of fees by the depository to those States so entitled; and ''(iv) the providing of notice by a motor carrier, motor private carrier, broker, freight forwarder, or leasing company to the board of the intent of such entity to change its base-State, and the procedures for a State to object to such a change under subparagraph (C); ''(B) provide for the administration of the unified carrier registration agreement, including procedures for amending the agreement and obtaining clarification of any provision of the Agreement; ''(C) provide procedures for dispute resolution under the agreement that provide due process for all involved

	parties; and ‘‘(D) designate a depository. ‘‘(3) COMPENSATION AND EXPENSES.— ‘‘(A) IN GENERAL.—Except for the representative of the Department appointed under paragraph (1)(B)(iv), no director shall receive any compensation or other benefits from the Federal Government for serving on the board or be considered a Federal employee as a result of such service. ‘‘(B) EXPENSES.—All directors shall be reimbursed for expenses they incur attending meetings of the board. In addition, the board may approve the reimbursement of expenses incurred by members of any subcommittee or task force appointed under paragraph (5) for carrying out the duties of the subcommittee or task force. The reimbursement of expenses to directors and subcommittee and task force members shall be under subchapter II of chapter 57 of title 5, United States Code, governing reimbursement of expenses for travel by Federal employees. ‘‘(4) MEETINGS.— ‘‘(A) IN GENERAL.—The board shall meet at least once per year. Additional meetings may be called, as needed, by the chairperson of the board, a majority of the directors, or the Secretary. ‘‘(B) QUORUM.—A majority of directors shall constitute a quorum. ‘‘(C) VOTING.—Approval of any matter before the board shall require the approval of a majority of all directors present at the meeting. ‘‘(D) OPEN MEETINGS.—Meetings of the board and any subcommittees or task forces appointed under paragraph (5) shall be subject to the provisions of section 552b of title 5. ‘‘(5) SUBCOMMITTEES.— ‘‘(A) INDUSTRY ADVISORY SUBCOMMITTEE.—The chairperson shall appoint an industry advisory subcommittee. The industry advisory subcommittee shall consider any matter before the board and make recommendations to the board. ‘‘(B) OTHER SUBCOMMITTEES.—The chairperson shall appoint an audit subcommittee, a dispute resolution subcommittee, and any additional subcommittees and task forces that the board determines to be necessary. ‘‘(C) MEMBERSHIP.—The chairperson of each subcommittee shall be a director. The other members of subcommittees and task forces may be directors or nondirectors. ‘‘(D) REPRESENTATION ON SUBCOMMITTEES.—Except for the industry advisory subcommittee (the membership of which shall consist solely of representatives of entities subject to the fee requirements of subsection (f)),

	each subcommittee and task force shall include representatives of the participating States and the motor carrier industry. ‘‘(6) DELEGATION OF AUTHORITY.—The board may contract with any person or any agency of a State to perform administrative functions required under the unified carrier registration agreement, but may not delegate its decision or policy-making responsibilities. ‘‘(7) DETERMINATION OF FEES.— ‘‘(A) RECOMMENDATION BY BOARD.—The board shall recommend to the Secretary the initial annual fees to be assessed carriers, leasing companies, brokers, and freight forwarders under the unified carrier registration agreement. In making its recommendation to the Secretary for the level of fees to be assessed in any agreement year, and in setting the fee level, the board and the Secretary shall consider— ‘‘(i) the administrative costs associated with the unified carrier registration plan and the agreement; ‘‘(ii) whether the revenues generated in the previous year and any surplus or shortage from that or prior years enable the participating States to achieve the revenue levels set by the board; and ‘‘(iii) the provisions governing fees under subsection (f)(1). ‘‘(B) SETTING FEES.—The Secretary shall set the initial annual fees for the next agreement year and any subsequent adjustment of those fees— ‘‘(i) within 90 days after receiving the board’s recommendation under subparagraph (A); and ‘‘(ii) after notice and opportunity for public comment. ‘‘(8) LIABILITY PROTECTIONS FOR DIRECTORS.—No individual appointed to serve on the board shall be liable to any other director or to any other party for harm, either economic or non-economic, caused by an act or omission of the individual arising from the individual’s service on the board if— ‘‘(A) the individual was acting within the scope of his or her responsibilities as a director; and ‘‘(B) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the right or safety of the party harmed by the individual. ‘‘(9) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the unified carrier registration plan, the board, or its committees. ‘‘(10) CERTAIN FEES NOT AFFECTED.—This section does not limit the amount of money a State may charge for vehicle registration or the amount of any fuel use tax a State may impose pursuant to the International Fuel Tax

	Agreement (as defined in section 31701). ‘‘(e) STATE PARTICIPATION.— ‘‘(1) STATE PLAN.—No State shall be eligible to participate in the unified carrier registration plan or to receive any revenues derived under the UCR agreement, unless the State submits to the Secretary, not later than 3 years after the date of enactment of the Unified Carrier Registration Act of 2005, a plan— ‘‘(A) identifying the State agency that has or will have the legal authority, resources, and qualified personnel necessary to administer the agreement in accordance with the rules and regulations promulgated by the board of directors; and ‘‘(B) demonstrating that an amount at least equal to the revenue derived by the State from the unified carrier registration agreement shall be used for motor carrier safety programs, enforcement, or the administration of the UCR plan and UCR agreement. ‘‘(2) AMENDED PLANS.—A State that submits a plan under this subsection may change the agency designated in the plan by filing an amended plan with the Secretary and the chairperson of the board of directors. ‘‘(3) WITHDRAWAL OF PLAN.—If a State withdraws, or notifies the Secretary that it is withdrawing, the plan it submitted under this subsection, the State may no longer participate in the unified carrier registration agreement or receive any portion of the revenues derived under the agreement. The Secretary shall notify the chairperson upon receiving notice from a State that it is withdrawing its plan or withdrawing from the agreement, or both. ‘‘(4) TERMINATION OF ELIGIBILITY.—If a State fails to submit a plan to the Secretary in accordance with paragraph (1) or withdraws its plan under paragraph (3), the State may not submit or resubmit a plan or participate in the agreement. ‘‘(5) PROVISION OF PLAN TO CHAIRPERSON.—The Secretary shall provide a copy of each plan submitted under this subsection to the chairperson of the board of directors not later than 10 days after date of submission of the plan. ‘‘(f) CONTENTS OF UNIFIED CARRIER REGISTRATION AGREEMENT.— The unified carrier registration agreement shall provide the following: ‘‘(1) FEES.—(A) Fees charged— ‘‘(i) to a motor carrier, motor private carrier, or freight forwarder in connection with the filing of proof of financial responsibility under the UCR agreement shall be based on the number of commercial motor vehicles owned or operated by the motor carrier, motor private carrier, or freight forwarder; and ‘‘(ii) to a broker or leasing company in connection with

	such a filing shall be equal to the smallest fee charged to a motor carrier, motor private carrier, and freight forwarder or under this paragraph. ‘‘(B) The fees shall be determined by the Secretary based upon the recommendation of the board under subsection (d)(7). ‘‘(C) The board shall develop for purposes of charging fees no more than 6 and no less than 4 brackets of carriers (including motor private carriers) based on the size of fleet. ‘‘(D) The fee scale shall be progressive in the amount of the fee. ‘‘(E) The board may ask the Secretary to adjust the fees within a reasonable range on an annual basis if the revenues derived from the fees— ‘‘(i) are insufficient to provide the revenues to which the States are entitled under this section; or ‘‘(ii) exceed those revenues. ‘‘(2) DETERMINATION OF OWNERSHIP OR OPERATION.—For purposes of this subsection, a commercial motor vehicle is owned or operated by a motor carrier, motor private carrier, or freight forwarder if the vehicle is registered under Federal law or State law, or both, in the name of the motor carrier, motor private carrier, or freight forwarder or is controlled by the motor carrier, motor private carrier, or freight forwarder under a long term lease during a vehicle registration year. ‘‘(3) CALCULATION OF NUMBER OF COMMERCIAL MOTOR VEHICLES OWNED OR OPERATED.—The number of commercial motor vehicles owned or operated by a motor carrier, motor private carrier, or freight forwarder for purposes of paragraph (1) shall be based either on the number of commercial motor vehicles the motor carrier, motor private carrier, or freight forwarder has indicated it operates on its most recently filed MCS–150 or the total number of such vehicles it owned or operated for the 12-month period ending on June 30 of the year immediately prior to the registration year of the Unified Carrier Registration System. A motor carrier may include in the calculation of its fleet size for purposes of paragraph (1) any commercial motor vehicle. Motor carriers and motor private carriers in the calculation of their fleet size for purposes of paragraph (1) may elect not to include commercial motor vehicles used exclusively in the intrastate transportation of property, waste, or recyclable material. ‘‘(4) PAYMENT OF FEES.—Motor carriers, motor private carriers, leasing companies, brokers, and freight forwarders shall pay all fees required under this section to their base-State pursuant to the UCR Agreement. ‘‘(g) PAYMENT OF FEES.—Revenues derived under the UCR Agreement shall be allocated to participating States as

	follows: ‘‘(1) A State that participated in the SSRS in the last registration year under the SSRS ending before the date of enactment of the Unified Carrier Registration Act of 2005 and complies with subsection (e) is entitled to receive under this section a portion of the revenues generated under the UCR agreement equivalent to the revenues it received under the SSRS in such last registration year, as long as the State continues to comply with subsection (e). ‘‘(2) A State that collected intrastate registration fees from interstate motor carriers, interstate motor private carriers, or interstate exempt carriers and complies with subsection (e) is entitled to receive under this section an additional portion of the revenues generated under the UCR agreement equivalent to the revenues it received from such carriers in the last calendar year ending before the date of enactment of the Unified Carrier Registration Act of 2005, as long as the State continues to comply with subsection (e). ‘‘(3) States that comply with subsection (e) but did not participate in SSRS during such last registration year shall be entitled under this section to an annual allotment not to exceed $500,000 from the revenues generated under the UCR agreement, as long as the State continues to comply with the provisions of subsection (e). ‘‘(4) The amount of revenues generated under the UCR agreement to which a State is entitled under this section shall be calculated by the board and approved by the Secretary. ‘‘(h) DISTRIBUTION OF UCR AGREEMENT REVENUES.— ‘‘(1) ELIGIBILITY.—Each State that is in compliance with subsection (e) shall be entitled under this section to a portion of the revenues derived from the UCR Agreement in accordance with subsection (g). ‘‘(2) ENTITLEMENT TO REVENUES.—A State that is in compliance with subsection (e) may retain an amount of the gross revenues it collects from motor carriers, motor private carriers, brokers, freight forwarders and leasing companies under the UCR agreement equivalent to the portion of revenues to which the State is entitled under subsection (g). All revenues a participating State collects in excess of the amount to which the State is so entitled shall be forwarded to the depository designated by the board under subsection (d)(2)(D). ‘‘(3) DISTRIBUTION OF FUNDS FROM DEPOSITORY.—The excess funds deposited in the depository shall be distributed by the board of directors as follows: ‘‘(A) On a pro rata basis to each participating State that did not collect revenues under the UCR agreement equivalent to the amount such State is entitled under

	subsection (g), except that the sum of the gross revenues collected under the UCR agreement by a participating State and the amount distributed to it from the depository shall not exceed the amount to which the State is entitled under subsection (g). ''(B) After all distributions under subparagraph (A) have been made, to pay the administrative costs of the UCR plan and the UCR agreement. ''(4) RETENTION OF CERTAIN EXCESS FUNDS.—Any excess funds held by the depository after distributions and payments under paragraphs (3)(A) and (3)(B) shall be retained in the depository, and the fees charged under the UCR agreement to motor carriers, motor private carriers, leasing companies, freight forwarders, and brokers for the next fee year shall be reduced by the Secretary accordingly. ''(i) ENFORCEMENT.— ''(1) CIVIL ACTIONS.—Upon request by the Secretary, the Attorney General may bring a civil action in the United States district court described in paragraph (2) to enforce an order issued to require compliance with this section and with the terms of the UCR agreement. ''(2) VENUE.—An action under this section may be brought only in a United States district court in the State in which compliance with the order is required. ''(3) RELIEF.—Subject to section 1341 of title 28, the court, on a proper showing shall issue a temporary restraining order or a preliminary or permanent injunction requiring that the State or any person comply with this section. ''(4) ENFORCEMENT BY STATES.—Nothing in this section— ''(A) prohibits a participating State from issuing citations and imposing reasonable fines and penalties pursuant to the applicable laws and regulations of the State on any motor carrier, motor private carrier, freight forwarder, broker, or leasing company for failure to— ''(i) submit information documents as required under subsection (d)(2); or ''(ii) pay the fees required under subsection (f); or ''(B) authorizes a State to require a motor carrier, motor private carrier, or freight forwarder to display as evidence of compliance any form of identification in excess of those permitted under section 14506 on or in a commercial motor vehicle. ''(j) APPLICATION TO INTRASTATE CARRIERS.—Notwithstanding any other provision of this section, a State may elect to apply the provisions of the UCR agreement to motor carriers and motor private carriers and freight forwarders subject to its jurisdiction that operate solely in intrastate commerce within the borders of the State.''.

	(c) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 14504 the following: ''14504a. Unified Carrier Registration System plan and agreement.''.
SEC. 4306. IDENTIFICATION OF VEHICLES.	(a) IN GENERAL.—Chapter 145 of title 49, United States Code; is amended by adding at the end the following: **''§ 14506. Identification of vehicles** ''(a) RESTRICTION ON REQUIREMENTS.—No State, political subdivision of a State, interstate agency, or other political agency of two or more States may enact or enforce any law, rule, regulation standard, or other provision having the force and effect of law that requires a motor carrier, motor private carrier, freight forwarder, or leasing company to display any form of identification on or in a commercial motor vehicle (as defined in section 14504a), other than forms of identification required by the Secretary of Transportation under section 390.21 of title 49, Code of Federal Regulations. ''(b) EXCEPTION.—Notwithstanding subsection (a), a State may continue to require display of credentials that are required— ''(1) under the International Registration Plan under section 31704; ''(2) under the International Fuel Tax Agreement under section 31705; ''(3) under a State law regarding motor vehicle license plates or other displays that the Secretary determines are appropriate; ''(4) in connection with Federal requirements for hazardous materials transportation under section 5103; or ''(5) in connection with the Federal vehicle inspection standards under section 31136.''. (b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 14505 the following: ''14506. Identification of vehicles.''.
SEC. 4307. USE OF UCR AGREEMENT REVENUES AS MATCHING FUNDS.	(a) IN GENERAL.—Section 31103(a) of title 49, United States Code, is amended— (1) by striking ''31102(b)(1)(D)'' inserting ''31102(b)(1)(E)''; and (2) by inserting ''Amounts generated under the unified carrier registration agreement under section 14504a and received by a State and used for motor carrier safety purposes may be included as part of the State's share not provided by the United States.'' after ''United States Government.''. (b) TECHNICAL CORRECTION.—Sections 31102(b)(3) of such title is amended by striking ''paragraph (1)(D)'' and inserting ''paragraph (1)(E)''.
SEC. 4308. REGULATIONS.	The Secretary may issue such regulations as the Secretary

	determines are necessary to carry out this subtitle and the amendments made by this subtitle.
SEC. 5301. NATIONAL ITS PROGRAM PLAN.	(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is further amended by adding at the end the following: **''§ 512. National ITS program plan** ''(a) IN GENERAL.— ''(1) UPDATES.—Not later than 1 year after the date of enactment of the SAFETEA–LU, the Secretary, in consultation with interested stakeholders (including State transportation departments) shall develop a 5-year National Intelligent Transportation System (in this section referred to as 'ITS') program plan. ''(2) SCOPE.—The National ITS program plan shall— ''(A) specify the goals, objectives, and milestones for the research and deployment of intelligent transportation systems in the contexts of— ''(i) major metropolitan areas; ''(ii) smaller metropolitan and rural areas; and ''(iii) commercial vehicle operations; ''(B) specify the manner in which specific programs and projects will achieve the goals, objectives, and milestones referred to in subparagraph (A), including consideration of a 5-year timeframe for the goals and objectives; ''(C) identify activities that provide for the dynamic development, testing, and necessary revision of standards and protocols to promote and ensure interoperability in the implementation of intelligent transportation system technologies, including actions taken to establish standards; and ''(D) establish a cooperative process with State and local governments for— ''(i) determining desired surface transportation system performance levels; and ''(ii) developing plans for accelerating the incorporation of specific intelligent transportation system capabilities into surface transportation systems. ''(b) REPORTING.—The National ITS program plan shall be submitted and biennially updated as part of the transportation research and development strategic plan developed under section 508.''. (b) CONFORMING AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following: ''512. National ITS Program Plan.''.
SEC. 5501. TRANSPORTATION SAFETY INFORMATION MANAGEMENT SYSTEM PROJECT.	(a) IN GENERAL.—The Secretary shall fund and carry out a project to further the development of a comprehensive transportation safety information management system (in this section referred to as ''TSIMS''). (b) PURPOSES.—The purpose of the TSIMS project is to

	further the development of a software application to provide for the collection, integration, management, and dissemination of safety data from and for use among State and local safety and transportation agencies, including driver licensing, vehicle registration, emergency management system, injury surveillance, roadway inventory, and motor carrier databases. (c) FUNDING.— (1) FEDERAL FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $1,000,000 for fiscal years 2006 and 2007 shall be available to carry out the TSIMS project under this section. (2) STATE CONTRIBUTION.—The sums authorized in paragraph (1) are intended to supplement voluntary contributions to be made by State departments of transportation and other State safety and transportation agencies.
SEC. 5503. MOTOR CARRIER EFFICIENCY STUDY.	(a) IN GENERAL.—The Secretary, in coordination with the motor carrier and wireless technology industry, shall conduct a study to— (1) identify inefficiencies in the transportation of freight; (2) evaluate the safety, productivity, and reduced cost improvements that may be achieved through the use of wireless technologies to address the inefficiencies identified in paragraph (1); and (3) conduct, as appropriate, field tests demonstrating the technologies identified in paragraph (2). (b) PROGRAM ELEMENTS.—The program shall include, at a minimum, the following: (1) Fuel monitoring and management systems. (2) Radio frequency identification technology. (3) Electronic manifest systems. (4) Cargo theft prevention. (c) FEDERAL SHARE.—The Federal share of the cost of the study under this section shall be 100 percent. (d) ANNUAL REPORT.—The Secretary shall prepare and submit to Congress an annual report on the programs and activities carried out under this section. (e) FUNDING.—Of the amounts made available under section 5101(a)(1) of this Act, the Secretary shall make available $1,250,000 to the Federal Motor Carrier Safety Administration for each of fiscal years 2006 through 2009 to carry out this section.
SEC. 5511. MOTORCYCLE CRASH CAUSATION STUDY GRANTS.	(a) GRANTS.—The Secretary shall provide grants to the Oklahoma Transportation Center for the purpose of conducting a comprehensive, in-depth motorcycle crash causation study that employs the common international methodology for in-depth motorcycle accident investigation of the Organization for Economic Cooperation and Development.

	(b) FUNDING.—Of the amounts made available under section 5101(a)(1) of this Act, $1,408,000 for each of fiscal years 2006 and 2007 shall be available to carry out this section.
SEC. 7001. SHORT TITLE.	This title may be cited as the ''Hazardous Materials Transportation Safety and Security Reauthorization Act of 2005''.
SEC. 7002. AMENDMENT OF TITLE 49, UNITED STATES CODE.	Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.
SEC. 7104. LIMITATION ON ISSUANCE OF HAZMAT LICENSES.	(a) COVERED HAZARDOUS MATERIALS.—Section 5103a(b) is amended by striking ''with respect to—'' and all that follows and inserting ''with respect to any material defined as hazardous material by the Secretary for which the Secretary requires placarding of a commercial motor vehicle transporting that material in commerce.''. (b) RECOMMENDATIONS ON CHEMICAL OR BIOLOGICAL MATERIALS.— Section 5103a is further amended— (1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and (2) by inserting after subsection (b) the following: ''(c) RECOMMENDATIONS ON CHEMICAL AND BIOLOGICAL MATERIALS.— The Secretary of Health and Human Services shall recommend to the Secretary of Transportation any chemical or biological material or agent for regulation as a hazardous material under section 5103(a) if the Secretary of Health and Human Services determines that such material or agent poses a significant risk to the health of individuals.''. (c) CONFORMING AMENDMENT.—Section 5103a(a)(1) is amended by striking ''subsection (c)(1)(B),'' and inserting ''subsection (d)(1)(B),''.
SEC. 7105. BACKGROUND CHECKS FOR DRIVERS HAULING HAZARDOUS MATERIALS.	Section 5103a is further amended by adding at the end the following: ''(g) BACKGROUND CHECKS FOR DRIVERS HAULING HAZARDOUS MATERIALS.— ''(1) IN GENERAL.— ''(A) EMPLOYER NOTIFICATION.—Not later than 90 days after the date of enactment of this subsection, the Director of the Transportation Security Administration, after receiving comments from interested parties, shall develop and implement a process for notifying hazmat employers designated by an applicant of the results of the applicant's background record check, if— ''(i) such notification is appropriate considering the potential security implications; and ''(ii) the Director, in a final notification of threat

	assessment, served on the applicant determines that the applicant does not meet the standards set forth in regulations issued to carry out this section. ‘‘(B) RELATIONSHIP TO OTHER BACKGROUND RECORDS CHECKS.— ‘‘(i) ELIMINATION OF REDUNDANT CHECKS.—An individual with respect to whom the Transportation Security Administration— ‘‘(I) has performed a security threat assessment under this section; and ‘‘(II) has issued a final notification of no security threat, is deemed to have met the requirements of any other background check that is required for purposes of any Federal law applicable to transportation workers if that background check is equivalent to, or less stringent than, the background check required under this section. ‘‘(ii) DETERMINATION BY DIRECTOR.—Not later than 60 days after the date of issuance of the report under paragraph (5), but no later than 120 days after the date of enactment of this Act, the Director shall initiate a rulemaking proceeding, including notice and opportunity for comment, to determine which background checks required for purposes of Federal laws applicable to transportation workers are equivalent to, or less stringent than, those required under this section. ‘‘(iii) FUTURE RULEMAKINGS.—The Director shall make a determination under the criteria established under clause (ii) with respect to any rulemaking proceeding to establish or modify required background checks for transportation workers initiated after the date of enactment of this subsection. ‘‘(2) APPEALS PROCESS FOR MORE STRINGENT STATE PROCEDURES.— If a State establishes its own standards for applicants for a hazardous materials endorsement to a commercial driver’s license, the State shall also provide— ‘‘(A) an appeals process similar to and to the same extent as the process provided under part 1572 of title 49, Code of Federal Regulations, by which an applicant denied a hazardous materials endorsement to a commercial driver’s license by that State may appeal that denial; and ‘‘(B) a waiver process similar to and to the same extent as the process provided under part 1572 of title 49, Code of Federal Regulations, by which an applicant denied a hazardous materials endorsement to a commercial driver’s license by that State may apply for a waiver. ‘‘(3) CLARIFICATION OF TERM DEFINED IN REGULATIONS.— The term ‘transportation security incident’, as defined in part 1572 of title 49, Code of Federal Regulations, does not include a work stoppage or other nonviolent employee-

	related action resulting from an employer-employee dispute. Not later than 30 days after the date of enactment of this subsection, the Director shall modify the definition of that term to reflect the preceding sentence. ‘‘(4) BACKGROUND CHECK CAPACITY.—Not later than October 1, 2005, the Director shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives a report on the implementation of fingerprint-based security threat assessments and the adequacy of fingerprinting locations, personnel, and resources to accomplish the timely processing of fingerprint-based security threat assessments for individuals holding commercial driver’s licenses who are applying to renew hazardous materials endorsements. ‘‘(5) REPORT.— ‘‘(A) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection, the Director shall transmit to the committees referred to in paragraph (4) a report on the Director’s plans to reduce or eliminate redundant background checks for holders of hazardous materials endorsements performed under this section. ‘‘(B) CONTENTS.—The report shall— ‘‘(i) include a list of background checks and other security or threat assessment requirements applicable to transportation workers under Federal laws for which the Department of Homeland Security is responsible and the process by which the Secretary of Homeland Security will determine whether such checks or assessments are equivalent to, or less stringent than, the background check performed under this section; and ‘‘(ii) provide an analysis of how the Director plans to reduce or eliminate redundant background checks in a manner that will continue to ensure the highest level of safety and security. ‘‘(h) COMMERCIAL MOTOR VEHICLE OPERATORS REGISTERED TO OPERATE IN MEXICO OR CANADA.— ‘‘(1) IN GENERAL.—Beginning on the date that is 6 months after the date of enactment of this subsection, a commercial motor vehicle operator registered to operate in Mexico or Canada shall not operate a commercial motor vehicle transporting a hazardous material in commerce in the United States until the operator has undergone a background records check similar to the background records check required for commercial motor vehicle operators licensed in the United States to transport hazardous materials in commerce. ‘‘(2) EXTENSION.—The Director of the Transportation Security Administration may extend the deadline

	established by paragraph (1) for a period not to exceed 6 months if the Director determines that such an extension is necessary. ''(3) COMMERCIAL MOTOR VEHICLE DEFINED.—In this subsection, the term 'commercial motor vehicle' has the meaning given that term by section 31101.''.
SEC. 10208. RENTED OR LEASED MOTOR VEHICLES.	(a) IN GENERAL.—Subchapter I of chapter 301 of title 49, United States Code, is amended by adding at the end the following: **''§ 30106. Rented or leased motor vehicle safety and responsibility** ''(a) IN GENERAL.—An owner of a motor vehicle that rents or leases the vehicle to a person (or an affiliate of the owner) shall not be liable under the law of any State or political subdivision thereof, by reason of being the owner of the vehicle (or an affiliate of the owner), for harm to persons or property that results or arises out of the use, operation, or possession of the vehicle during the period of the rental or lease, if— ''(1) the owner (or an affiliate of the owner) is engaged in the trade or business of renting or leasing motor vehicles; and ''(2) there is no negligence or criminal wrongdoing on the part of the owner (or an affiliate of the owner). ''(b) FINANCIAL RESPONSIBILITY LAWS.—Nothing in this section supersedes the law of any State or political subdivision thereof— ''(1) imposing financial responsibility or insurance standards on the owner of a motor vehicle for the privilege of registering and operating a motor vehicle; or ''(2) imposing liability on business entities engaged in the trade or business of renting or leasing motor vehicles for failure to meet the financial responsibility or liability insurance requirements under State law. ''(c) APPLICABILITY AND EFFECTIVE DATE.—Notwithstanding any other provision of law, this section shall apply with respect to any action commenced on or after the date of enactment of this section without regard to whether the harm that is the subject of the action, or the conduct that caused the harm, occurred before such date of enactment. ''(d) DEFINITIONS.—In this section, the following definitions apply: ''(1) AFFILIATE.—The term 'affiliate' means a person other than the owner that directly or indirectly controls, is controlled by, or is under common control with the owner. In the preceding sentence, the term 'control' means the power to direct the management and policies of a person whether through ownership of voting securities or otherwise. ''(2) OWNER.—The term 'owner' means a person who

	is— ‘‘(A) a record or beneficial owner, holder of title, lessor, or lessee of a motor vehicle; ‘‘(B) entitled to the use and possession of a motor vehicle subject to a security interest in another person; or ‘‘(C) a lessor, lessee, or a bailee of a motor vehicle, in the trade or business of renting or leasing motor vehicles, having the use or possession thereof, under a lease, bailment, or otherwise. ‘‘(3) PERSON.—The term ‘person’ means any individual, corporation, company, limited liability company, trust, association, firm, partnership, society, joint stock company, or any other entity.’’. (b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 30105 the following: ‘‘30106. Rented or leased motor vehicle safety and responsibility.’’.
SEC. 10305. NONTRAFFIC INCIDENT DATA COLLECTION.	(a) IN GENERAL.—In conjunction with the study required in section 10304, the National Highway Traffic Safety Administration shall establish a method to collect and maintain data on the number and types of injuries and deaths involving motor vehicles with a gross vehicle weight rating of not more than 10,000 pounds in non-traffic incidents. (b) DATA COLLECTION AND PUBLICATION.—The Secretary of Transportation shall publish the data collected under subsection (a) no less frequently than biennially.
SEC. 10309. 15-PASSENGER VAN SAFETY.	(a) TESTING.— (1) IN GENERAL.—The Secretary of Transportation shall require the testing of 15-passenger vans as part of the rollover resistance program of the National Highway Traffic Safety Administration’s new car assessment program. (2) 15-PASSENGER VAN DEFINED.—In this subsection, the term ‘‘15-passenger van’’ means a vehicle that seats 10 to 14 passengers, not including the driver. (b) PROHIBITION OF PURCHASE, RENTAL, OR LEASE OF NONCOMPLYING 15-PASSENGER VANS FOR SCHOOL USE.—Section 30112(a) is amended— (1) by inserting ‘‘(1)’’ before ‘‘Except as provided’’; and (2) by adding at the end the following: ‘‘(2) Except as provided in this section, sections 30113 and 30114 of this title, and subchapter III of this chapter, a school or school system may not purchase or lease a new 15-passenger van if it will be used significantly by, or on behalf of, the school or school system to transport preprimary, primary, or secondary school students to or

	from school or an event related to school, unless the 15-passenger van complies with the motor vehicle standards prescribed for school buses and multifunction school activity buses under this title. This paragraph does not apply to the purchase or lease of a 15-passenger van under a contract executed before the date of enactment of this paragraph.''. (c) PENALTY.—Section 30165(a) is amended— (1) by redesignating paragraph (2) as paragraph (3); and (2) by inserting after paragraph (1) the following: ''(2) SCHOOL BUSES.— ''(A) IN GENERAL.—Notwithstanding paragraph (1), the maximum amount of a civil penalty under this paragraph shall be $10,000 in the case of— ''(i) the manufacture, sale, offer for sale, introduction or delivery for introduction into interstate commerce, or importation of a school bus or school bus equipment (as those terms are defined in section 30125(a) of this title) in violation of section 30112(a)(1) of this title; or ''(ii) a violation of section 30112(a)(2) of this title. ''(B) RELATED SERIES OF VIOLATIONS.—A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by that section. The maximum penalty under this paragraph for a related series of violations is $15,000,000.''.
SEC. 11141. MOTOR FUEL TAX ENFORCEMENT ADVISORY COMMISSION.	(a) ESTABLISHMENT.—There is established a Motor Fuel Tax Enforcement Advisory Commission (in this section referred to as the ''Commission''). (b) FUNCTION.—The Commission shall— (1) review motor fuel revenue collections, historical and current; (2) review the progress of investigations with respect to motor fuel taxes; (3) develop and review legislative proposals with respect to motor fuel taxes; (4) monitor the progress of administrative regulation projects relating to motor fuel taxes; (5) review the results of Federal and State agency cooperative efforts regarding motor fuel taxes; (6) review the results of Federal interagency cooperative efforts regarding motor fuel taxes; and (7) evaluate and make recommendations to the President and Congress regarding— (A) the effectiveness of existing Federal enforcement programs regarding motor fuel taxes, (B) enforcement personnel allocation, and (C) proposals for regulatory projects, legislation, and funding. (c) MEMBERSHIP.— (1) APPOINTMENT.—The Commission shall be

	composed of the following representatives appointed by the Chairmen and the Ranking Members of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives: (A) At least one representative from each of the following Federal entities: the Department of Homeland Security, the Department of Transportation—Office of Inspector General, the Federal Highway Administration, the Department of Defense, and the Department of Justice. (B) At least one representative from the Federation of State Tax Administrators. (C) At least one representative from any State department of transportation. (D) Two representatives from the highway construction industry. (E) Six representatives from industries relating to fuel distribution—refiners (two representatives), distributors (one representative), pipelines (one representative), and terminal operators (two representatives). (F) One representative from the retail fuel industry. (G) Two representatives from the staff of the Committee on Finance of the Senate and two representatives from the staff of the Committee on Ways and Means of the House of Representatives. (2) TERMS.—Members shall be appointed for the life of the Commission. (3) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made. (4) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code. (5) CHAIRMAN.—The Chairman of the Commission shall be elected by the members. (d) FUNDING.—Such sums as are necessary shall be available from the Highway Trust fund for the expenses of the Commission. (e) CONSULTATION.—Upon request of the Commission, representatives of the Department of the Treasury and the Internal Revenue Service shall be available for consultation to assist the Commission in carrying out its duties under this section. (f) OBTAINING DATA.—The Commission may secure directly from any department or agency of the United States, information (other than information required by any law to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission. The

	Commission shall also gather evidence through such means as it may deem appropriate, including through holding hearings and soliciting comments by means of Federal Register notices. (g) TERMINATION.—The Commission shall terminate as of the close of September 30, 2009.