

AMENDMENT

OFFERED BY MR. GALLAGHER OF WISCONSIN

At the end of subtitle B of title IV of division B of the bill, add the following:

1 **SEC. ____ . MOTOR CARRIER SELECTION STANDARD OF**
2 **CARE.**

3 (a) IN GENERAL.—

4 (1) SELECTION STANDARD.—For any applicable
5 legal requirement with respect to a covered entity
6 contracting with a covered motor carrier for the
7 shipment of goods or household goods, the covered
8 entity shall be considered reasonable and prudent in
9 the selection of such motor carrier if the covered en-
10 tity verifies, not later than the date of shipment and
11 not earlier than 45 days before the date of shipment,
12 that the covered motor carrier—

13 (A) is registered under section 13902 of
14 title 49, United States Code, as a motor carrier
15 or household goods motor carrier;

16 (B) has at least the minimum insurance
17 coverage required by Federal and State law;
18 and

1 (C) is not determined unfit to operate safe-
2 ly commercial motor vehicles under section
3 31144 of title 49, United States Code, or other-
4 wise ordered to discontinue operations by the
5 Federal Motor Carrier Safety Administration
6 (including not renewing a Department of
7 Transportation registration number) or a State,
8 for intrastate commerce.

9 (2) SUNSET.—The standard established under
10 paragraph (1) shall sunset on the effective date of
11 a regulation issued pursuant to subsection (c).

12 (b) REVOCATION OF REGISTRATION.—Section
13 31144(a) of title 49, United States Code, is amended—

14 (1) in paragraph (3) by striking “and”;

15 (2) in paragraph (4) by striking the period and
16 inserting “; and”; and

17 (3) by adding at the end the following:

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

22 (c) RULEMAKING.—

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

1 (A) update and revise the regulations
2 issued pursuant to subsection (b) of section
3 31144 to include the requirements of subsection
4 (a); and

5 (B) issue such regulations as are necessary
6 to carry out section 31144(a)(5), as added by
7 this Act.

8 (2) FACTORS FOR AN UNSATISFACTORY RAT-
9 ING.—The regulations updated under paragraph
10 (1)(A) shall provide a procedure for the Secretary to
11 determine if a motor carrier is not fit to operate a
12 commercial motor vehicle in or affecting interstate
13 commerce in accordance with such section.

14 (d) SAVINGS CLAUSE.—Nothing in this Act shall be
15 construed to preempt or supercede any State law or regu-
16 lation relating to drayage.

17 (e) DEFINITIONS.—In this Act:

18 (1) COVERED ENTITY.—The term “covered en-
19 tity” means a person acting as—

20 (A) a shipper or cosignee of goods, except
21 that such term does not mean a person acting
22 as an individual shipper (as such term is de-
23 fined in section 13103 of title 49, United States
24 Code);

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) an ocean transportation intermediary
6 (as such term is defined in section 40102 of
7 title 46, United States Code), when arranging
8 for inland transportation as part of an inter-
9 national through movement involving ocean
10 transportation between the United States and a
11 foreign port;

12 (D) an indirect air carrier holding a
13 Standard Security Program approved by the
14 Transportation Security Administration, only to
15 the extent that the indirect air carrier is engag-
16 ing in the activities as an air carrier as defined
17 in section 40102(2) or in the activities defined
18 in section 40102(3);

19 (E) a customs broker licensed in accord-
20 ance with section 111.2 of title 19, Code of
21 Federal Regulations, only to the extent that the
22 customs broker is engaging in a movement
23 under a customs bond or in a transaction in-
24 volving customs business, as defined by section

1 111.1 of title 19, Code of Federal Regulations;

2 or

3 (F) a motor carrier registered under chap-

4 ter 139 of title 49, United States Code.

5 (2) COVERED MOTOR CARRIER.—The term

6 “covered motor carrier” means a motor carrier or a

7 household goods motor carrier (as such terms are

8 defined in section 13102 of title 49, United States

9 Code) that is subject to Federal motor carrier finan-

10 cial responsibility and safety regulations.

11 (3) HOUSEHOLD GOODS.—The term “household

12 goods” has the meaning given the term in section

13 13102 of title 49, United States Code.

14 (4) SECRETARY.—The term “Secretary” means

15 the Secretary of Transportation.

