

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2153

To amend title 49, United States Code, to require the Secretary of Transportation to issue regulations and encourage the States to adopt and implement laws prohibiting the operation of certain uncovered commercial motor vehicles on highways.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 1995

Mr. LIPINSKI introduced the following bill; which was referred to the  
Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to require the Secretary of Transportation to issue regulations and encourage the States to adopt and implement laws prohibiting the operation of certain uncovered commercial motor vehicles on highways.

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 “Commercial Motor Ve-  
5       hicle Safety Act of 1995”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

1           (1) it is in the public interest to prohibit the  
2           operation of certain uncovered commercial motor ve-  
3           hicles and thereby reduce highway fatalities, injuries,  
4           and property damage otherwise associated with such  
5           operation; and

6           (2) State governments can assist the Federal  
7           Government in assuring the safe operation of com-  
8           mercial motor vehicles by enacting laws prohibiting  
9           the operation of certain uncovered commercial motor  
10          vehicles.

11 **SEC. 3. COVERED LOAD REQUIREMENT.**

12          (a) IN GENERAL.—Subchapter III of chapter 311 of  
13 title 49, United States Code, is amended by adding at the  
14 end thereof the following:

15 **“§ 31148. Covered load requirement**

16          “(a) GENERAL RULE.—Not later than 120 days after  
17 the date of the enactment of this section, the Secretary  
18 of Transportation shall initiate a rulemaking proceeding  
19 for the purpose of issuing regulations prohibiting any per-  
20 son from operating, or causing to be operated, on any  
21 street or highway, any commercial motor vehicle with an  
22 open load of dirt, aggregate, garbage, tailings, wood chips,  
23 refuse, or other similar loose material, unless the load is  
24 secured or enclosed with a tarpaulin or other covering suf-  
25 ficient to prevent any portion of the material from rolling

1 of, falling from, blowing off, dropping from, or otherwise  
2 escaping from the vehicle. The Secretary shall issue such  
3 regulations not later than 1 year after such date of enact-  
4 ment.

5       “(b) STATE LAW COMPATIBILITY.—If at any time in  
6 a fiscal year beginning after September 30, 1997, a State  
7 does not have in effect a law compatible with the regula-  
8 tions issued by the Secretary under subsection (a), the  
9 Secretary, notwithstanding any other provision of law,  
10 shall transfer an amount equal to 1½ percent of the funds  
11 apportioned to the State under each of subsections (b)(1),  
12 (b)(2), and (b)(3) of title 23, United States Code, to the  
13 apportionment of the State under section 402 of title 23,  
14 United States Code. The Federal share of the cost of any  
15 project carried out with funds transferred under this sec-  
16 tion shall be 100 percent.

17       “(c) TRANSFER OF OBLIGATION AUTHORITY.—If the  
18 Secretary transfers under this section any funds to the  
19 State for a fiscal year for highway safety programs under  
20 section 402 of title 23, United States Code, the Secretary  
21 shall allocate an amount of obligation authority distrib-  
22 uted for such fiscal year to the State for Federal-aid high-  
23 ways and highway safety programs for carrying out only  
24 projects under such section 402 which is determined by  
25 multiplying—

1           “(1) the amount of the funds transferred to the  
2           apportionment of such section 402 of the State  
3           under this section for such fiscal year; by

4           “(2) the ratio of the amount of obligation au-  
5           thority distributed for such fiscal year to the State  
6           for Federal-aid highways and highway safety con-  
7           struction programs to the total of the sums appor-  
8           tioned to the State for Federal-aid highways and  
9           highway safety construction (excluding sums not  
10          subject to any obligation limitation) for such fiscal  
11          year.

12          “(d) LIMITATION ON APPLICABILITY OF HIGHWAY  
13          SAFETY OBLIGATIONS.—Notwithstanding any other pro-  
14          vision of law, no limitation on the total obligations for  
15          highway safety programs carried out by the Federal High-  
16          way Administration under section 402 of title 23, United  
17          States Code, shall apply to funds transferred under this  
18          section to the apportionment of the State under such sec-  
19          tion 402.”.

20          (b) CONFORMING AMENDMENT.—The analysis for  
21          chapter 311 of such title is amended by inserting after  
22          the item relating to section 31147 the following:

“31148. Covered load requirement.”.

1 **SEC. 4. DEFINITIONS.**

2 Section 31132 of title 49, United States Code, is  
3 amended by adding at the end the following new para-  
4 graph:

5 “(11) ‘aggregate’ means any ore, mineral, sand,  
6 gravel, shale, coal, clay, limestone, crushed stone, or  
7 other ore or mineral which is mined.”.

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