

112TH CONGRESS  
1ST SESSION

# S. 695

To require the use of electronic on-board recording devices in motor carriers to improve compliance with hours of service regulations.

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IN THE SENATE OF THE UNITED STATES

MARCH 31, 2011

Mr. PRYOR (for himself and Mr. ALEXANDER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To require the use of electronic on-board recording devices in motor carriers to improve compliance with hours of service regulations.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commercial Driver  
5 Compliance Improvement Act”.

6 **SEC. 2. ELECTRONIC ON-BOARD RECORDING DEVICES.**

7 (a) AMENDMENTS.—Subchapter III of chapter 311  
8 of title 49, United States Code, is amended—

9 (1) in section 31132—

1 (A) by redesignating paragraphs (2)  
 2 through (11) as paragraphs (4) through (13),  
 3 respectively; and

4 (B) by inserting after paragraph (1) the  
 5 following:

6 “(2) ‘driving time’ has the meaning given such  
 7 term under section 395.2 of title 49, Code of Fed-  
 8 eral Regulations.

9 “(3) ‘electronic on-board recording device’  
 10 means an electronic device that—

11 “(A) is capable of recording a driver’s duty  
 12 hours of service and duty status accurately and  
 13 automatically; and

14 “(B) meets the requirements under section  
 15 395.16(b) of title 49, Code of Federal Regula-  
 16 tions.”; and

17 (2) in section 31137—

18 (A) in the section heading, by striking  
 19 “**Monitoring device**” and inserting “**Elec-**  
 20 **tronic on-board recording devices**”;  
 21 and

22 (B) by amending subsection (a) to read as  
 23 follows:

24 “(a) ELECTRONIC ON-BOARD RECORDING DE-  
 25 VICES.—All commercial motor vehicles involved in inter-

1 state commerce and operated by a driver subject to the  
2 hours of service and the record of duty status require-  
3 ments under part 395 of title 49, Code of Federal Regula-  
4 tions, shall be equipped with an electronic on-board re-  
5 cording device to improve compliance with hours of service  
6 regulations under such part.”.

7 (b) EFFECTIVE DATE.—The amendments made by  
8 subsection (a) shall take effect on the effective date of the  
9 final regulations prescribed by the Secretary of Transpor-  
10 tation pursuant to section 3.

11 **SEC. 3. RULEMAKING.**

12 (a) IN GENERAL.—Not later than 18 months after  
13 the date of the enactment of this Act, the Secretary of  
14 Transportation shall prescribe final regulations to carry  
15 out section 31137 of title 49, United States Code, as  
16 amended by section 2.

17 (b) PERFORMANCE REQUIREMENTS AND CERTIFI-  
18 CATION CRITERIA.—

19 (1) PERFORMANCE REQUIREMENTS.—The regu-  
20 lations prescribed by the Secretary under this sec-  
21 tion shall establish performance requirements that  
22 require each electronic on-board recording device  
23 to—

24 (A) be integrally synchronized with the ve-  
25 hicle’s engine control module;

1           (B) identify each driver subject to the  
2 hours of service and record of duty status re-  
3 quirements under part 395 of title 49, Code of  
4 Federal Regulations;

5           (C) accurately record driving time;

6           (D) provide real-time recording of the vehi-  
7 cle's location;

8           (E) enable law enforcement personnel to  
9 access the information contained in the device  
10 during roadside inspections; and

11           (F) be tamper resistant.

12           (2) CERTIFICATION CRITERIA.—

13           (A) IN GENERAL.—The regulations pre-  
14 scribed by the Secretary under this section shall  
15 establish the criteria and a process for the cer-  
16 tification of electronic on-board recording de-  
17 vices to ensure that such devices meet the per-  
18 formance requirements under this section.

19           (B) EFFECT OF NONCERTIFICATION.—  
20 Electronic on-board recording devices that are  
21 not certified in accordance with the certification  
22 process referred to in subparagraph (A) shall  
23 not be acceptable evidence of hours of service  
24 and record of duty status requirements under

1 part 395 of title 49, Code of Federal Regula-  
2 tions.

3 (3) ADDITIONAL REQUIREMENTS.—The regula-  
4 tions prescribed by the Secretary under this section  
5 shall—

6 (A) define a standardized user interface to  
7 aid vehicle operator compliance and law en-  
8 forcement reviews;

9 (B) establish a secure process for stand-  
10 dardized and unique vehicle operator identifica-  
11 tion, data access, data transfer for vehicle oper-  
12 ators between motor vehicles, data storage for  
13 motor carriers, and data transfer and trans-  
14 portability for law enforcement; and

15 (C) establish a standard security level for  
16 electronic on-board recording devices to be tam-  
17 per resistant.

18 (c) EFFECTIVE DATE; APPLICABILITY.—Beginning  
19 on a date that is not later than 3 years after the date  
20 of the enactment of this Act, the regulations prescribed  
21 pursuant to this section shall apply to all motor carriers,  
22 commercial motor vehicles, and vehicle operators subject  
23 to the hours of service and the record of duty status re-

1 quirements under part 395 of title 49, Code of Federal  
2 Regulations.

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