

103^D CONGRESS
1ST SESSION

H. R. 1077

To amend title 49, United States Code, relating to deregulation of intrastate trucking.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 1993

Mr. PETE GEREN of Texas (for himself, Mr. CLINGER, Mr. EMERSON, Mr. HASTERT, and Mr. PARKER) 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 deregulation of intrastate trucking.

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 “Private Motor Carrier
5 Equity Act”.

6 **SEC. 2. COMPENSATED INTERCORPORATE TRANSPOR-**
7 **TATION.**

8 Section 10524 of title 49, United States Code, is
9 amended by adding at the end the following new sub-
10 section:

1 “(d) PREEMPTION WITH RESPECT TO COM-
2 PENSATED INTERCORPORATE TRANSPORTATION.—No
3 State or political subdivision thereof, and no agency or or-
4 ganization of 2 or more States, shall enact or enforce any
5 law, rule, regulation, standard, or other provision having
6 the force and effect of law relating to interstate or intra-
7 state rates, routes, or services of any carrier that operates
8 in interstate commerce pursuant to Commission regula-
9 tions promulgated with respect to subsections (a) through
10 (c) of this section.”.

11 **SEC. 3. SINGLE SOURCE LEASING OF MOTOR VEHICLES**
12 **AND DRIVERS TO SHIPPERS.**

13 Section 10524 of title 49, United States Code, is fur-
14 ther amended by adding at the end the following new sub-
15 section:

16 “(e) PREEMPTION WITH RESPECT TO SINGLE
17 SOURCE LEASING.—No State or political subdivision
18 thereof, and no agency or organization of 2 or more
19 States, shall enact or enforce any law, rule, regulation,
20 standard, or other provision having the force and effect
21 of law relating to interstate or intrastate rates, routes, or
22 services involving transportation by a motor vehicle and
23 driver leased from a single source by a lessee that operates
24 as a motor private carrier in interstate commerce when—

1 “(1) the motor vehicle is exclusively committed
2 to the lessee’s use for the term of the lease;

3 “(2) the lessee has exclusive dominion and con-
4 trol over the transportation service conducted by it
5 during the term of the lease;

6 “(3) the lessee maintains public liability and
7 property damage insurance or otherwise accepts re-
8 sponsibility to the public for any injury or damage
9 caused in the course of performing the transpor-
10 tation service during the term of the lease;

11 “(4) the lessee accepts responsibility for, and
12 bears the cost of, compliance with all applicable safe-
13 ty regulations; and

14 “(5) the lessee bears the risk of damage to the
15 cargo.”.

16 **SEC. 4. TRIP LEASING OF MOTOR VEHICLES AND DRIVERS**
17 **FROM MOTOR PRIVATE CARRIERS.**

18 Section 10524 of title 49, United States Code, is fur-
19 ther amended by adding at the end the following new sub-
20 section:

21 “(f) **PREEMPTION WITH RESPECT TO LEASING**
22 **FROM MOTOR PRIVATE CARRIERS.**—No State or political
23 subdivision thereof, and no agency or organization of 2
24 or more States, shall enact or enforce any law, rule, regu-
25 lation, standard, or other provision having the force and

1 effect of law relating to the leasing of motor vehicles (with
2 or without drivers) from a motor private carrier that oper-
3 ates in interstate commerce to the extent that such law,
4 rule, regulation, standard, or other provision is in addition
5 to or more stringent than the requirements for such lease
6 transactions as established by the Commission.”.

7 **SEC. 5. MOTOR PRIVATE CARRIERS SEEKING OPERATING**
8 **AUTHORITY.**

9 Section 10524 of title 49, United States Code, is fur-
10 ther amended by adding at the end the following new sub-
11 section:

12 “(g) **PREEMPTION WITH RESPECT TO MOTOR PRI-**
13 **VATE CARRIERS SEEKING OPERATING AUTHORITY.**—No
14 State or political subdivision thereof, and no agency or or-
15 ganization of 2 or more States, shall enact or enforce any
16 law, rule, regulation, standard, or other provision having
17 the force and effect of law that subjects a motor private
18 carrier that operates in interstate commerce and that
19 seeks to obtain a motor common carrier certificate or a
20 motor contract carrier permit to provide intrastate trans-
21 portation of property to requirements or criteria that are
22 not applied to a transportation business seeking the same
23 type of authority to operate as a motor common or motor
24 contract carrier.”.

1 **SEC. 6. DEDICATED CONTRACT CARRIAGE.**

2 (a) IN GENERAL.—Subchapter II of chapter 105 of
3 title 49, United States Code, is amended by inserting after
4 section 10525 the following new section:

5 **“§ 10525a. Dedicated contract carriage**

6 “(a) DEDICATED CONTRACT CARRIER DEFINED.—
7 For purposes of this section, ‘dedicated contract carrier’
8 means a motor contract carrier that provides in interstate
9 commerce a service for one or more shippers, except an
10 individual shipping household goods containing the follow-
11 ing elements:

12 “(1) Assigning motor vehicles for a continuing
13 period of time for the exclusive use of a contracting
14 shipper.

15 “(2) Assigning personnel to perform driving,
16 loading unloading and related services for the exclu-
17 sive use of a contracting shipper.

18 “(3) Assigning management personnel, with of-
19 fices at the contracting shipper’s facility, to provide
20 operations and safety management services for the
21 exclusive use of the contracting shipper.

22 “(b) PREEMPTION.—No State or political subdivision
23 thereof, and no agency or organization of 2 or more
24 States, shall enact or enforce any law, rule, regulation,
25 standard, or other provision having the force and effect
26 of law relating to the interstate or intrastate rates, routes,

1 or services of any dedicated contract carrier having au-
2 thority under this subchapter.

3 “(c) LIMITATION.—Nothing in subsection (b) of this
4 section shall prohibit a State or political subdivision there-
5 of, or agency or organization of 2 or more States, from
6 enacting or enforcing requirements on dedicated contract
7 carriers related to the safety of operations and minimum
8 amounts of financial responsibility.”.

9 (b) CONFORMING AMENDMENT.—The analysis for
10 such chapter 105 is amended by inserting after the item
11 relating to section 10525 the following new item:

“10525a. Dedicated contract carriage.”.

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