

115TH CONGRESS
1ST SESSION

H. R. 4144

To establish a task force on truck leasing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 2017

Mrs. NAPOLITANO (for herself, Mr. NADLER, Mr. DEFazio, Mr. LOWENTHAL, Ms. BARRAGÁN, Mr. HUFFMAN, Mr. JOHNSON of Georgia, Mr. TAKANO, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To establish a task force on truck leasing, 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 “Port Drivers’ Bill of
5 Rights Act of 2017”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The labor of drayage and intermodal truck
9 drivers is vital to the movement of goods and to our
10 Nation’s economic prosperity.

1 (2) Independent studies have repeatedly docu-
2 mented the low pay and rampant worker
3 misclassification in the port drayage and intermodal
4 industries.

5 (3) The Subcommittee on Highways and Tran-
6 sit of the House Transportation and Infrastructure
7 Committee held a hearing on May 5, 2010, on the
8 negative economic and environmental impacts of
9 port trucking.

10 (4) An investigation published in USA Today
11 on June 16, 2017, titled “Rigged”, detailed dis-
12 turbing employer abuses and called the work ar-
13 rangements for many port truck drivers modern-day
14 indentured servitude.

15 (5) The California Labor Commissioner has
16 issued decisions awarding over 400 port drivers in
17 excess of \$40 million in back pay due to wage and
18 hour violations.

19 (6) Federal and State courts have consistently
20 upheld the California Labor Commissioner’s author-
21 ity to adjudicate these claims and have rejected com-
22 plaints that wage claims brought by truck drivers
23 with the Labor Commissioner are preempted by the
24 Federal Aviation Administration Authorization Act
25 of 1994.

1 (7) The California Employment Development
2 Department and the New Jersey Department of
3 Labor have awarded at least 50 port drivers unem-
4 ployment and disability benefits.

5 (8) Regions 21 and 5 of the National Labor
6 Relations Board have issued several complaints
7 against port trucking companies for allegedly com-
8 mitting unfair labor practices after investigations de-
9 termined port drivers were being misclassified.

10 (9) Drayage drivers at the Ports of Los Angeles
11 and Long Beach have engaged in at least 15 unfair
12 labor practice strikes over the past 3 years to pro-
13 test misclassification, which have caused picketing at
14 marine terminals that delayed cargo and created
15 congestion.

16 (10) Many stakeholders in the movement of
17 goods and licensed motor carriers, including bene-
18 ficial cargo owners and third-party logistics pro-
19 viders, contribute to negative working conditions for
20 port truck drivers.

21 (11) Government officials have an opportunity
22 and a responsibility to improve the working condi-
23 tions of port truck drivers.

1 **SEC. 3. SENSE OF CONGRESS.**

2 It is the sense of Congress that truck drivers, includ-
3 ing drayage drivers, have the right to—

4 (1) be treated with honesty and respect;

5 (2) have full-time work guarantee a basic
6 standard of living;

7 (3) be covered by Federal, State, and local
8 labor and employment laws;

9 (4) be covered by workplace safety and health
10 laws;

11 (5) be free from exploitative truck lease or rent-
12 al arrangements;

13 (6) not be misclassified as independent contrac-
14 tors and denied legal protections, benefits, and pay;
15 and

16 (7) bargain collectively for better wages and
17 working conditions.

18 **SEC. 4. TRUCK LEASING TASK FORCE.**

19 (a) ESTABLISHMENT.—Not later than 6 months after
20 the date of enactment of this Act, the Secretary of Trans-
21 portation, in consultation with the Secretary of Labor,
22 shall establish the Truck Leasing Task Force (hereinafter
23 referred to as the “Task Force”).

24 (b) MEMBERSHIP.—The Secretary of Transportation
25 shall select not more than 15 individuals to serve as mem-
26 bers of the Task Force from the following groups:

- 1 (1) Labor organizations.
- 2 (2) The motor carrier industry.
- 3 (3) Consumer protection groups.
- 4 (4) Safety groups.
- 5 (5) Members of the legal profession who spe-
- 6 cialize in consumer finance issues.

7 (c) DUTIES.—The Task Force shall examine “lease-

8 to-own” agreements that commercial truck drivers have

9 entered into, with a focus on—

- 10 (1) the operation of agreements that drayage
- 11 drivers have entered into; and
- 12 (2) such agreements at the Port of Los Angeles
- 13 and the Port of Long Beach.

14 (d) POWERS.—The Task Force may conduct site vis-

15 its and field hearings, as necessary, to assist its efforts.

16 (e) REPORT.—

17 (1) IN GENERAL.—The Task Force shall create

18 a report containing the following:

19 (A) The impact of truck leasing agree-

20 ments on the take-home pay of truck drivers.

21 (B) Whether the truck leasing agreements

22 comply with applicable local, State, and Federal

23 law.

24 (C) Whether the Task Force determines

25 that legislation is necessary to protect the abil-

1 ity of truck drivers to earn a living wage and,
2 if so, recommendations on such legislation.

3 (D) Whether the Task Force determines
4 that changes in regulations are necessary to
5 protect the ability of truck drivers to earn a liv-
6 ing wage and, if so, recommendations to the
7 Secretary of Transportation and the Secretary
8 of Labor on such changes.

9 (2) SUBMISSION.—Not later than 1 year after
10 the date on which the Task Force is established pur-
11 suant to subsection (a), the report created pursuant
12 to paragraph (1) shall be submitted to—

13 (A) the House Transportation and Infra-
14 structure Committee;

15 (B) the House Education and the Work-
16 force Committee;

17 (C) the Senate Committee on Commerce,
18 Science, and Transportation; and

19 (D) the Senate Committee on Health,
20 Education, Labor, and Pensions.

21 (f) TERMINATION.—Not later than 1 month after the
22 date of submission of the report pursuant to subsection
23 (e), the Task Force shall terminate.

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