

116TH CONGRESS  
2D SESSION

# S. 4722

To amend title 49, United States Code, to establish a standard of care for the selection by certain entities of motor carriers.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2020

Mrs. FISCHER 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 amend title 49, United States Code, to establish a standard of care for the selection by certain entities of 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. SHORT TITLE.**

4       This Act may be cited as the “Transportation and  
5       Logistics Hiring Reform Act of 2020”.

6       **SEC. 2. MOTOR CARRIER SELECTION STANDARD OF CARE.**

7       (a) IN GENERAL.—Chapter 131 of title 49, United  
8       States Code, is amended by adding at the end the fol-  
9       lowing:

1 **“§ 13104. Motor carrier selection standard of care**

2 “(a) DEFINITIONS.—In this section:

3 “(1) COVERED ENTITY.—

4 “(A) IN GENERAL.—The term ‘covered en-  
5 tity’ means a person acting as—

6 “(i) a shipper;

7 “(ii) a consignee;

8 “(iii) a broker;

9 “(iv) a freight forwarder;

10 “(v) a household goods freight for-  
11 warder;

12 “(vi) an ocean transportation inter-  
13 mediary;

14 “(vii) an indirect air carrier;

15 “(viii) a customs broker; or

16 “(ix) a motor carrier.

17 “(B) EXCLUSIONS.—The term ‘covered en-  
18 tity’ does not include—

19 “(i) an individual shipper; or

20 “(ii) a broker for the transportation  
21 of passengers.

22 “(2) MOTOR CARRIER.—The term ‘motor car-  
23 rier’ means a motor carrier (including a household  
24 goods motor carrier) that is subject to the jurisdic-  
25 tion of the Secretary under section 13501.

1       “(b) STANDARD OF CARE.—Before tendering a ship-  
2 ment, but not more than 45 days before the date on which  
3 the shipment is picked up by a motor carrier, a covered  
4 entity shall verify that the motor carrier, as of the time  
5 of the verification—

6               “(1) is registered under section 13902;

7               “(2) does not have an unsatisfactory safety fit-  
8 ness rating; and

9               “(3) has not otherwise been ordered to dis-  
10 continue operations by the Federal Motor Carrier  
11 Safety Administration.

12       “(c) APPLICATION OF STANDARD OF CARE.—In any  
13 civil action in Federal or State court for damages in which  
14 it is asserted or alleged that a covered entity acted neg-  
15 ligently in the selection or retention of a motor carrier,  
16 the covered entity shall be considered to have acted rea-  
17 sonably and prudently in the selection of the motor carrier  
18 for the transportation of property if the covered entity es-  
19 tablishes that the covered entity verified information relat-  
20 ing to the motor carrier through the Federal Motor Car-  
21 rier Safety Administration, in accordance with subsection  
22 (b).”.

1           (b) CLERICAL AMENDMENT.—The analysis for chap-  
2 ter 131 of title 49, United States Code, is amended by  
3 adding at the end the following:

“§ 13104. Motor carrier selection standard of care.”.

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