

104TH CONGRESS
1ST SESSION

H. R. 2144

To amend title 49, United States Code, in a manner which ensures to a greater degree the ability of utility providers to establish, improve, operate and maintain utility structures, facilities and equipment for the benefit, safety and well-being of consumers by removing limitations on maximum driving and on-duty time in regard to utility vehicle operators and drivers; and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 1995

Mr. BARRETT of Nebraska (for himself, Mr. HAMILTON, Mr. JACOBS, Mr. SKELTON, Mr. EMERSON, Mr. VOLKMER, Mr. BEREUTER, Mr. FUNDERBURK, Mr. EHLERS, Mr. BROWNBAC, Mr. KINGSTON, Mr. BRYANT of Tennessee, Mr. BUNNING of Kentucky, Mr. HEINEMAN, and Mr. CHAMBLISS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, in a manner which ensures to a greater degree the ability of utility providers to establish, improve, operate and maintain utility structures, facilities and equipment for the benefit, safety and well-being of consumers by removing limitations on maximum driving and on-duty time in regard to utility vehicle operators and drivers; 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Utility Consumer Serv-
3 ice Protection Act of 1995”.

4 **SEC. 2. EXEMPTION FROM CERTAIN REGULATIONS PER-**
5 **TAINING TO COMMERCIAL MOTOR VEHICLES**
6 **AND DRIVERS.**

7 (a) DEFINITIONS.—Section 31132 of title 49, United
8 States Code, is amended by adding at the end the follow-
9 ing new paragraphs:

10 “(11) ‘utility service vehicle’ means any motor
11 vehicle, regardless of gross weight—

12 “(A) used on the highways in interstate or
13 intrastate commerce in the furtherance of build-
14 ing, repairing, expanding, improving, maintain-
15 ing, or operating any structures, facilities, exca-
16 vations, poles, lines, or any other physical fea-
17 ture necessary for the delivery of public utility
18 services, including the furnishing of electric,
19 water, sanitary sewer, telephone, and television
20 cable or community antenna service;

21 “(B) while engaged in any activity nec-
22 essarily related to the ultimate delivery of such
23 public utility services to consumers, including
24 travel or movement to, from, upon, or between
25 activity sites (including occasional travel or
26 movement outside the service area necessitated

1 by any utility emergency as determined by the
2 utility provider); and

3 “(C) except for any occasional emergency
4 use, operated primarily within the service area
5 of a utility’s subscribers or consumers, without
6 regard to whether the vehicle is owned, leased,
7 or rented or otherwise contracted for by the
8 utility;

9 “(12) ‘utility driver’ means any employee of a
10 utility provider or other operator (including an inde-
11 pendent contractor) of a utility service vehicle while
12 such vehicle is being utilized upon an activity site or
13 is being moved from place to place in the course of
14 performing any of the activities described in para-
15 graph (11)(A).”.

16 (b) NONAPPLICABILITY OF ON-DUTY TIME RE-
17 QUIREMENTS.—Section 31147 of title 49, United States
18 Code, is amended by adding at the end the following new
19 subsection:

20 “(c) LIMITATION WITH RESPECT TO UTILITY SERV-
21 ICE VEHICLES AND DRIVERS.—Notwithstanding any
22 other provision of law, the provisions of this subchapter,
23 the provisions of chapter 315, and the provisions of any
24 other relevant authority—as such provisions relate to es-
25 tablishing maximum driving and on-duty time for drivers

1 used by motor carriers and any related testing, reporting,
2 recordkeeping or automatic recording device requirements
3 associated with establishing such maximum driving and
4 on-duty time—shall not apply to utility service vehicles or
5 to utility drivers or to employers engaged primarily in the
6 business of providing a utility service as described in sec-
7 tion 31132(11), nor to such vehicles or drivers during a
8 utility emergency.”.

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