

117TH CONGRESS
1ST SESSION

H. R. 3042

To establish a national motor carrier safety selection standard for entities that contract with certain motor carriers to transport goods, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2021

Mr. GALLAGHER (for himself and Mr. MOULTON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To establish a national motor carrier safety selection standard for entities that contract with certain motor carriers to transport goods, 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 “Motor Carrier Safety
5 Selection Standard Act”.

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

7 (a) IN GENERAL.—

8 (1) SELECTION STANDARD.—For any applicable
9 legal requirement with respect to a covered entity

1 contracting with a covered motor carrier for the
2 shipment of goods or household goods, the covered
3 entity shall be considered reasonable and prudent in
4 the selection of such motor carrier if the covered en-
5 tity verifies, not later than the date of shipment and
6 not earlier than 45 days before the date of shipment,
7 that the covered motor carrier—

8 (A) is registered under section 13902 of
9 title 49, United States Code, as a motor carrier
10 or household goods motor carrier;

11 (B) has at least the minimum insurance
12 coverage required by Federal and State law;
13 and

14 (C) is not determined unfit to operate safe-
15 ly commercial motor vehicles under section
16 31144 of title 49, United States Code, or other-
17 wise ordered to discontinue operations by the
18 Federal Motor Carrier Safety Administration
19 (including not renewing a Department of
20 Transportation registration number) or a State,
21 for intrastate commerce.

22 (2) SUNSET.—The standard established under
23 paragraph (1) shall sunset on the effective date of
24 a regulation issued pursuant to subsection (c).

1 (b) REVOCATION OF REGISTRATION.—Section
2 31144(a) of title 49, United States Code, is amended—

3 (1) in paragraph (3) by striking “and”;

4 (2) in paragraph (4) by striking the period and
5 inserting “; and”; and

6 (3) by adding at the end the following:

7 “(5) prescribe by regulation a process for revok-
8 ing the registration of an owner or operator deter-
9 mined unfit to operate safely a commercial motor ve-
10 hicle under this section.”.

11 (c) RULEMAKING.—

12 (1) IN GENERAL.—Not later than 18 months
13 after the date of enactment of this Act, the Sec-
14 retary shall—

15 (A) update and revise the regulations
16 issued pursuant to subsection (b) of section
17 31144 to include the requirements of subsection
18 (a); and

19 (B) issue such regulations as are necessary
20 to carry out section 31144(a)(5), as added by
21 this Act.

22 (2) FACTORS FOR AN UNSATISFACTORY RAT-
23 ING.—The regulations updated under paragraph
24 (1)(A) shall provide a procedure for the Secretary to
25 determine if a motor carrier is not fit to operate a

1 commercial motor vehicle in or affecting interstate
2 commerce in accordance with such section.

3 (d) SAVINGS CLAUSE.—Nothing in this Act shall be
4 construed to preempt or supercede any State law or regu-
5 lation relating to drayage.

6 (e) DEFINITIONS.—In this Act:

7 (1) COVERED ENTITY.—The term “covered en-
8 tity” means a person acting as—

9 (A) a shipper or cosignee of goods, except
10 that such term does not mean a person acting
11 as an individual shipper (as such term is de-
12 fined in section 13103 of title 49, United States
13 Code);

14 (B) a broker, a freight forwarder, or a
15 household goods freight forwarder (as such
16 terms are defined in section 13102 of title 49,
17 United States Code);

18 (C) an ocean transportation intermediary
19 (as such term is defined in section 40102 of
20 title 46, United States Code), when arranging
21 for inland transportation as part of an inter-
22 national through movement involving ocean
23 transportation between the United States and a
24 foreign port;

1 (D) an indirect air carrier holding a
2 Standard Security Program approved by the
3 Transportation Security Administration, only to
4 the extent that the indirect air carrier is engag-
5 ing in the activities as an air carrier as defined
6 in section 40102(2) or in the activities defined
7 in section 40102(3);

8 (E) a customs broker licensed in accord-
9 ance with section 111.2 of title 19, Code of
10 Federal Regulations, only to the extent that the
11 customs broker is engaging in a movement
12 under a customs bond or in a transaction in-
13 volving customs business, as defined by section
14 111.1 of title 19, Code of Federal Regulations;
15 or

16 (F) a motor carrier registered under chap-
17 ter 139 of title 49, United States Code.

18 (2) COVERED MOTOR CARRIER.—The term
19 “covered motor carrier” means a motor carrier or a
20 household goods motor carrier (as such terms are
21 defined in section 13102 of title 49, United States
22 Code) that is subject to Federal motor carrier finan-
23 cial responsibility and safety regulations.

1 (3) HOUSEHOLD GOODS.—The term “household
2 goods” has the meaning given the term in section
3 13102 of title 49, United States Code.

4 (4) SECRETARY.—The term “Secretary” means
5 the Secretary of Transportation.

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