

114TH CONGRESS  
1ST SESSION

# H. R. 1120

To enhance interstate commerce by creating a National Hiring Standard  
for Motor Carriers.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2015

Mr. DUNCAN of Tennessee (for himself, Mr. HANNA, Mr. RODNEY DAVIS of Illinois, Mr. PAULSEN, and Mr. MEADOWS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To enhance interstate commerce by creating a National  
Hiring Standard for Motor Carriers.

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. NATIONAL HIRING STANDARDS FOR MOTOR**  
4 **CARRIERS.**

5 (a) LIMITATION ON STATE LAW.—Subject to sub-  
6 section (b), a State may not enforce a law or impose liabil-  
7 ity on an entity that hires a motor carrier for the transpor-  
8 tation of property or household goods if such liability

1 arises from a claim or cause of action related to the neg-  
2 ligent selection of such motor carrier under common law,  
3 statutory law, or any rule, regulation, standard, or provi-  
4 sion having the force of law, for personal injury, death,  
5 or damage caused to cargo or other property by such  
6 motor carrier.

7 (b) REQUIREMENTS FOR IMMUNITY FROM LIABIL-  
8 ITY.—To be eligible for the liability immunity described  
9 in subsection (a), an entity shall, prior to tendering a ship-  
10 ment, but not more than 35 days before the pickup of  
11 a shipment by the hired motor carrier, verify that the  
12 motor carrier at the time of such verification—

13 (1) if applicable, is registered with and author-  
14 ized by the Federal Motor Carrier Safety Adminis-  
15 tration to operate as a motor carrier or household  
16 goods motor carrier;

17 (2) has the minimum insurance coverage re-  
18 quired by Federal regulation; and

19 (3) does not have an unsatisfactory safety rat-  
20 ing issued by Federal Motor Carrier Safety Adminis-  
21 tration, in force at the time of the verification.

22 (c) DEFINITIONS.—In this section—

23 (1) the term “entity” means a person acting as  
24 a shipper, or as a broker, as a consignee, a freight  
25 forwarder, or a household goods freight forwarder as

1 defined in section 13102 of title 49, United States  
2 Code, a Non-Vessel Operating Common Carrier, an  
3 ocean freight forwarder, or an ocean transportation  
4 intermediary, as defined in section 40102 of title 46,  
5 United States Code, an indirect air carrier author-  
6 ized to operate under a Standard Security Program  
7 approved by the Transportation Security Adminis-  
8 tration, a customs broker licensed in accordance  
9 with section 111.2 of title 19, Code of Federal Regu-  
10 lations, an interchange motor carrier as defined by  
11 and subject to the provisions of section  
12 13902(i)(1)(B) and (2) of title 49, or a warehouse  
13 as defined in Article 7–102(13) of the Uniform  
14 Commercial Code as promulgated by the Uniform  
15 Law Commission and American Law Institute;

16 (2) the term “motor carrier” means a motor  
17 carrier or a household goods motor carrier as de-  
18 fined in section 13102 of title 49, United States  
19 Code, and subject to Federal motor carrier financial  
20 responsibility and safety regulations; and

21 (3) the term “State” means each of the 50  
22 States, a political subdivision thereof, any intrastate  
23 agency, any other political agency of 2 or more  
24 States, the District of Columbia, American Samoa,  
25 the Commonwealth of the Northern Mariana Is-

1 lands, the Commonwealth of Puerto Rico, Guam,  
2 and the Virgin Islands.

3 (d) APPLICABILITY AND EFFECTIVE DATE.—Not-  
4 withstanding any other provision of law, this section shall  
5 apply with respect to any action commenced on or after  
6 the date of enactment of this section without regard to  
7 whether the harm that is the subject of the action, or the  
8 conduct that caused the harm, occurred before such date  
9 of enactment.

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