

AMENDMENT
TO RULES COMMITTEE PRINT 116-54
OFFERED BY MR. GOTTHEIMER OF NEW JERSEY

At the end of title II of division B, add the following:

1 **Subtitle K—National Employer**
2 **Notification Service**

3 **SEC. 2921. SHORT TITLE.**

4 This subtitle may be cited as the “Miranda Vargas
5 School Bus Driver Red Flag Act” or “Miranda’s Law”.

6 **SEC. 2922. NATIONAL EMPLOYER NOTIFICATION SERVICE.**

7 (a) EMPLOYER NOTIFICATION SERVICE DEFINED.—

8 In this subtitle, the term “employer notification service”
9 means a service that automatically furnishes an employer
10 with a report on the change in the status of the driving
11 record or driver’s license of an employee who has a com-
12 mercial driver’s license due to a conviction for a moving
13 violation, a failure to appear, an accident, driver’s license
14 suspension, driver’s license revocation, or any other action
15 taken against the driving privilege.

16 (b) IMPLEMENTATION OF NATIONAL EMPLOYER NO-
17 TIFICATION SERVICE.—

1 (1) REQUIREMENTS.—Not later than 1 year
2 after the date of enactment of this Act, the Sec-
3 retary of Transportation, acting through the Federal
4 Motor Carrier Safety Administration, shall issue a
5 final regulation requiring the implementation of a
6 national employer notification service that States
7 may access.

8 (2) CONSIDERATIONS.—Before issuing such
9 final regulation requiring the implementation of a
10 national employer notification service, the Secretary
11 shall consider—

12 (A) the recommendations made by the
13 American Association of Motor Vehicle Admin-
14 istrators (AAMVA), including recommendations
15 on annual per driver fees for participating em-
16 ployers, in its report, “Employer Notification
17 System Design & Best Practices Recommenda-
18 tions”, produced for the Federal Motor Carrier
19 Safety Administration under grant/cooperative
20 agreement number FMCDL-0143-13-01-03;
21 and

22 (B) the results of a pilot program con-
23 ducted in 2007 under section 4022 of the
24 Transportation Equity Act of the 21st Century
25 (Public Law 105-178), to assess the feasibility,

1 costs, safety impacts, and benefits of such a
2 system, and to assess methods for efficient ex-
3 change of driver safety data from existing State
4 systems.

5 **SEC. 2923. STATE IMPLEMENTATION.**

6 (a) IMPLEMENTATION.—Not later than 2 years after
7 the Secretary has issued a final regulation requiring the
8 implementation of a national employer notification service,
9 each State shall use such service to notify employers with
10 a report described in section 2922(a).

11 (b) ENFORCEMENT.—After the 2-year period de-
12 scribed in subsection (a), the Secretary shall ensure that
13 the national employer notification service described in this
14 section is included as part of the requirements and stand-
15 ards of the commercial driver license program, including
16 the consequences of noncompliance, set forth in part 384
17 of title 49, Code of Federal Regulations.

18 (c) EMPLOYER COMPLIANCE AND ALLOWABLE
19 GRANT COST.—Included in developing the final regulation
20 under section 2922(a), the Secretary shall—

21 (1) require any employer who has 1 or more
22 employees who holds a commercial driver's license
23 with a school bus endorsement, pursuant to section
24 383.123 of title 49, Code of Federal Regulations, to
25 participate in the employer notification service; and

1 (2) ensure that State implementation of the em-
2 ployer notification service is an allowable cost for
3 commercial driver’s license program implementation
4 grant awards under section 31313 of title 49,
5 United States Code.

6 (d) ANNUAL INQUIRY EXEMPTION.—In keeping with
7 Federal Motor Carrier Safety Administration regulatory
8 guidance set forth on page 13069 of volume 80 of the Fed-
9 eral Register, the Secretary shall ensure that employers
10 participating in the employer notification service are ex-
11 empt from the requirements for annual inquiry and review
12 of driving record, pursuant to part 391.25 of title 49,
13 Code of Federal Regulations.

14 **SEC. 2924. APPLICABILITY TO SCHOOLS AND SCHOOL DIS-**
15 **TRICTS.**

16 For purposes of this subtitle, a school district, local
17 educational agency, or school shall be considered an “em-
18 ployer” for purposes of the national employer notification
19 service if it organizes, sponsors, or pays for the transpor-
20 tation of preprimary, primary, and secondary students to
21 or from school or on extracurricular trips. In the case of
22 a school district, local educational agency, or school that
23 pays a private company or proprietorship to provide trans-
24 portation services for students traveling to or from school
25 or on a extracurricular trip, both the private company or

1 proprietorship and the school district, local educational
2 agency, or school shall be considered “employers” for pur-
3 poses of the national employer notification service.

4 **SEC. 2925. SIMULTANEOUS DRIVER NOTIFICATION.**

5 Included in developing the final regulation under sec-
6 tion 2922(a), the Secretary shall ensure that whenever the
7 national employer notification service furnishes an em-
8 ployer with a report on an employee, such employee shall
9 receive simultaneous notification and a copy of the report.

