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(Original Signature of Member)

116TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To establish a standard for the reasonableness of motor carriers for the shipment of goods or household goods, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. GIBBS introduced the following bill; which was referred to the Committee on \_\_\_\_\_  
\_\_\_\_\_

**A BILL**

To establish a standard for the reasonableness of motor carriers for the shipment of goods or household goods, and for other purposes.

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. COMPLIANCE, SAFETY, AND ACCOUNTABILITY**

4 **REFORM.**

5 (a) MOTOR CARRIER SAFETY GRANTS.—

6 (1) IN GENERAL.—

7 (A) SELECTION STANDARD.—For any ap-  
8 plicable legal requirement with respect to a cov-

1           ered entity contracting with a covered motor  
2           carrier for the shipment of goods or household  
3           goods, the covered entity shall be considered  
4           reasonable and prudent in the selection of such  
5           motor carrier if the covered entity verifies, not  
6           later than the date of shipment and not earlier  
7           than 45 days before the date of shipment, that  
8           the covered motor carrier—

9                   (i) is registered under section 13902  
10                   of title 49, United States Code, as a motor  
11                   carrier or household goods motor carrier;

12                   (ii) has at least the minimum insur-  
13                   ance coverage required by Federal and  
14                   State law; and

15                   (iii) is not determined unfit to operate  
16                   safely commercial motor vehicles under  
17                   section 31144 of title 49, United States  
18                   Code, or otherwise ordered to discontinue  
19                   operations by the Federal Motor Carrier  
20                   Safety Administration (including not re-  
21                   newing a Department of Transportation  
22                   registration number) or a State.

23                   (B) SUNSET.—The standard established  
24                   under paragraph (1) shall sunset on the effec-

1           tive date of a regulation issued pursuant to sub-  
2           section (c).

3           (2) REVOCATION OF REGISTRATION.—Section  
4           31144(a) of title 49, United States Code, is amend-  
5           ed—

6                   (A) in paragraph (3) by striking “and”;

7                   (B) in paragraph (4) by striking the period  
8           and inserting “; and”; and

9                   (C) by adding at the end the following:

10           “(5) prescribe by regulation a process for revok-  
11           ing the registration of an owner or operator deter-  
12           mined unfit to operate safely a commercial motor ve-  
13           hicle under this section.”.

14           (3) RULEMAKING.—

15                   (A) IN GENERAL.—Not later than 18  
16           months after the date of enactment of this Act,  
17           the Secretary of Transportation shall—

18                           (i) update and revise the regulations  
19                           issued pursuant to subsection (b) of sec-  
20                           tion 31144 of title 49, United States Code,  
21                           to include the requirements of subsection  
22                           (a); and

23                           (ii) issue such regulations as are nec-  
24                           essary to carry out section 31144(a)(5) of

1 title 49, United States Code, as added by  
2 this Act.

3 (B) FACTORS FOR AN UNSATISFACTORY  
4 RATING.—The regulations updated under para-  
5 graph (1)(A) shall provide a procedure for the  
6 Secretary to determine if a motor carrier is not  
7 fit to operate a commercial motor vehicle in or  
8 affecting interstate commerce in accordance  
9 with section 31144 of title 49, United States  
10 Code.

11 (4) SAVINGS CLAUSE.—Nothing in this section  
12 shall be construed to preempt or supercede any  
13 State law or regulation relating to drayage.

14 (5) DEFINITIONS.—In this section:

15 (A) COVERED ENTITY.—The term “cov-  
16 ered entity” means a person acting as—

17 (i) a shipper or consignee of goods, ex-  
18 cept that such term does not mean a per-  
19 son acting as an individual shipper (as  
20 such term is defined in section 13103 of  
21 title 49, United States Code);

22 (ii) a broker, a freight forwarder, or a  
23 household goods freight forwarder (as such  
24 terms are defined in section 13102 of title  
25 49, United States Code);

1 (iii) an ocean transportation inter-  
2 mediary (as such term is defined in section  
3 40102 of title 46, United States Code),  
4 when arranging for inland transportation  
5 as part of an international through move-  
6 ment involving ocean transportation be-  
7 tween the United States and a foreign  
8 port;

9 (iv) an indirect air carrier holding a  
10 Standard Security Program approved by  
11 the Transportation Security Administra-  
12 tion only to the extent that the indirect air  
13 carrier is engaging in the activities as an  
14 air carrier defined in paragraph (2) or (3)  
15 of section 40102 of title 49, United States  
16 Code;

17 (v) a customs broker licensed in ac-  
18 cordance with section 111.2 of title 19,  
19 Code of Federal Regulations, only to the  
20 extent that the customs broker is engaging  
21 in a movement under a customs bond or in  
22 a transaction involving customs business,  
23 as defined by section 111.1 of title 19,  
24 Code of Federal Regulations; or

1 (vi) a motor carrier registered under  
2 chapter 139 of title 49, United States  
3 Code.

4 (B) COVERED MOTOR CARRIER.—The term  
5 “covered motor carrier” means a motor carrier  
6 or a household goods motor carrier (as such  
7 terms are defined in section 13102 of title 49,  
8 United States Code) that is subject to Federal  
9 motor carrier financial responsibility and safety  
10 regulations.

11 (C) HOUSEHOLD GOODS.—The term  
12 “household goods” has the meaning given such  
13 term in section 13102 of title 49, United States  
14 Code.

15 (D) SECRETARY.—The term “Secretary”  
16 means the Secretary of Transportation.

17 (b) REMOTE AUDIT.—Section 31144 of title 49,  
18 United States Code, is amended by adding at the end the  
19 following:

20 “(j) REMOTE AUDITS.—

21 “(1) IN GENERAL.—The Secretary shall estab-  
22 lish a pilot program to conduct remote compliance  
23 reviews under subpart A of part 385 of title 49,  
24 Code of Federal Regulations, to assign a safety rat-  
25 ing for commercial motor carriers.

1           “(2) CONTENTS.—In conducting the pilot pro-  
2           gram, the Secretary shall—

3                   “(A) use the same standards that would  
4                   otherwise be applicable to commercial motor  
5                   carriers;

6                   “(B) apply the procedures of part 385 of  
7                   title 49, Code of Federal Regulations, including  
8                   the safety fitness rating methodology under ap-  
9                   pendix B, prior to assigning a safety rating  
10                  under such pilot program;

11                  “(C) assign safety ratings regardless of  
12                  whether an on-site review of activities has taken  
13                  place; and

14                  “(D) leverage all available technology to  
15                  access information and records.

16           “(3) ELIGIBLE PARTICIPANTS.—

17                   “(A) IN GENERAL.—Motor carriers that  
18                   are eligible to participate in the pilot program  
19                   under this subsection shall—

20                           “(i) voluntarily agree to participate in  
21                           such pilot program; and

22                           “(ii) be able to opt-out of participa-  
23                           tion at any time.

24                   “(B) PROHIBITION ON PARTICIPATION.—  
25                   Motor carriers that transport hazardous mate-

1           rials or passengers shall be prohibited from par-  
2           ticipating in the pilot program under this sec-  
3           tion.

4           “(4) AUTHORIZED AGENTS.—Remote compli-  
5           ance reviews conducted under the pilot program  
6           under this section may be conducted by—

7                   “(A) Federal Motor Carrier Safety Admin-  
8                   istration personnel;

9                   “(B) State commercial motor vehicle au-  
10                  thorities that meet acceptable standards set  
11                  forth by the Secretary; or

12                  “(C) private contractors that meet accept-  
13                  able standards set forth by the Secretary.

14           “(5) AVAILABILITY OF SAFETY RATINGS.—  
15           Safety ratings determined under the pilot program  
16           under this subsection may not be released publicly  
17           by the Secretary or by any authorized agent de-  
18           scribed in paragraph (4) that is participating in the  
19           pilot program under this subsection.”.