

**Calendar No. 560**

115TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ 115-327

INTERSTATE TRANSPORT ACT OF 2017

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R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

ON

S. 1092



AUGUST 27, 2018.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

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### INTERSTATE TRANSPORT ACT OF 2017

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Mr. THUNE, from the Committee on Commerce, Science, and  
Transportation, submitted the following

### R E P O R T

[To accompany S. 1092]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1092) to protect the right of law-abiding citizens to transport knives interstate, notwithstanding a patchwork of local and State prohibitions, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

#### PURPOSE OF THE BILL

The purpose of S. 1092 is to allow a knife owner to legally carry a knife while transiting through a State that restricts knives, as long as the knife owner is traveling from a State where a knife is legal to another State where a knife is legal and the knife is properly secured. S. 1092 does not apply to travel on commercial aircraft.

#### BACKGROUND AND NEEDS

Knife laws vary from State to State; in some States it is illegal to carry many types of knives. If a knife owner, legally carrying a knife in one State, transits through a State where carrying the same knife is illegal, the individual is subject to arrest or fine. This makes it burdensome for a legal knife owner to travel across State lines for work, recreation, or other purposes. A similar interstate legal framework was addressed in 1986 for firearms under the

Firearms Owners' Protection Act (FOPA).<sup>1</sup> FOPA allows a firearm owner to legally transit a firearm across State lines as long as the firearm is properly secured and legal in both the State of origin and the State of destination.

#### SUMMARY OF PROVISIONS

If enacted, S. 1092 would do the following:

- Allow an individual to transport a properly secured knife from one State in which the knife is legal, through any State, to another State in which the knife is legal.
- Allow emergency knives to be accessible to drivers and passengers.
- Provide protection from wrongful arrests.

#### LEGISLATIVE HISTORY

S. 1092 was introduced on May 10, 2017, by Senator Enzi (for himself and Senators Daines, Heinrich, Manchin, Risch, and Wyden). Senators Udall, Crapo, Merkley, Lee, and Baldwin are also cosponsors of the bill. On June 27, 2018, the Committee met in open Executive Session, and by voice vote, ordered S. 1092 reported favorably with an amendment (in the nature of a substitute). The reported bill closely resembles a bill that the Committee favorably reported by voice in the 114th Congress.

On January 3, 2017, Representative Andy Biggs (R-AZ) introduced H.R. 84, The Knife Owners Protection Act of 2017. That bill is similar to S. 1092, but it also would allow a knife owner to sue States and municipalities that unlawfully arrest an individual transporting a knife. H.R. 84 also would repeal the Switchblade Knife Act,<sup>2</sup> which makes it illegal to manufacture, import, distribute, sell, or transport any knife considered a switchblade. Senator Crapo also has introduced S. 1779, Freedom of Commerce Act, which would legalize switchblades.

Similar bills to S. 1092 and H.R. 84 were introduced in the 114th Congress by Senator Enzi (S. 567, S. 1315) and Representative Matt Salmon (H.R. 419). S. 1092 reflects negotiated language with bipartisan support.

#### ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

##### *S. 1092—Interstate Transport Act of 2018*

S. 1092 would allow people to transport a knife between jurisdictions where it is legal to possess and carry such a knife if certain conditions are met. (That authority would not apply to people who are otherwise prohibited from lawfully possessing, transporting, shipping, or receiving knives.) S. 1092 also would repeal the Federal Switchblade Act, thus removing federal prohibitions related to the interstate commerce of switchblade knives.

<sup>1</sup> P.L. 99-308; 100 Stat. 449.

<sup>2</sup> 15 U.S.C. §1241 et seq.

CBO estimates that enacting S. 1092 would not affect the federal budget. Using information from the Department of Homeland Security, CBO expects that the bill would not affect federal spending related to transportation security or the enforcement of laws related to possessing and transporting knives. (Such spending is subject to appropriation.) S. 1092 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting S. 1092 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

S. 1092 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) by preempting some state and local laws related to possessing and transporting knives. Laws regulating knives vary from state to state. If enacted, the bill would allow people to possess knives in states where they are illegal if the person is traveling to and from states where the knife is legal, so long as the knife is secured, or if the knife is a safety blade designed for cutting seatbelts. The costs for state and local governments to comply with that mandate would include the cost to change protocols and train law enforcement officers. CBO estimates the total costs for state and local governments would be small and would not exceed the threshold established in UMRA (\$80 million in 2018, adjusted annually for inflation).

S. 1092 contains no private-sector mandates as defined in UMRA.

The CBO staff contacts for this estimate are Megan Carroll (for federal costs) and Jon Sperl (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

##### NUMBER OF PERSONS COVERED

S. 1092, as reported, would allow millions of knife owners to legally travel with their knives across State lines for work, recreation, or other purposes.

##### ECONOMIC IMPACT

Enactment of this legislation is not expected to have a negative impact on the Nation's economy.

##### PRIVACY

The reported bill is not expected to impact the personal privacy of individuals.

##### PAPERWORK

S. 1092 would not create increases in paperwork burdens if enacted.

## CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Short title.*

This section would provide that the bill may be cited as the “Interstate Transportation Act of 2018.”

*Section 2. Interstate transportation of knives.*

This section would federally authorize knife owners to travel by ground through a State that restricts knives, as long as the knife owners are traveling from a State in which the knives are legal to another State in which the knives are legal. Furthermore, this section would require that the knives be properly secured, either by being inaccessible from the passenger compartment or, in the case with no passenger compartment, by being locked in a container that is not a glove compartment or console. This requirement would not apply to emergency knives, which are defined as tools with blunt tipped or guarded blades for cutting safety belts to enable escape. Knife owners traveling by passenger aircraft subject to the jurisdiction of the Transportation Safety Administration are not covered by the provisions of this section.

Section 2 would explicitly prohibit the detention of a knife owner who is in compliance with this section—absent probable cause that an owner is not in compliance—and would further allow a defendant to invoke this section as an affirmative defense in any civil or criminal proceeding.

## CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.