

PROVIDING FOR THE CONSIDERATION OF H.R. 2679, THE
MOTOR CARRIER SAFETY ACT OF 1999

OCTOBER 13, 1999.—Referred to the House Calendar and ordered to be printed

Mr. SESSIONS, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. 329]

The Committee on Rules, having had under consideration House Resolution 329, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.R. 2679, the “Motor Carrier Safety Act of 1999,” under an open rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule waives all points of order against the bill and against its consideration. The rule provides that the amendment printed in part A of this report shall be considered as adopted, and that the bill, as amended, shall be open to amendment by title.

The rule also provides for the consideration, before any other amendment, of the (manager’s) amendment printed in part B of this report, which shall be considered as read, may amend portions of the bill not yet read for amendment, and shall not be subject to a division of the question. Clause 7 of rule XVI (prohibiting non-germane amendments) is waived against the amendment printed in part B of this report.

The rule allows the Chairman of the Committee on the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Members who have pre-printed their amendments in the Record prior to their consideration will be given priority in recognition to offer their amendments if otherwise con-

sistent with House rules. Finally, the rule provides for one motion to recommit, with or without instructions.

SUMMARY OF AMENDMENTS TO H.R. 2679, THE MOTOR CARRIER SAFETY ACT OF 1999

(Summaries provided by the Transportation and Infrastructure Committee)

PART A

Amendments Considered as Adopted Upon Adoption of the Rule

Strikes all funding provisions and corresponding reductions in the obligation ceiling in H.R. 2679 for fiscal year 2000, to conform to the recently enacted FY 2000 DOT Appropriations Act.

Changes the nonguaranteed amounts of motor carrier safety grant funding for fiscal years 2001 through 2003 from nonguaranteed contract authority to authorizations for discretionary appropriations

PART B

Amendment Made in Order Under the Rule

Shuster: Managers' Amendment

Modifies the terms and conditions under which a person may be assessed the maximum civil penalties for violations of Federal motor carrier safety laws.

Adds a provision (section 210) to authorize the DOT to place a truck out of service upon determining that the truck is operating without the required registration or operating beyond the scope of its registration, and to authorize DOT and the U.S. Customs Service to deny entry to the U.S. to any truck operating without a copy of its registration documentation.

Adds a provision (section 211) authorizing the DOT to suspend the registration of a motor carrier for failure to pay any civil penalty for violations of Federal motor carrier safety laws within 180 days or under the terms of an approved payment plan.

Adds a provision (section 212) modifying a current requirement that States, as a condition of receiving motor carrier safety grant funds, cooperate with DOT in enforcing Federal registration and financial responsibility requirements.

Adds a provision (section 213) striking the current 3-year renewal process for agreements regarding certain collective activities.

Adds a provision (section 214) clarifying the current standard under which DOT may put a truck, driver, or motor carrier's operations out of service upon finding that the truck, driver, or carrier's operations constitute an imminent hazard.

Adds a provision (section 215) prohibiting a motor carrier from operating in interstate commerce if the carrier fails to pay any civil penalty for violations of Federal motor carrier safety laws within 180 days or under the terms of an approved payment plan.

Adds a provision (section 216) making a number of amendments to the current household goods laws; it corrects an error in the definition of "household goods;" increases the current dollar level, from

\$1,000 to \$5,000, of funding disputes concerning household goods movers that must go to binding arbitration; and directs GAO to study on enforcement of Federal household goods consumer protection requirements.

Adds a provision (section 217) terminating the current Single State Registration System as of January 1, 2002, and providing that the Unified Carrier Registry shall be the exclusive registration system for motor carriers operating only in interstate commerce as of January 1, 2002.

Adds a provision (section 218) establishing civil penalties and permitting the disqualification of foreign carriers that intentionally operate without authority, before the implementation of NAFTA, outside the boundaries of a commercial zone along the U.S.-Mexico border.

Adds a provision (section 219) directing DOT to study the merits of requiring that any verified positive drug test results of a truck driver be reported to the driver's State of licensure, and that all prospective employers query the State on whether the driver has any verified positive drug tests.

The amendment also makes a number of technical and conforming changes to H.R. 2679, including clarifications of: the duties and functions of the new National Motor Carrier Administration; the Department's efforts to meet the goals of the motor carrier safety strategy; the maintenance of effort requirement for motor carrier safety grant funding; and interests to be represented on the motor carrier safety advisory committee.

PART A

Text of amendments considered as adopted upon adoption of the rule:

Page 20, line 8, strike "shall be available" and insert "are authorized to be appropriated".

Page 20, lines 10 and 11, strike "incur obligations to".

Page 20, line 12, strike "2000" and insert "2001".

Page 20, strike lines 14 through 21.

Page 20, line 22, strike "(c)" and insert "(b)".

Page 21, line 6, strike "title—" and all that follows through "for each" on line 9 and insert "title for each".

Page 21, line 16, strike "subsection (a)—" and all that follows through "for each" on line 19 and insert "subsection (a) for each".

Page 21, line 21, strike "(d)" and insert "(c)".

Page 21, line 22, after "available by" insert "or under".

Page 22, line 10, strike "(e)" and insert "(d)".

Page 22, line 18, after "by" insert "or under".

PART B

AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHUSTER OF PENNSYLVANIA OR A DESIGNEE

Page 7, line 8, before the semicolon insert the following:
and by section 18 of the Noise Control Act of 1972 (42 U.S.C. 4917; 86 Stat. 1249-1250); except as otherwise delegated by

the Secretary to any agency of the Department of Transportation other than the Federal Highway Administration, as of October 8, 1999

Page 13, after line 21, insert the following:

(3) SAVINGS CLAUSE.—In developing and assessing progress toward meeting the measurable goals set forth in this subsection, the Secretary and the Administrator shall not take any action that would impinge on the due process rights of motor carriers and drivers.

Page 22, line 9, insert “average” before “level”.

Page 22, line 9, strike “fiscal year” and insert “fiscal years 1997, 1998, and”.

Page 24, line 9, after “industry,” insert “representatives from law enforcement agencies of border States,”.

Page 35, line 1, insert “or renewing” after “issuing”.

Page 36, line 10, strike “5 percent of amounts” and insert “the amount”.

Page 36, line 11, strike “(1)” and insert “(2)(B)”.

Page 37, line 15, strike “has previously” and all that follows through line 17 and insert the following:

is found to have committed a pattern of violations of critical or acute regulations issued to carry out such a law or to have previously committed the same or a related violation of critical or acute regulations issued to carry out such a law.

Page 37, line 22, after the period insert the following:

In cases where a person has been found to have previously committed the same or a related violation of critical or acute regulations issued to carry out a law referred to in subsection (a), extraordinary circumstances may be found to exist when the Secretary determines that repetition of such violation does not demonstrate a failure to take appropriate remedial action.

Page 40, after line 23, add the following:

SEC. 210. REGISTRATION ENFORCEMENT.

Section 13902 of title 49, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

“(e) PENALTIES FOR FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS.—In addition to other penalties available under law, motor carriers that fail to register their operations as required by this section or that operate beyond the scope of their registrations may be subject to the following penalties:

“(1) OUT-OF-SERVICE ORDERS.—If, upon inspection or investigation, the Secretary determines that a motor vehicle providing transportation requiring registration under this section is operating without a registration or beyond the scope of its registration, the Secretary may order the vehicle out-of-service. Subsequent to the issuance of the out-of-service order, the Secretary shall provide an opportunity for review in accordance with section 554 of title 5; except that such review shall occur not later than 10 days after issuance of such order.

“(2) PERMISSION FOR OPERATIONS.—A person domiciled in a country contiguous to the United States with respect to which an action under subsection (c)(1)(A) or (c)(1)(B) is in effect and providing transportation for which registration is required

under this section shall maintain evidence of such registration in the motor vehicle when the person is providing the transportation. The Secretary shall not permit the operation in interstate commerce in the United States of any motor vehicle in which there is not a copy of the registration issued pursuant to this section.”.

SEC. 211. REVOCATION OF REGISTRATION.

Section 13905(c) of title 49, United States Code is amended—

(1) by inserting “(1) IN GENERAL.—” before “On application”;

(2) by inserting “(A)” before “suspend”;

(3) by striking the period at the end of the second sentence and inserting “; and (B) suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder (i) for failure to pay a civil penalty imposed under chapter 5, 51, 149, or 311 of this title, or (ii) for failure to arrange and abide by an acceptable payment plan for such civil penalty, within 180 days of the time specified by order of the Secretary for the payment of such penalty. Subparagraph (B) shall not apply to any person who is unable to pay a civil penalty due to bankruptcy reorganization.

“(2) REGULATIONS.—Not later than 12 months after the date of enactment of this paragraph, the Secretary, after notice and opportunity for public comment, shall issue regulations to provide for the suspension, amendment, or revocation of a registration under this part for failure to pay a civil penalty as provided in paragraph (1)(B).”; and

(4) by indenting paragraph (1) (as designated by paragraph (1) of this section) and aligning such paragraph with paragraph (2) of such section (as added by paragraph (3) of this section).

SEC. 212. STATE COOPERATION IN REGISTRATION ENFORCEMENT.

Section 31102(b)(1) of title 49, United States Code, is amended—

(1) by aligning subparagraph (A) with subparagraph (B) of such section; and

(2) by striking subparagraph (R) and inserting the following:

“(R) ensures that the State will cooperate in the enforcement of registration requirements under section 13902 and financial responsibility requirements under sections 13906, 31138, and 31139 and regulations issued thereunder;”

SEC. 213. EXPIRATION OF APPROVALS.

Section 13703 of title 49, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g) respectively.

SEC. 214. IMMINENT HAZARD.

Section 521(b)(5)(B) of title 49, United States Code, is amended by striking “is likely to result in” and inserting “substantially increases the likelihood of”.

SEC. 215. PROHIBITED TRANSPORTATION BY COMMERCIAL MOTOR VEHICLE OPERATORS.

Section 521(b) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (8) through (13) as paragraphs (9) through (14), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) PROHIBITION OPERATION IN INTERSTATE COMMERCE AFTER NONPAYMENT OF PENALTIES.—

“(A) IN GENERAL.—An owner or operator of a commercial motor vehicle against whom a civil penalty is assessed under this chapter or chapters 51, 149, 311 of this title and who does not pay such penalty or fails to arrange and abide by an acceptable payment plan for such civil penalty may not operate in interstate commerce beginning on the 181st day after the date specified by order of the Secretary for payment of such penalty. This paragraph shall not apply to any person who is unable to pay a civil penalty due to bankruptcy reorganization.

“(B) REGULATIONS.—Not later than 12 months after the date of enactment of the Motor Carrier Safety Act of 1999, the Secretary, after notice and an opportunity for public comment, shall issue regulations setting forth procedures for ordering commercial motor vehicle owners and operators delinquent in paying civil penalties to cease operations until payment has been made.”.

SEC. 216. HOUSEHOLD GOODS AMENDMENTS.

(a) DEFINITION OF HOUSEHOLD GOODS.—Section 13102(10)(A) of title 49, United States Code, is amended by striking “, including” and all that follows through “dwelling,” and inserting “, except such term does not include property moving from a factory or store, other than property that the householder has purchased with the intent to use in his or her dwelling and is transported at the request of, and the transportation charges are paid to the carrier by, the householder;”.

(b) ARBITRATION REQUIREMENTS.—Section 14708(b)(6) of such title is amended by striking “\$1,000” each place it appears and inserting “\$5,000”.

(c) STUDY OF ENFORCEMENT OF CONSUMER PROTECTION RULES IN THE HOUSEHOLD GOODS MOVING INDUSTRY.—The Comptroller General shall conduct a study of the effectiveness of the Department of Transportation’s enforcement of household goods consumer protection rules under title 49, United States Code. The study shall also include a review of other potential methods of enforcing such rules, including allowing States to enforce such rules.

SEC. 217. REGISTRATION OF MOTOR CARRIERS.

(a) REGISTRATION OF MOTOR CARRIERS BY A STATE.—

(1) INTERIM RULE.—Section 14504(b) of title 49, United States Code, is amended—

(A) in the first sentence by striking “The” and inserting “Until January 1, 2002, the”; and

(B) in the second sentence by striking “When” and inserting “Until January 1, 2002, when”.

(2) REPEAL.—Effective January 1, 2002, section 14504 of such title and the item relating to such section in the analysis for chapter 145 of such title are repealed.

(b) **COMPREHENSIVE REGISTRATION.**—Section 13908 of such title is amended—

(1) in the first sentence of subsection (a) by inserting “the requirements of section 13304,” after “this chapter,”;

(2) by striking the last sentence of subsection (a);

(3) in subsection (b)—

(A) by striking paragraphs (1), (2), and (3); and

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (1), (2), and (3), respectively;

(4) in subsection (c) by striking “cover” and inserting “equal as nearly as possible”; and

(5) by striking subsection (d) and inserting the following:

“(d) **STATE REGISTRATION PROGRAMS.**—Effective January 1, 2002, it shall be an unreasonable burden on interstate commerce for any State or political subdivision thereof, or any political authority of 2 or more States, to require a motor carrier operating in interstate commerce and providing transportation in such State or States to, or to collect fees to—

“(1) register its interstate operating authority;

“(2) file information on its interstate Federal financial responsibility; or

“(3) designate its service of process agent.”.

(c) **DEADLINE.**—Section 13908(e) of such title is amended—

(1) by striking “Not later than 24 months after January 1, 1996,” and inserting “By January 1, 2002,”;

(2) by inserting “and” after the semicolon at the end of paragraph (1);

(3) by striking paragraph (2); and

(4) by redesignating paragraph (3) as paragraph (2).

(d) **CONFORMING AMENDMENT.**—Section 13304(a) of such title is amended by striking “and each State” and all that follows through “filed with it”.

SEC. 218. FOREIGN MOTOR CARRIER PENALTIES AND DISQUALIFICATIONS.

(a) **GENERAL RULE.**—Subject to subsections (b) and (c), a foreign motor carrier or foreign motor private carrier (as such terms are defined under section 13102 of title 49, United States Code) that operates without authority, before the implementation of the land transportation provisions of the North American Free Trade Agreement, outside the boundaries of a commercial zone along the United States-Mexico border (as such zones were defined on December 31, 1995) shall be liable to the United States for a civil penalty and shall be disqualified from operating a commercial motor vehicle anywhere within the United States as provided in subsections (b) and (c).

(b) **PENALTY FOR INTENTIONAL VIOLATION.**—The civil penalty for an intentional violation of subsection (a) by a carrier shall not be more than \$10,000 and may include a disqualification from operating a commercial motor vehicle anywhere within the United States for a period of not more than 6 months.

(c) **PENALTY FOR PATTERN OF INTENTIONAL VIOLATIONS.**—The civil penalty for a pattern of intentional violations of subsection (a) by a carrier shall not be more than \$25,000 and the carrier shall be disqualified from operating a commercial motor vehicle any-

where within the United States and the disqualification may be permanent.

(d) SAVINGS CLAUSE.—No provision of this section may be enforced if it is inconsistent with any international agreement of the United States.

(e) ACTS OF EMPLOYEES.—The actions of any employee driver of a foreign motor carrier or foreign motor private carrier committed without the knowledge of the carrier or committed unintentionally shall not be grounds for penalty or disqualification under this section.

SEC. 219. TEST RESULTS STUDY.

(a) IN GENERAL.—The Secretary of Transportation shall conduct a study of the feasibility and merits of—

(1) requiring medical review officers to report all verified positive controlled substances test results on any driver subject to controlled substances testing under part 382 of title 49, Code of Federal Regulations, including the identity of each person tested and each controlled substance found, to the State that issued the driver's commercial driver's license; and

(2) requiring all prospective employers, before hiring any driver, to query the State that issued the driver's commercial driver's license on whether the State has on record any verified positive controlled substances test on such driver.

(b) STUDY FACTORS.—In carrying out the study under this section, the Secretary shall assess—

(1) methods for safeguarding the confidentiality of verified positive controlled substances test results;

(2) the costs, benefits, and safety impacts of requiring States to maintain records of verified positive controlled substances test results; and

(3) whether a process should be established to allow drivers—

(A) to correct errors in their records; and

(B) to expunge information from their records after a reasonable period of time.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study carried out under this section, together with such recommendations as the Secretary determines appropriate.

Conform the table of contents of the bill accordingly.