

103^D CONGRESS
2^D SESSION

S. 2275

To amend subtitle IV of title 49, United States Code, relating to interstate commerce.

IN THE SENATE OF THE UNITED STATES

JULY 1 (legislative day, JUNE 7), 1994

Mr. EXON (for himself and Mr. PACKWOOD) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend subtitle IV of title 49, United States Code, relating to interstate commerce.

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 “Trucking Industry
5 Regulatory Reform Act of 1994”.

6 **SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.**

7 Except as otherwise expressly provided, whenever in
8 this Act an amendment or repeal is expressed in terms
9 of an amendment to, or repeal of, a section or other provi-

1 sion, the reference shall be considered to be made to a
2 section or other provision of title 49, United States Code.

3 **SEC. 3. PURPOSE.**

4 The purpose of this Act is to enhance competition,
5 safety, and efficiency in the motor carrier industry and
6 to enhance efficiency in government.

7 **SEC. 4. TRANSPORTATION POLICY.**

8 Section 10101(a)(2) (relating to transportation pol-
9 icy) is amended—

10 (1) by redesignating subparagraphs (A) through
11 (I) as subparagraphs (C) through (K), respectively,
12 and

13 (2) by inserting before subparagraph (C) (as so
14 redesignated) the following: “(A) encourage fair
15 competition, and reasonable rates for transportation
16 by motor carriers of property; (B) promote Federal
17 regulatory efficiency in the motor carrier transpor-
18 tation system and to require fair and expeditious
19 regulatory decisions when regulation is required;”.

20 **SEC. 5. EXEMPTIONS.**

21 (a) IN GENERAL.—Section 10505 (relating to au-
22 thority to exempt rail carrier transportation) is amend-
23 ed—

24 (1) by inserting “, or a motor carrier providing
25 transportation of property other than household

1 goods,” after “rail carrier providing transportation”
2 in subsection (a),

3 (2) by inserting “section 10101 or” before “sec-
4 tion 10101a” in subsection (a)(1) and subsection
5 (d), and

6 (3) by inserting “, or a motor carrier providing
7 transportation of property other than household
8 goods,” after “rail carrier” in subsection (f).

9 (b) CLERICAL AMENDMENTS.—

10 (1) The caption of section 10505 is amended by
11 inserting “and motor carrier” after “rail carrier”.

12 (2) The chapter analysis for chapter 105 is
13 amended by inserting “and motor carrier” after
14 “rail carrier” in the item relating to section 10505.

15 **SEC. 6. TARIFF FILING.**

16 (a) AUTHORITY TO ESTABLISH RATES.—Section
17 10702(b) (relating to authority for carriers to establish
18 rates, classifications, rules, and practices) is amended by
19 inserting “, except a motor contract carrier of property
20 other than household goods,” after “A contract carrier”.

21 (b) PROHIBITION OF TRANSPORTATION WITHOUT
22 TARIFF.—Section 10761(a) (relating to transportation
23 prohibited without tariff) is amended—

24 (1) by inserting “(except a motor common car-
25 rier providing transportation of property other than

1 household goods)” after “chapter 105 of this title”,
2 and

3 (2) by striking out “That carrier” in the second
4 sentence and inserting “A carrier subject to this
5 subsection”.

6 (c) GENERAL TARIFF REQUIREMENT.—Section
7 10762(a)(1) (relating to general tariff requirement) is
8 amended—

9 (1) by inserting “(except a motor common car-
10 rier providing transportation of property other than
11 household goods)” after “A motor common carrier”
12 in the second sentence,

13 (2) by inserting “(except a motor common car-
14 rier providing transportation of property other than
15 household goods) after “carriers” in the third sen-
16 tence, and

17 (3) by striking the last sentence and inserting
18 the following: “A motor contract carrier of property
19 is not required to publish or file actual or minimum
20 rates under this subtitle.”.

21 (d) PROPOSED RATE CHANGES.—Section
22 10762(c)(2) (relating to rate changes) is amended by in-
23 serting “(except a motor common carrier of property)”
24 after “contract carrier”.

1 (e) EFFECT ON NEGOTIATED RATES ACT.—Section
2 10762 (relating to general tariff requirements) is amended
3 by adding at the end thereof the following new subsection:

4 “(g) Nothing in this section shall affect the applica-
5 tion of the provisions of the Negotiated Rates Act of 1993
6 (or the amendments made by that Act) to undercharge
7 claims for transportation provided prior to the date of en-
8 actment of the ‘Trucking Industry Regulatory Reform Act
9 of 1994’.”.

10 **SEC. 7. MOTOR COMMON CARRIER LICENSING.**

11 (a) IN GENERAL.—Section 10922 (relating to certifi-
12 cation of motor and water carriers) is amended—

13 (1) by redesignating subsections (b) through (l)
14 as (c) through (m), respectively, and by inserting
15 after subsection (a) the following new subsection:

16 “(b)(1) Except as provided in this section, the Com-
17 mission shall issue a certificate to a person authorizing
18 that person to provide transportation subject to the juris-
19 diction of the Commission under subchapter II of chapter
20 105 of this title as a motor common carrier of property
21 if the Commission finds that the person is able to comply
22 with—

23 “(A) this subtitle, the regulations of the Com-
24 mission, and any safety requirements imposed by the
25 Commission,

1 “(B) the safety fitness requirements established
2 by the Secretary of Transportation in consultation
3 with the Commission pursuant to section 215 of the
4 Motor Carrier Safety Act of 1984 (49 U.S.C. App.
5 2512), and

6 “(C) the minimum financial responsibility re-
7 quirements established by the Commission pursuant
8 to section 10927 of this title.

9 “(2) In making a finding under paragraph (1), the
10 Commission shall consider and, to the extent applicable,
11 make findings on, any evidence demonstrating that the ap-
12 plicant is unable to comply with the requirements of sub-
13 paragraph (A), (B), or (C) of that paragraph.

14 “(3) The Commission, pursuant to section 215 of the
15 Motor Carrier Safety Act of 1984 (49 U.S.C. App. 2512),
16 shall find any applicant for authority to operate as a
17 motor carrier under this section to be unfit if the applicant
18 does not meet the safety fitness requirements under para-
19 graph (1)(B) of this subsection and shall deny the applica-
20 tion.

21 “(4) A person may protest an application under this
22 subsection to provide transportation only on the ground
23 that the applicant fails or will fail to comply with this sub-
24 title, the regulations of the Commission, the safety re-
25 quirements of the Commission, or the safety fitness or

1 minimum financial responsibility requirements of para-
2 graph (1) of this subsection.”.

3 (b) PUBLIC CONVENIENCE AND NECESSITY.—Sec-
4 tion 10922(c) (relating to public convenience and neces-
5 sity) as redesignated by subsection (a), is amended—

6 (1) by striking “carrier of property” in para-
7 graph (1) and inserting “carrier of household
8 goods”,

9 (2) by striking paragraphs (4) and (6) and re-
10 designating paragraphs (5), (7), (8), and (9) as (4),
11 (5), (6), and (7), respectively,

12 (3) by striking “carrier holding authority under
13 paragraph (4)(D) of this subsection” in paragraph
14 (4) (as redesignated) and inserting “motor carrier
15 providing transportation of shipments weighing 100
16 pounds or less transported in a motor vehicle in
17 which no one package exceeds 100 pounds”,

18 (4) by inserting “of household goods” after “No
19 motor common carrier” in paragraph (5) (as redesi-
20 gnated),

21 (5) by inserting “of household goods” after “No
22 motor common carrier” in paragraph (6) (as redesi-
23 gnated), and

24 (6) by striking “Notwithstanding the provisions
25 of paragraph (4) of this subsection, the provisions”

1 in paragraph (7) (as redesignated) and inserting
2 “The provisions”.

3 (c) CERTIFICATE SPECIFICATIONS.—Section
4 10922(f)(1) (relating to specifications for certificate), as
5 redesignated by subsection (a) of this section, is amended
6 by inserting “of household goods or passengers” after
7 “motor common carrier”.

8 (d) PUBLIC CONVENIENCE AND NECESSITY.—Sec-
9 tion 10922(h)(1) (relating to public convenience and ne-
10 cessity), as redesignated by subsection (a) of this section,
11 is amended by inserting “of household goods or pas-
12 sengers” after “motor common carrier”.

13 **SEC. 8. MOTOR CONTRACT CARRIER LICENSING.**

14 (a) AUTHORITY TO ISSUE PERMITS.—Section
15 10923(a) (relating to authority to issue permits) is
16 amended by inserting “of household goods or passengers”
17 after “motor common carrier”.

18 (b) HOUSEHOLD GOODS PERMITS.—Section 10923
19 (relating to permits of motor and water contract carriers
20 and household goods freight forwarders) is amended by
21 redesignating subsections (b) through (e) as (c) through
22 (f), respectively, and by inserting after subsection (a) the
23 following new subsection:

24 “(b)(1) Except as provided in this section and section
25 10930 of this title, the Commission shall issue a permit

1 to a person authorizing the person to provide transpor-
2 tation subject to the jurisdiction of the Commission under
3 subchapter II of chapter 105 of this title as a motor con-
4 tract carrier of property other than household goods if the
5 Commission finds that the person is able to comply with—

6 “(A) this subtitle, the regulations of the Com-
7 mission, and any safety requirements imposed by the
8 Commission,

9 “(B) the safety fitness requirements established
10 by the Secretary of Transportation in consultation
11 with the Commission pursuant to section 215 of the
12 Motor Carrier Safety Act of 1984 (49 U.S.C. App.
13 2512), and

14 “(C) the minimum financial responsibility re-
15 quirements established by the Commission pursuant
16 to section 10927 of this title.

17 “(2) In deciding whether to approve the application
18 of a person for a permit as a motor contract carrier of
19 property other than household goods the Commission shall
20 consider any evidence demonstrating that the applicant is
21 unable to comply with this subtitle, the regulations of the
22 Commission, safety requirements of the Commission, or
23 the safety fitness and minimum financial responsibility re-
24 quirements of subsection (b)(1).

1 “(3) The Commission, pursuant to section 215 of the
2 Motor Carrier Safety Act of 1984 (49 U.S.C. App. 2512),
3 shall find any applicant for authority to operate as a
4 motor carrier of property other than household goods
5 under this subsection to be unfit if the applicant does not
6 meet the safety fitness requirements of paragraph (1)(B)
7 of this subsection and shall deny the application.

8 “(4) A person may protest an application under this
9 subsection to provide transportation only on the ground
10 that the applicant fails or will fail to comply with this sub-
11 title, the regulations of the Commission, safety require-
12 ments of the Commission, or the safety fitness or mini-
13 mum financial responsibility requirements of paragraph
14 (1).”.

15 (c) APPLICATION FILING REQUIREMENTS.—Section
16 10923(c) (relating to application filing requirements), as
17 redesignated by subsection (b) of this section, is amend-
18 ed—

19 (1) by striking “motor contract carrier of prop-
20 erty” in paragraphs (3) and (4) and inserting
21 “motor contract carrier of household goods”,

22 (2) by striking paragraph (5) and redesignating
23 paragraphs (6) and (7) as (5) and (6), respectively,
24 and

1 (3) by striking “motor carriers of property” in
2 paragraph (5) (as redesignated) and inserting
3 “motor carriers of household goods”.

4 (d) CONDITIONS OF TRANSPORTATION OR SERV-
5 ICE.—Section 10923(e) (relating to conditions of trans-
6 portation or service), as redesignated by subsection (b) of
7 this section, is amended—

8 (1) by inserting “of passengers or household
9 goods” after “contract carrier” in paragraph (1),
10 and

11 (2) by striking “each person or class of persons
12 (and, in the case of a motor contract carrier of pas-
13 sengers, the number of persons)” in paragraph (2)
14 and inserting “in the case of a motor contract car-
15 rier of passengers, the number of persons,”.

16 **SEC. 9. REVOCATION OF MOTOR CARRIER AUTHORITY.**

17 Section 10925(d)(1) (relating to effective periods of
18 certificates, permits, and licenses) is amended—

19 (1) by striking “if a motor carrier or broker”
20 in subparagraph (A) and inserting “if a motor car-
21 rier of passengers, motor common carrier of house-
22 hold goods, or broker”,

23 (2) by striking “and” at the end of subpara-
24 graph (A),

1 (3) by redesignating subparagraph (B) as (D)
2 and inserting after subparagraph (A) the following
3 new subparagraphs:

4 “(B) if a motor contract carrier of prop-
5 erty, for failure to comply with section 10701,
6 10924(e), or 10927 (b) or (d) of this subtitle;

7 “(C) if a motor contract carrier of prop-
8 erty other than household goods, for failure to
9 comply with section 10701, 10702, 10924(e), or
10 10927 (b) or (d) of this subtitle; and”.

11 **SEC. 10. STUDY OF MERGER OF FEDERAL MARITIME COM-**
12 **MISSION AND INTERSTATE COMMERCE COM-**
13 **MISSION.**

14 The Secretary of Transportation shall study the fea-
15 sibility of a merger of the operations and responsibilities
16 of the Federal Maritime Commission and the Interstate
17 Commerce Commission with respect to the cost savings
18 that might be achieved by such a merger, the efficient allo-
19 cation of resources, the elimination of unnecessary func-
20 tions, and responsibility for regulatory functions. The Sec-
21 retary shall report his findings to the Congress within 6
22 months after the date of enactment of this Act.

23 **SEC. 11. STUDY OF ADDITIONAL REFORMS.**

24 The Interstate Commerce Commission, in consulta-
25 tion with the Secretary of Transportation, shall prepare

1 and submit to the Congress with six months after the date
2 of enactment of this Act a report identifying and analyzing
3 all regulatory responsibilities of the Commission. The
4 Commission shall make recommendations to the Congress
5 on the basis of the study concerning specific statutory
6 functions of the Commission that could be changed to en-
7 hance competition, safety, and efficiency in the motor car-
8 rier industry and to enhance efficiency in government.

