

1 SB408
2 129261-1
3 By Senator Beasley
4 RFD: Commerce, Transportation, and Utilities
5 First Read: 14-APR-11

2
3
4
5
6
7
8 SYNOPSIS: Existing state law does not require certain
9 fuel cost disclosures and fuel cost reimbursements
10 by a motor carrier, broker, or freight forwarder
11 providing or arranging truckload transportation or
12 service using fuel for which it does not bear the
13 cost.

14 This bill would require certain fuel cost
15 disclosures and fuel cost reimbursements by such
16 motor carriers, brokers, and freight forwarders.

17 This bill would prohibit any person or
18 entity from causing a motor carrier, broker, or
19 freight forwarder to present false or misleading
20 information on a document or in an oral
21 representation about the actual rate, charge, or
22 allowance to any party to the transaction or
23 transportation.

24 This bill would provide a civil cause of
25 action against a person or entity who fails to
26 disclose a fuel surcharge, make a payment, or cause
27 or present false or misleading information on a

1 document or in an oral representation about the
2 actual rate, charge, or allowance regarding a fuel
3 surcharge.

4 This bill would require certain information
5 to be contained on each statement, invoice, or
6 other pay record regarding the logging, harvesting,
7 or hauling of timber and timber products.

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to fuel surcharges of a motor carrier,
14 broker, or freight forwarder that does not actually bear the
15 costs of fuels; to require certain fuel cost disclosures and
16 fuel cost reimbursements by such motor carriers, brokers, and
17 freight forwarders; to prohibit any person from causing a
18 motor carrier, broker, or freight forwarder to present false
19 or misleading information on a document or in an oral
20 representation about the actual rate, charge, or allowance to
21 any party to the transaction or transportation; to provide a
22 civil cause of action against a person or entity who fails to
23 disclose fuel surcharge, make a payment, or present false or
24 misleading information on a document or in an oral
25 representation about the actual rate, charge, or allowance
26 regarding a fuel surcharge; and to require certain information
27 to be contained on each statement, invoice, or other pay

1 record regarding the logging, harvesting, or hauling of timber
2 and timber products.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. This act shall be known and may be cited
5 as the Good Faith and Fair Practices Act.

6 Section 2. (a) A motor carrier, broker, or freight
7 forwarder providing or arranging truckload transportation or
8 service using fuel for which it does not bear the cost shall:

9 (1) Provide to the person or entity that bears the
10 cost of the fuel either in a payment equal to the charges,
11 invoiced or otherwise presented to the person or entity
12 directly responsible to the motor carrier, broker, or freight
13 forwarder, which relate to the cost of the fuel.

14 (2) At the time payment is made provided a written
15 list that specifically identifies any freight charge,
16 brokerage fee or commission, fuel surcharge or adjustment, and
17 any other charges invoiced or otherwise presented to the
18 person or entity.

19 (b) A person or entity may not knowingly present
20 false or misleading information on a document or in an oral
21 representation about the fuel surcharge for which it does not
22 bear the cost to any party to the transaction or
23 transportation.

24 (c) A person or entity may bring a civil cause of
25 action against a person who fails to disclose a fuel surcharge
26 or presents false or misleading information on a document or

1 in an oral representation about the fuel surcharge for which
2 it does not bear the cost and may recover treble damages.

3 Section 3. (a) Each individual or entity shall
4 report on each statement, invoice, or other pay record
5 regarding loggers, pulp-wood harvesters, and truckers involved
6 in the handling of timber and timber products in this state
7 all of the following:

8 (1) The cut and haul rate itemized to reflect the
9 rate paid according to the United States ton rate for cutting,
10 skidding, and loading of timber or timber products separate
11 from the trucking rate which shall be calculated on the United
12 States ton rate per mile.

13 (2) The mileage for hauling timber or timber
14 products to different mills.

15 (3) The minimum hauling rate with the miles within
16 the minimum haul range of timber or timber products.

17 (4) Separate itemization for fuel adjustment which
18 must be calculated by the United States ton rate for logging
19 and by a zone rate based on 10 mile increments based on miles
20 from the mill for hauling for logging and trucking of timber
21 or timber products.

22 (5) A note of any special condition such as, but not
23 limited to, rough terrain or road condition that would impede
24 the logging or hauling of timber or timber products.

25 (b) Each individual or entity that collects a fuel
26 surcharge relating to the logging or hauling of timber or
27 timber products shall disclose the surcharge to the person or

1 entity logging or hauling the timber or timber products and
2 remit the surcharge to the person or entity bearing the cost
3 of the fuel.

4 Section 4. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.