

109TH CONGRESS
1ST SESSION

H. R. 3943

To postpone the enforcement of new rules governing rest periods for truck drivers using sleeper berths until January 1, 2006.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2005

Mr. YOUNG of Alaska (for himself, Mr. PETRI, Mr. DEFAZIO, Mr. SESSIONS, Mrs. EMERSON, Mr. MATHESON, Mr. BUYER, Mr. BOEHNER, Mr. SIMPSON, Mr. SODREL, Mr. McCAUL of Texas, Mr. WILSON of South Carolina, Mr. MARCHANT, and Mr. BISHOP of Utah) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To postpone the enforcement of new rules governing rest periods for truck drivers using sleeper berths until January 1, 2006.

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. FINDINGS.**

4 Congress finds the following:

5 (1) On August 25, 2005, the Federal Motor
6 Carrier Safety Administration published a new rule
7 governing rest periods for truck drivers using sleeper
8 berths.

1 (2) The rule imposes significant new restric-
2 tions on sleeper berth operations, necessitating the
3 retraining of truck drivers and the adjustment of
4 shipment pick-up and delivery schedules.

5 (3) The trucking industry will not be able to re-
6 train all drivers and adjust shipping schedules until
7 the end of calendar year 2005. However, the rule is
8 scheduled to become effective and fully enforceable
9 by State officials on October 1, 2005.

10 (4) The Federal Motor Carrier Safety Adminis-
11 tration cannot establish an enforcement date for the
12 rule that is later than the effective date because
13 Federal legislation passed in 2004 requires that the
14 new rule be made effective no later than October 1,
15 2005.

16 (5) It would be unwise and irresponsible to sub-
17 ject truck drivers and motor carriers to fines, cita-
18 tions, and out-of-service violations because they have
19 not been given adequate time to understand and
20 comply with the new sleeper berth rule.

21 (6) Although the Federal Motor Carrier Safety
22 Administration has issued “soft enforcement” guid-
23 ance, State enforcement officials are not bound by
24 this guidance and beginning October 1, 2005, will
25 still have the authority to fully enforce the new rule.

1 (7) Congress should allow the rule to become
2 effective on October 1, 2005, but postpone the en-
3 forcement date to January 1, 2006, to provide a rea-
4 sonable amount of time to achieve compliance with
5 the new sleeper berth rule.

6 **SEC. 2. ENFORCEMENT DATE FOR NEW HOURS OF SERVICE**
7 **RULE.**

8 The provisions of section 395.1(g)(1) of title 49, Code
9 of Federal Regulations, contained in the final rule pub-
10 lished by the Federal Motor Carrier Safety Administration
11 on August 25, 2005 (70 Fed. Reg. 50071–50072; relating
12 to property-carrying commercial motor vehicles equipped
13 with sleeper berths) shall become enforceable on January
14 1, 2006, and until such date the provisions of section
15 395.1(g)(1) of that title, as in effect as of January 4,
16 2004, and any compatible State law, shall remain in effect
17 and enforceable.

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