

Union Calendar No. 289

104TH CONGRESS
2^D SESSION

H. R. 1227

[Report No. 104-585]

To amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 1995

Mr. FAWELL introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

MAY 20, 1996

Additional sponsors: Mr. LINDER, Mr. HOEKSTRA, Mr. MILLER of Florida, Mr. CHRISTENSEN, Mr. CUNNINGHAM, Mr. JACOBS, Mr. EHLERS, Mr. ENGEL, Mrs. MEYERS of Kansas, Mr. FUNDERBURK, Mr. BARRETT of Nebraska, Mr. NORWOOD, Mr. HUTCHINSON, Mr. SAM JOHNSON of Texas, Mr. GRAHAM, Mr. GREENWOOD, Mr. WALSH, Mr. WELDON of Florida, Mr. CRAMER, Mr. ARCHER, and Mr. SENSENBRENNER

MAY 20, 1996

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles.

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. PROPER COMPENSATION FOR USE OF EM-**
 4 **PLOYER VEHICLES.**

5 Section 4(a) of the Portal-to-Portal Act of 1947 (29
 6 U.S.C. 254(a)) is amended by striking “and” at the end
 7 of paragraph (1), by striking the period at the end of para-
 8 graph (2) and inserting “; and”, and by adding at the
 9 end the following:

10 “(3) use of employer owned vehicles for travel-
 11 ing to and from the actual place of performance of
 12 the principal activity which such employee is em-
 13 ployed to perform.”

14 **SECTION 1. PROPER COMPENSATION FOR USE OF EM-**
 15 **PLOYER VEHICLES.**

16 *Section 4(a) of the Portal-to-Portal Act of 1947 (29*
 17 *U.S.C. 254(a)) is amended by adding at the end the follow-*
 18 *ing: “For purposes of this subsection, the use of an employ-*
 19 *er’s vehicle for travel by an employee and activities per-*
 20 *formed by an employee which are incidental to the use of*
 21 *such vehicle for commuting shall not be considered part of*
 22 *the employee’s principal activities if the use of such vehicle*
 23 *for travel is within the normal commuting area for the em-*
 24 *ployer’s business or establishment and the use of the employ-*
 25 *er’s vehicle is subject to an agreement on the part of the*

1 *employer and the employee or representative of such em-*
2 *ployee.”.*

3 **SEC. 2. EFFECTIVE DATE.**

4 *The amendment made by section 1 shall take effect on*
5 *the date of the enactment of this Act and shall apply in*
6 *determining the application of section 4 of the Portal-to-*
7 *Portal Act of 1947 to an employee in any civil action*
8 *brought before such date of enactment but pending on such*
9 *date.*

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