

114TH CONGRESS
1ST SESSION

S. 1454

To enhance interstate commerce by creating a National Hiring Standard
for Motor Carriers.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2015

Mrs. FISCHER (for herself and Mr. BLUNT) introduced the following bill;
which was read twice and referred to the Committee on Commerce,
Science, and Transportation

A BILL

To enhance interstate commerce by creating a National
Hiring Standard for Motor Carriers.

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 “Transportation and
5 Logistics Hiring Reform Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ENTITY.—The term “entity” means a per-
9 son acting as—

10 (A) a shipper or a consignee;

1 (B) a broker, a freight forwarder, or a
2 household goods freight forwarder (as such
3 terms are defined in section 13102 of title 49,
4 United States Code);

5 (C) a non-vessel-operating common carrier,
6 an ocean freight forwarder, or an ocean trans-
7 portation intermediary (as such terms are de-
8 fined in section 40102 of title 46, United States
9 Code);

10 (D) an indirect air carrier authorized to
11 operate under a Standard Security Program ap-
12 proved by the Transportation Security Adminis-
13 tration;

14 (E) a customs broker licensed in accord-
15 ance with section 111.2 of title 19, Code of
16 Federal Regulations;

17 (F) an interchange motor carrier subject
18 to paragraphs (1)(B) and (2) of section
19 13902(i); or

20 (G) a warehouse (as defined in Article 7–
21 102(13) of the Uniform Commercial Code).

22 (2) MOTOR CARRIER.—The term “motor car-
23 rier” means a motor carrier or a household goods
24 motor carrier (as such terms are defined in section
25 13102 of title 49, United States Code) that is sub-

1 ject to Federal motor carrier financial responsibility
2 and safety regulations.

3 (3) STATE.—The term “State” means each of
4 the 50 States, a political subdivision of any such
5 State, any intrastate agency, any other political
6 agency of 2 or more States, the District of Colum-
7 bia, American Samoa, the Commonwealth of the
8 Northern Mariana Islands, the Commonwealth of
9 Puerto Rico, Guam, and the Virgin Islands.

10 **SEC. 3. NATIONAL HIRING STANDARDS FOR MOTOR CAR-**
11 **RIERS.**

12 (a) NATIONAL STANDARD.—Before tendering a ship-
13 ment, but not more than 35 days before the pickup of
14 a shipment by the hired motor carrier, an entity shall
15 verify that the motor carrier, at the time of such
16 verification—

17 (1) is registered with and authorized by the
18 Federal Motor Carrier Safety Administration to op-
19 erate as a motor carrier or household goods motor
20 carrier, if applicable;

21 (2) has the minimum insurance coverage re-
22 quired by Federal law; and

23 (3)(A) before the safety fitness regulations are
24 issued pursuant to subsection (c), does not have an
25 unsatisfactory safety fitness rating issued by the

1 Federal Motor Carrier Safety Administration in
2 force at the time of such verification; or

3 (B) after the safety fitness regulations are
4 issued pursuant to subsection (c), does not have a
5 safety fitness rating issued by the Federal Motor
6 Carrier Safety Administration under such regula-
7 tions that is the equivalent of the unsatisfactory fit-
8 ness rating referred to in subparagraph (A).

9 (b) INTENDED USE OF DATA.—

10 (1) IN GENERAL.—Only evidence of an entity's
11 compliance with subsection (a) may be admitted as
12 evidence or otherwise used in a civil action for dam-
13 ages resulting from a claim of negligent selection or
14 retention of such motor carrier against the entity.

15 (2) EXCLUDED EVIDENCE.—All other motor
16 carrier data created or maintained by the Federal
17 Motor Carrier Safety Administration including safe-
18 ty measurement system data or analysis of such
19 data, may not be admitted into evidence in a case
20 or proceeding in which it is asserted or alleged that
21 an entity's selection or retention of a motor carrier
22 was negligent.

23 (c) RULEMAKING.—

24 (1) IN GENERAL.—Not later than 18 months
25 after the date of the enactment of this Act, the Sec-

1 retary of Transportation shall promulgate safety fit-
2 ness determination regulations that update and re-
3 vise the standards for establishing an unsatisfactory
4 safety rating for motor carriers.

5 (2) FACTORS FOR AN UNSATISFACTORY RAT-
6 ING.—In the regulations promulgated pursuant to
7 paragraph (1), the Secretary shall determine if a
8 motor carrier is not fit to operate a commercial
9 motor vehicle in or affecting interstate commerce in
10 accordance with section 31144 of title 49, United
11 States Code.

12 (d) COMPLIANCE WITH ALL SAFETY LAWS.—All
13 commercial carriers shall comply with all applicable Fed-
14 eral laws pertaining to safety.

15 **SEC. 4. APPLICABILITY AND EFFECTIVE DATE.**

16 Notwithstanding any other provision of law, this Act
17 shall apply with respect to any action commenced on or
18 after the date of the enactment of this Act without regard
19 to whether the harm that is the subject of the action, or
20 the conduct that caused the harm, occurred before such
21 date of enactment.

○