

115TH CONGRESS
1ST SESSION

H. R. 1568

To enhance interstate commerce by creating a national hiring standard for motor carriers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2017

Mr. DUNCAN of Tennessee (for himself, Mr. RODNEY DAVIS of Illinois, Mr. ROUZER, and Mr. PAULSEN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To enhance interstate commerce by creating a national hiring standard for motor carriers, 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. SHORT TITLE.**

4 This Act may be cited as the “Transportation and
5 Logistics Hiring Reform Act of 2017”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act, the following definitions apply:

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

1 (A) a shipper, except for an individual
2 shipper (as such term is defined in section
3 13102 of title 49, United States Code) or a
4 consignee;

5 (B) a broker, a freight forwarder, or a
6 household goods freight forwarder (as such
7 terms are defined in section 13102 of title 49,
8 United States Code);

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

14 (D) an indirect air carrier authorized to
15 operate under a standard security program ap-
16 proved by the Transportation Security Adminis-
17 tration;

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

21 (F) an interchange motor carrier subject
22 to paragraphs (1)(B) and (2) of section
23 13902(i) of title 49, United States Code; or

24 (G) a warehouse (as defined in Article 7–
25 102(13) of the Uniform Commercial Code).

1 (2) MOTOR CARRIER.—The term “motor car-
2 rier” means a motor carrier or a household goods
3 motor carrier (as such terms are defined in section
4 13102 of title 49, United States Code) that is sub-
5 ject to Federal motor carrier financial responsibility
6 and safety regulations.

7 (3) STATE.—The term “State” means each of
8 the 50 States, a political subdivision of any such
9 State, an intrastate agency, any other political agen-
10 cy of two or more States, the District of Columbia,
11 American Samoa, the Commonwealth of the North-
12 ern Mariana Islands, the Commonwealth of Puerto
13 Rico, Guam, and the Virgin Islands.

14 **SEC. 3. NATIONAL HIRING STANDARDS FOR MOTOR CAR-**
15 **RIERS.**

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

21 (1) is registered with and authorized by the
22 Federal Motor Carrier Safety Administration to op-
23 erate as a motor carrier or household goods motor
24 carrier, if applicable;

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

3 (3) does not have an unsatisfactory safety rat-
4 ing issued by the Federal Motor Carrier Safety Ad-
5 ministration in force and has not otherwise been or-
6 dered by the Federal Motor Carrier Safety Adminis-
7 tration to discontinue operations.

8 (b) INTENDED USE OF DATA.—

9 (1) IN GENERAL.—Only evidence of an entity's
10 compliance with subsection (a) may be admitted as
11 evidence or otherwise used in a civil action for dam-
12 ages resulting from a case or legal proceeding in
13 which it is asserted or alleged that an entity's selec-
14 tion or retention of a motor carrier was negligent.

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 legal proceeding described in paragraph (1).

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

22 Notwithstanding any other provision of law, this Act
23 shall apply with respect to any action commenced on or
24 after the date of enactment of this Act without regard to
25 whether the harm that is the subject of the action, or the

- 1 conduct that caused the harm, occurred before such date
- 2 of enactment.

