

Union Calendar No. 429

104TH CONGRESS
2^D SESSION

H. R. 3153

[Report No. 104-791]

A BILL

To amend title 49, United States Code, to exempt from regulation the transportation of certain hazardous materials by vehicles with a gross vehicle weight rating of 10,000 pounds or less.

SEPTEMBER 17, 1996

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

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IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 1996

Mr. DELAY (for himself, Mr. CONDIT, Mr. DOOLEY of California, Mr. BARR of Georgia, Mr. BISHOP, Mr. BRYANT of Tennessee, Mr. CHRISTENSEN, Mr. CLEMENT, Mr. COBLE, Mr. COMBEST, Mr. CRAMER, Mr. CUNNINGHAM, Mr. DORNAN, Mr. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. EWING, Mr. FOLEY, Mr. HASTINGS of Washington, Mr. HAYES, Mr. KIM, Mr. LARGENT, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIVINGSTON, Mr. MCINTOSH, Mr. NEY, Mr. NORWOOD, Mr. SCARBOROUGH, Mr. TOWNS, Mr. TRAFICANT, and Mr. WAMP) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

SEPTEMBER 17, 1996

Additional sponsors: Mr. HILLIARD, Mr. MICA, Mr. BUNNING of Kentucky, Mr. BAKER of Louisiana, Mr. CRAPO, Mr. HOLDEN, Mr. TANNER, Mr. BEREUTER, Mr. BURR, Mr. DUNCAN, Mr. HOKE, Mr. CHAPMAN, Mrs. CHENOWETH, Mr. CAMP, Mr. COOLEY of Oregon, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mrs. THURMAN, Mr. ROHRABACHER, Mr. PARKER, Mr. LATHAM, Mr. UPTON, Mr. PETERSON of Minnesota, Mr. ORTIZ, Mr. GOODLATTE, Mr. CANADY of Florida, Mr. KNOLLENBERG, and Mr. PETERSON of Florida

SEPTEMBER 17, 1996

Reported with amendments, 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 title 49, United States Code, to exempt from regulation the transportation of certain hazardous materials by vehicles with a gross vehicle weight rating of 10,000 pounds or less.

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. EXEMPTION OF CERTAIN HAZARDOUS MATE-**
 4 **RIAL TRANSPORTATION FROM REGULATION.**

5 Section ~~5117~~ of title 49, United States Code, is
 6 amended by redesignating subsections (c) and (d) as sub-
 7 sections (d) and (e), respectively, and by inserting after
 8 subsection (b) the following:

9 “(e) STATUTORY EXEMPTION.—This chapter and
 10 regulations prescribed under this chapter shall not apply
 11 to—

12 “(1) any vehicle with a gross vehicle weight rat-
 13 ing of 10,000 pounds or less transporting a sub-
 14 stance or material—

15 “(A) designated as a hazardous material
 16 under this chapter (or the Hazardous Materials
 17 Transportation Act) on or before January 1,
 18 1996; and

19 “(B) for which placarding of a motor vehi-
 20 cle was not required as of January 1, 1996;
 21 under regulations prescribed under this chapter

1 (or the Hazardous Materials Transportation
2 Act); and

3 ~~“(2) any vehicle with a gross vehicle weight rat-~~
4 ~~ing of 10,000 pounds or less transporting a sub-~~
5 ~~stance or material designated as a hazardous mate-~~
6 ~~rial under this chapter after January 1, 1996, unless~~
7 ~~the Secretary determines that the hazardous mate-~~
8 ~~rial poses a significant risk to health and safety or~~
9 ~~property.”.~~

10 **SECTION 1. SHORT TITLE.**

11 *This Act may be cited as the “Small Business Regu-*
12 *latory Relief Act of 1996”.*

13 **SEC. 2. FINDINGS.**

14 *Congress finds that—*

15 *(1) the Secretary of Transportation is consider-*
16 *ing, as part of a proposed rulemaking, expanding the*
17 *exceptions provided for transportation of small quan-*
18 *tities of hazardous materials from unnecessary and*
19 *burdensome regulations;*

20 *(2) the Secretary has found that certain busi-*
21 *nesses, and especially small businesses, carry small*
22 *quantities of hazardous materials;*

23 *(3) small businesses are critical in creating jobs*
24 *in the United States economy and can be signifi-*
25 *cantly affected by Federal regulations; and*

1 (4) *regulatory relief for small businesses trans-*
2 *porting relatively small quantities of hazardous mate-*
3 *rials should be promptly acted on and the Secretary*
4 *has stated an intention to issue a final rule to pro-*
5 *vide this regulatory relief by December 31, 1996.*

6 **SEC. 3. MATERIALS OF TRADE EXCEPTIONS FROM HAZARD-**
7 **OUS MATERIALS TRANSPORTATION REQUIRE-**
8 **MENTS.**

9 (a) *DEADLINE FOR ISSUANCE OF FINAL RULE.*—Not
10 *later than December 31, 1996, the Secretary of Transpor-*
11 *tation shall issue, under the rulemaking proceeding under*
12 *docket number HM–200, entitled “Hazardous Materials in*
13 *Intrastate Transportation”, a final rule relating to mate-*
14 *rials of trade exceptions from chapter 51 of title 49, United*
15 *States Code, and regulations issued pursuant thereto. The*
16 *final rule shall substantially address the materials of trade*
17 *exceptions contained in the proposed rule relating to haz-*
18 *ardous materials in intrastate transportation published in*
19 *the Federal Register on March 20, 1996 (61 Fed. Reg.*
20 *11489–11490).*

21 (b) *EFFECTIVE DATE.*—*The final rule issued under*
22 *subsection (a) shall become effective not later than 90 days*
23 *after date of publication of the final rule.*

24 (c) *TRAINING OF INSPECTORS.*—*Before the effective*
25 *date of the final rule issued under subsection (a), the Sec-*

- 1 *retary shall provide sufficient training of inspectors to pro-*
- 2 *vide for implementation of the final rule.*

Amend the title so as to read: “A bill to direct the Secretary of Transportation to issue a final rule relating to materials of trade exceptions from hazardous materials transportation requirements.”.