

103^D CONGRESS
1ST SESSION

H. R. 3665

To amend title 49, United States Code, relating to penalty amounts for civil violations of Federal motor carrier safety regulations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 1993

Mrs. MORELLA (for herself and Ms. BYRNE) introduced the following bill; which was referred to the Committee on Public Works and Transportation

A BILL

To amend title 49, United States Code, relating to penalty amounts for civil violations of Federal motor carrier safety regulations, 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 Act of 1993”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

1 (1) The Federal motor carrier safety regula-
2 tions need to be strengthened to improve informa-
3 tion provided to motor carriers about past safety
4 performance of drivers and to improve supporting
5 documentation for records of duty status.

6 (2) The final penalties imposed on motor car-
7 riers for violations of Federal motor carrier safety
8 regulations are sometimes too small to motivate ef-
9 fective compliance with the safety regulations.

10 (3) Penalties are too often considered part of
11 the cost of doing business.

12 (4) The Federal Highway Administration's abil-
13 ity to promote compliance would be increased by set-
14 ting minimum penalty amounts and by increasing
15 the current maximum penalties allowed for such vio-
16 lations.

17 (5) Minimum penalty amounts would send the
18 message to the motor carrier industry that violations
19 of the Federal motor carrier safety regulations are
20 significantly more serious than traffic violations.

21 (6) Imposition of minimum civil penalties would
22 increase uniformity of penalties among different re-
23 gions of the Federal Highway Administration.

24 (b) PURPOSES.—The purposes of this Act are—

1 (1) to increase the maximum penalty amounts
2 for civil violations of Federal motor carrier safety
3 regulations;

4 (2) to set a minimum penalty amount for such
5 violations of Federal motor carrier safety regula-
6 tions; and

7 (3) to improve information provided to motor
8 carriers about past safety performance of drivers
9 and to improve supporting documentation for
10 records of duty status.

11 **SEC. 3. ESTABLISHMENT OF MINIMUM AMOUNT AND IN-**
12 **CREASED MAXIMUM AMOUNTS.**

13 Section 521(b)(2)(A) of title 49, United States Code,
14 is amended—

15 (1) by striking “not to exceed \$500” and in-
16 sserting “not less than \$500 and not to exceed
17 \$1,000”;

18 (2) by striking “not exceed \$2,500” and insert-
19 ing “not be less than \$500 and shall not exceed
20 \$5,000”;

21 (3) by striking “\$1,000” each place it appears
22 and inserting “\$2,000”;

23 (4) by striking “\$10,000” the first place it ap-
24 pears and inserting “\$20,000”; and

1 (5) by striking “\$10,000” the second place it
2 appears and inserting “\$25,000”.

3 **SEC. 4. DRIVER’S RECORD OF DUTY STATUS.**

4 (a) IN GENERAL.—Not later than 6 months after the
5 date of the enactment of this Act, the Secretary of Trans-
6 portation shall promulgate regulations amending section
7 395.8(k) of title 49, Code of Federal Regulations, to re-
8 quire that any supporting document bearing on the record
9 of duty status of a driver who operates a commercial
10 motor vehicle—

11 (1) be retained, by the motor carrier using such
12 driver, for at least 6 months following receipt of
13 such document by the motor carrier; and

14 (2) include information identifying the driver
15 and vehicle related to the document.

16 (b) DEFINITION.—In this section, the term “support-
17 ing document” means any electronic or paper document
18 or record generated in the normal course of business, in
19 the provision of transportation by commercial motor vehi-
20 cle, that could be used by a safety inspector or motor car-
21 rier to verify the accuracy of entries in a driver’s record
22 of duty status, including trip reports, pay slips, bills of
23 lading or shipping papers, and receipts for fuel, lodging,
24 and tolls.

1 **SEC. 5. SAFETY PERFORMANCE HISTORY OF NEW DRIVERS.**

2 (a) AMENDMENT OF REGULATIONS.—Within 18
3 months after the date of the enactment of this Act, the
4 Secretary of Transportation shall amend section 391.23
5 of title 49, Code of Federal Regulations, to—

6 (1) specify the safety information that must be
7 sought under that section by a motor carrier with
8 respect to a driver;

9 (2) require that such information be requested
10 from former employers and that former employers
11 furnish the requested information within 30 days
12 after receiving the request; and

13 (3) ensure that the driver to whom such infor-
14 mation applies has a reasonable opportunity to re-
15 view and comment on the information.

16 (b) SAFETY INFORMATION.—The safety information
17 required to be specified under subsection (a)(1) shall in-
18 clude information on—

19 (1) any motor vehicle accidents in which the
20 driver was involved during the preceding 3 years;

21 (2) any failure of the driver, during the preced-
22 ing 3 years, to undertake or complete a rehabilita-
23 tion program under section 12020 of the Commer-
24 cial Motor Vehicle Safety Act of 1986 (49 U.S.C.
25 App. 2701) after being found to have used, in viola-

1 tion of law or Federal regulation, alcohol or a con-
2 trolled substance;

3 (3) any use by the driver, during the preceding
4 3 years, in violation of law or Federal regulation of
5 alcohol or a controlled substance subsequent to com-
6 pleting such a rehabilitation program; and

7 (4) any other matters determined by the Sec-
8 retary of Transportation to be appropriate and use-
9 ful for determining the driver's safety performance.

10 (c) FORMER EMPLOYER.—For purposes of this sec-
11 tion, a former employer is any person who employed the
12 driver in the preceding 3 years.

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