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:

Subtitle K—National Employer Notification Service

Sec. 2921. Short Title.

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

Sec. 2922. National Employer Notification Service.

(a) Employer Notification Service Defined.—In this subtitle, the term “employer notification service” means a service that automatically furnishes an employer with a report on the change in the status of the driving record or driver’s license of an employee who has a commercial driver’s license due to a conviction for a moving violation, a failure to appear, an accident, driver’s license suspension, driver’s license revocation, or any other action taken against the driving privilege.

(b) Implementation of National Employer Notification Service.—
(1) REQUIREMENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation, acting through the Federal Motor Carrier Safety Administration, shall issue a final regulation requiring the implementation of a national employer notification service that States may access.

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

(A) the recommendations made by the American Association of Motor Vehicle Administrators (AAMVA), including recommendations on annual per driver fees for participating employers, in its report, “Employer Notification System Design & Best Practices Recommendations”, produced for the Federal Motor Carrier Safety Administration under grant/cooperative agreement number FMCDL-0143-13-01-03; and

(B) the results of a pilot program conducted in 2007 under section 4022 of the Transportation Equity Act of the 21st Century (Public Law 105-178), to assess the feasibility,
costs, safety impacts, and benefits of such a
system, and to assess methods for efficient ex-
change of driver safety data from existing State
systems.

SEC. 2923. STATE IMPLEMENTATION.

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

(b) ENFORCEMENT.—After the 2-year period de-
scribed in subsection (a), the Secretary shall ensure that
the national employer notification service described in this
section is included as part of the requirements and stand-
ards of the commercial driver license program, including
the consequences of nonecompliance, set forth in part 384

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

(1) require any employer who has 1 or more
employees who holds a commercial driver’s license
with a school bus endorsement, pursuant to section
383.123 of title 49, Code of Federal Regulations, to
participate in the employer notification service; and
(2) ensure that State implementation of the employer notification service is an allowable cost for commercial driver’s license program implementation grant awards under section 31313 of title 49, United States Code.

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

SEC. 2924. APPLICABILITY TO SCHOOLS AND SCHOOL DISTRICTS.

For purposes of this subtitle, a school district, local educational agency, or school shall be considered an “employer” for purposes of the national employer notification service if it organizes, sponsors, or pays for the transportation of preprimary, primary, and secondary students to or from school or on extracurricular trips. In the case of a school district, local educational agency, or school that pays a private company or proprietorship to provide transportation services for students traveling to or from school or on a extracurricular trip, both the private company or
proprietorship and the school district, local educational agency, or school shall be considered “employers” for purposes of the national employer notification service.

SEC. 2925. SIMULTANEOUS DRIVER NOTIFICATION.

Included in developing the final regulation under section 2922(a), the Secretary shall ensure that whenever the national employer notification service furnishes an employer with a report on an employee, such employee shall receive simultaneous notification and a copy of the report.