

115TH CONGRESS  
1ST SESSION

# S. 1345

To enhance interstate commerce by creating a national hiring standard for motor carriers, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 13, 2017

Mrs. FISCHER (for herself, Mr. CRAPO, and Mr. BLUNT) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To enhance interstate commerce by creating a national hiring standard for motor carriers, 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Transportation and  
5       Logistics Hiring Reform Act of 2017”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act, the following definitions apply:

8               (1) ENTITY.—The term “entity” means a per-  
9       son acting as—

1 (A) a shipper, except for an individual  
2 shipper (as defined in section 13102 of title 49,  
3 United States Code) or a consignee;

4 (B) a broker, a freight forwarder, or a  
5 household goods freight forwarder (as such  
6 terms are defined in section 13102 of title 49,  
7 United States Code);

8 (C) a non-vessel-operating common carrier,  
9 an ocean freight forwarder, or an ocean trans-  
10 portation intermediary (as such terms are de-  
11 fined in section 40102 of title 46, United States  
12 Code);

13 (D) an indirect air carrier authorized to  
14 operate under a standard security program ap-  
15 proved by the Transportation Security Adminis-  
16 tration;

17 (E) a customs broker licensed in accord-  
18 ance with section 111.2 of title 19, Code of  
19 Federal Regulations;

20 (F) an interchange motor carrier subject  
21 to paragraphs (1)(B) and (2) of section  
22 13902(i) of title 49, United States Code; or

23 (G) a warehouse (as defined in Article 7-  
24 102 of the Uniform Commercial Code).

1           (2) MOTOR CARRIER.—The term “motor car-  
 2           rier” means a motor carrier (as defined in section  
 3           13102 of title 49, United States Code) that is sub-  
 4           ject to Federal motor carrier financial responsibility  
 5           and safety regulations.

6           (3) STATE.—The term “State” means—

7                   (A) each of the 50 States;

8                   (B) a political subdivision of any such  
 9           State;

10                   (C) an intrastate agency;

11                   (D) any other political agency of two or  
 12           more States;

13                   (E) the District of Columbia;

14                   (F) American Samoa;

15                   (G) the Commonwealth of the Northern  
 16           Mariana Islands;

17                   (H) the Commonwealth of Puerto Rico;

18                   (I) the Territory of Guam; and

19                   (J) the Virgin Islands of the United  
 20           States.

21 **SEC. 3. NATIONAL HIRING STANDARDS FOR MOTOR CAR-**  
 22 **RIERS.**

23           (a) NATIONAL STANDARD.—Before tendering a ship-  
 24           ment, but not more than 35 days before the pickup of  
 25           the shipment by the hired motor carrier, an entity shall

1 verify that the motor carrier, at the time of such  
2 verification—

3 (1) is registered with and authorized by the  
4 Federal Motor Carrier Safety Administration to op-  
5 erate as a motor carrier or household goods motor  
6 carrier, if applicable;

7 (2) has the minimum insurance coverage re-  
8 quired by Federal law;

9 (3) does not have an unsatisfactory safety rat-  
10 ing issued by the Federal Motor Carrier Safety Ad-  
11 ministration in force; and

12 (4) has not otherwise been ordered by the Fed-  
13 eral Motor Carrier Safety Administration to dis-  
14 continue operations.

15 (b) INTENDED USE OF DATA.—

16 (1) IN GENERAL.—Only evidence of an entity's  
17 compliance with subsection (a) may be admitted as  
18 evidence or otherwise used in a civil action for dam-  
19 ages resulting from a case or legal proceeding in  
20 which it is asserted or alleged that an entity's selec-  
21 tion or retention of a motor carrier was negligent.

22 (2) EXCLUDED EVIDENCE.—All other motor  
23 carrier data created or maintained by the Federal  
24 Motor Carrier Safety Administration, including safe-  
25 ty measurement system data or analysis of such

1 data, may not be admitted into evidence in a case  
2 or legal proceeding described in paragraph (1).

3 **SEC. 4. APPLICABILITY AND EFFECTIVE DATE.**

4 Notwithstanding any other provision of law, this Act  
5 shall apply with respect to any action commenced on or  
6 after the date of the enactment of this Act without regard  
7 to whether the harm that is the subject of the action, or  
8 the conduct that caused the harm, occurred before such  
9 date of enactment.

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