

AMENDMENT TO RULES COMMITTEE

PRINT 117-8

OFFERED BY MR. GOTTHEIMER OF NEW JERSEY

Page 1056, after line 15, insert the following:

1 **SEC. 4410. NATIONAL EMPLOYER NOTIFICATION SERVICE.**

2 (a) NATIONAL EMPLOYER NOTIFICATION SERV-
3 ICE.—

4 (1) EMPLOYER NOTIFICATION SERVICE DE-
5 FINED.—In this section, the term “employer notifi-
6 cation service” means a service that automatically
7 furnishes an employer with a report on the change
8 in the status of the driving record or driver’s license
9 of an employee who has a commercial driver’s license
10 due to a conviction for a moving violation, a failure
11 to appear, an accident, driver’s license suspension,
12 driver’s license revocation, or any other action taken
13 against the driving privilege.

14 (2) IMPLEMENTATION OF NATIONAL EMPLOYER
15 NOTIFICATION SERVICE.—

16 (A) REQUIREMENTS.—Not later than 1
17 year after the date of enactment of this Act, the
18 Secretary of Transportation, acting through the
19 Administrator of the Federal Motor Carrier

1 Safety Administration, shall issue a final regu-
2 lation requiring the implementation of a na-
3 tional employer notification service that States
4 may access.

5 (B) CONSIDERATIONS.—Before issuing
6 such final regulation requiring the implementa-
7 tion of a national employer notification service,
8 the Secretary shall consider—

9 (i) the recommendations made by the
10 American Association of Motor Vehicle Ad-
11 ministrators (AAMVA), including rec-
12 ommendations on annual per driver fees
13 for participating employers, in its report,
14 “Employer Notification System Design &
15 Best Practices Recommendations”, pro-
16 duced for the Federal Motor Carrier Safe-
17 ty Administration under grant/cooperative
18 agreement number FMCDL-0143-13-01-
19 03; and

20 (ii) the results of a pilot program con-
21 ducted in 2007 under section 4022 of the
22 Transportation Equity Act of the 21st
23 Century (Public Law 105-178), to assess
24 the feasibility, costs, safety impacts, and
25 benefits of such a system, and to assess

1 methods for efficient exchange of driver
2 safety data from existing State systems.

3 (b) STATE IMPLEMENTATION.—

4 (1) IMPLEMENTATION.—Not later than 2 years
5 after the Secretary has issued a final regulation re-
6 quiring the implementation of a national employer
7 notification service, each State shall use such service
8 to notify employers with a report described in sub-
9 section (a)(1).

10 (2) ENFORCEMENT.—After the 2-year period
11 described in paragraph (1), the Secretary shall en-
12 sure that the national employer notification service
13 described in this section is included as part of the
14 requirements and standards of the commercial driver
15 license program, including the consequences of non-
16 compliance, set forth in part 384 of title 49, Code
17 of Federal Regulations.

18 (3) EMPLOYER COMPLIANCE AND ALLOWABLE
19 GRANT COST.—Included in developing the final regu-
20 lation under subsection (a)(2), the Secretary shall—

21 (A) require any employer who has 1 or
22 more employees who holds a commercial driv-
23 er's license with a school bus endorsement, pur-
24 suant to section 383.123 of title 49, Code of

1 Federal Regulations, to participate in the em-
2 ployer notification service; and

3 (B) ensure that State implementation of
4 the employer notification service is an allowable
5 cost for commercial driver's license program im-
6 plementation grant awards under section 31313
7 of title 49, United States Code.

8 (4) ANNUAL INQUIRY EXEMPTION.—In keeping
9 with Federal Motor Carrier Safety Administration
10 regulatory guidance set forth on page 13069 of vol-
11 ume 80 of the Federal Register, the Secretary shall
12 ensure that employers participating in the employer
13 notification service are exempt from the require-
14 ments for annual inquiry and review of driving
15 record, pursuant to part 391.25 of title 49, Code of
16 Federal Regulations.

17 (c) APPLICABILITY TO SCHOOLS AND SCHOOL DIS-
18 TRICTS.—For purposes of this Act, a school district, local
19 educational agency, or school shall be considered an em-
20 ployer for purposes of the national employer notification
21 service if it organizes, sponsors, or pays for the transpor-
22 tation of preprimary, primary, and secondary students to
23 or from school or on extracurricular trips. In the case of
24 a school district, local educational agency, or school that
25 pays a private company or proprietorship to provide trans-

1 portation services for students traveling to or from school
2 or on a extracurricular trip, both the private company or
3 proprietorship and the school district, local educational
4 agency, or school shall be considered employers for pur-
5 poses of the national employer notification service.

6 (d) SIMULTANEOUS DRIVER NOTIFICATION.—In-
7 cluded in developing the final regulation under subsection
8 (a)(2), the Secretary shall ensure that whenever the na-
9 tional employer notification service furnishes an employer
10 with a report on an employee, such employee shall receive
11 simultaneous notification and a copy of the report.

