

113TH CONGRESS
2D SESSION

H. R. 4727

To enhance interstate commerce by creating a National Hiring Standard
for Motor Carriers.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2014

Mr. DUNCAN of Tennessee (for himself, Mr. RODNEY DAVIS of Illinois, and Mr. PAULSEN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To enhance interstate commerce by creating a National
Hiring Standard for Motor Carriers.

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. NATIONAL HIRING STANDARDS FOR MOTOR**
4 **CARRIERS.**

5 (a) LIMITATION ON STATE LAW.—Subject to sub-
6 section (b), a State may not enforce a law or impose liabil-
7 ity on an entity that hires a motor carrier for the transpor-
8 tation of property or household goods if such liability

1 arises from a claim or cause of action related to the neg-
2 ligent selection of such motor carrier under common law,
3 statutory law, or any rule, regulation, standard, or provi-
4 sion having the force of law, for personal injury, death,
5 or damage caused to cargo or other property by such
6 motor carrier.

7 (b) REQUIREMENTS FOR WAIVER OF LIABILITY.—To
8 be eligible for the liability waiver described in subsection
9 (a), an entity shall, prior to tendering a shipment, but not
10 more than 35 days before the pickup of a shipment by
11 the hired motor carrier, verify that the motor carrier at
12 the time of such verification—

13 (1) if applicable, is registered with and author-
14 ized by the Federal Motor Carrier Safety Adminis-
15 tration to operate as a motor carrier or household
16 goods motor carrier;

17 (2) has the minimum insurance coverage re-
18 quired by Federal regulation; and

19 (3) does not have an unsatisfactory safety rat-
20 ing issued by Federal Motor Carrier Safety Adminis-
21 tration, in force at the time of the verification.

22 (c) DEFINITIONS.—In this section—

23 (1) the term “entity” means a person acting as
24 a shipper, or as a broker, as a consignee, a freight
25 forwarder, or a household goods freight forwarder as

1 defined in section 13102 of title 49, United States
2 Code, a Non-Vessel Operating Common Carrier, an
3 ocean freight forwarder, or an ocean transportation
4 intermediary, as defined in section 40102 of title 46,
5 United States Code;

6 (2) the term “motor carrier” means a motor
7 carrier or a household goods motor carrier as de-
8 fined in section 13102 of title 49, United States
9 Code, and subject to Federal motor carrier financial
10 responsibility and safety regulations; and

11 (3) the term “State” means each of the 50
12 States, a political subdivision thereof, any intrastate
13 agency, any other political agency of 2 or more
14 States, the District of Columbia, American Samoa,
15 the Commonwealth of the Northern Mariana Is-
16 lands, the Commonwealth of Puerto Rico, Guam,
17 and the Virgin Islands.

18 (d) APPLICABILITY AND EFFECTIVE DATE.—Not-
19 withstanding any other provision of law, this section shall
20 apply with respect to any action commenced on or after
21 the date of enactment of this section without regard to
22 whether the harm that is the subject of the action, or the
23 conduct that caused the harm, occurred before such date
24 of enactment.

○