

116TH CONGRESS
2D SESSION

H. R. 8513

To establish a standard for the reasonableness of motor carriers for the shipment of goods or household goods, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2020

Mr. GIBBS introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To establish a standard for the reasonableness of motor carriers for the shipment of goods or household goods, and for other purposes.

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 “CSA Reform Act”.

5 **SEC. 2. COMPLIANCE, SAFETY, AND ACCOUNTABILITY RE-**
6 **FORM.**

7 (a) MOTOR CARRIER SAFETY GRANTS.—

8 (1) IN GENERAL.—

9 (A) SELECTION STANDARD.—For any ap-
10 plicable legal requirement with respect to a cov-

1 ered entity contracting with a covered motor
2 carrier for the shipment of goods or household
3 goods, the covered entity shall be considered
4 reasonable and prudent in the selection of such
5 motor carrier if the covered entity verifies, not
6 later than the date of shipment and not earlier
7 than 45 days before the date of shipment, that
8 the covered motor carrier—

9 (i) is registered under section 13902
10 of title 49, United States Code, as a motor
11 carrier or household goods motor carrier;

12 (ii) has at least the minimum insur-
13 ance coverage required by Federal and
14 State law; and

15 (iii) is not determined unfit to operate
16 safely commercial motor vehicles under
17 section 31144 of title 49, United States
18 Code, or otherwise ordered to discontinue
19 operations by the Federal Motor Carrier
20 Safety Administration (including not re-
21 newing a Department of Transportation
22 registration number) or a State.

23 (B) SUNSET.—The standard established
24 under paragraph (1) shall sunset on the effec-

1 tive date of a regulation issued pursuant to sub-
2 section (c).

3 (2) REVOCATION OF REGISTRATION.—Section
4 31144(a) of title 49, United States Code, is amend-
5 ed—

6 (A) in paragraph (3) by striking “and”;

7 (B) in paragraph (4) by striking the period
8 and inserting “; and”; and

9 (C) by adding at the end the following:

10 “(5) prescribe by regulation a process for revok-
11 ing the registration of an owner or operator deter-
12 mined unfit to operate safely a commercial motor ve-
13 hicle under this section.”.

14 (3) RULEMAKING.—

15 (A) IN GENERAL.—Not later than 18
16 months after the date of enactment of this Act,
17 the Secretary of Transportation shall—

18 (i) update and revise the regulations
19 issued pursuant to subsection (b) of sec-
20 tion 31144 of title 49, United States Code,
21 to include the requirements of subsection
22 (a); and

23 (ii) issue such regulations as are nec-
24 essary to carry out section 31144(a)(5) of

1 title 49, United States Code, as added by
2 this Act.

3 (B) FACTORS FOR AN UNSATISFACTORY
4 RATING.—The regulations updated under para-
5 graph (1)(A) shall provide a procedure for the
6 Secretary to determine if a motor carrier is not
7 fit to operate a commercial motor vehicle in or
8 affecting interstate commerce in accordance
9 with section 31144 of title 49, United States
10 Code.

11 (4) SAVINGS CLAUSE.—Nothing in this section
12 shall be construed to preempt or supercede any
13 State law or regulation relating to drayage.

14 (5) DEFINITIONS.—In this section:

15 (A) COVERED ENTITY.—The term “cov-
16 ered entity” means a person acting as—

17 (i) a shipper or consignee of goods, ex-
18 cept that such term does not mean a per-
19 son acting as an individual shipper (as
20 such term is defined in section 13103 of
21 title 49, United States Code);

22 (ii) a broker, a freight forwarder, or a
23 household goods freight forwarder (as such
24 terms are defined in section 13102 of title
25 49, United States Code);

1 (iii) an ocean transportation inter-
2 mediary (as such term is defined in section
3 40102 of title 46, United States Code),
4 when arranging for inland transportation
5 as part of an international through move-
6 ment involving ocean transportation be-
7 tween the United States and a foreign
8 port;

9 (iv) an indirect air carrier holding a
10 Standard Security Program approved by
11 the Transportation Security Administra-
12 tion only to the extent that the indirect air
13 carrier is engaging in the activities as an
14 air carrier defined in paragraph (2) or (3)
15 of section 40102 of title 49, United States
16 Code;

17 (v) a customs broker licensed in ac-
18 cordance with section 111.2 of title 19,
19 Code of Federal Regulations, only to the
20 extent that the customs broker is engaging
21 in a movement under a customs bond or in
22 a transaction involving customs business,
23 as defined by section 111.1 of title 19,
24 Code of Federal Regulations; or

1 (vi) a motor carrier registered under
2 chapter 139 of title 49, United States
3 Code.

4 (B) COVERED MOTOR CARRIER.—The term
5 “covered motor carrier” means a motor carrier
6 or a household goods motor carrier (as such
7 terms are defined in section 13102 of title 49,
8 United States Code) that is subject to Federal
9 motor carrier financial responsibility and safety
10 regulations.

11 (C) HOUSEHOLD GOODS.—The term
12 “household goods” has the meaning given such
13 term in section 13102 of title 49, United States
14 Code.

15 (D) SECRETARY.—The term “Secretary”
16 means the Secretary of Transportation.

17 (b) REMOTE AUDIT.—Section 31144 of title 49,
18 United States Code, is amended by adding at the end the
19 following:

20 “(j) REMOTE AUDITS.—

21 “(1) IN GENERAL.—The Secretary shall estab-
22 lish a pilot program to conduct remote compliance
23 reviews under subpart A of part 385 of title 49,
24 Code of Federal Regulations, to assign a safety rat-
25 ing for commercial motor carriers.

1 “(2) CONTENTS.—In conducting the pilot pro-
2 gram, the Secretary shall—

3 “(A) use the same standards that would
4 otherwise be applicable to commercial motor
5 carriers;

6 “(B) apply the procedures of part 385 of
7 title 49, Code of Federal Regulations, including
8 the safety fitness rating methodology under ap-
9 pendix B, prior to assigning a safety rating
10 under such pilot program;

11 “(C) assign safety ratings regardless of
12 whether an on-site review of activities has taken
13 place; and

14 “(D) leverage all available technology to
15 access information and records.

16 “(3) ELIGIBLE PARTICIPANTS.—

17 “(A) IN GENERAL.—Motor carriers that
18 are eligible to participate in the pilot program
19 under this subsection shall—

20 “(i) voluntarily agree to participate in
21 such pilot program; and

22 “(ii) be able to opt-out of participa-
23 tion at any time.

24 “(B) PROHIBITION ON PARTICIPATION.—
25 Motor carriers that transport hazardous mate-

1 rials or passengers shall be prohibited from par-
2 ticipating in the pilot program under this sec-
3 tion.

4 “(4) AUTHORIZED AGENTS.—Remote compli-
5 ance reviews conducted under the pilot program
6 under this section may be conducted by—

7 “(A) Federal Motor Carrier Safety Admin-
8 istration personnel;

9 “(B) State commercial motor vehicle au-
10 thorities that meet acceptable standards set
11 forth by the Secretary; or

12 “(C) private contractors that meet accept-
13 able standards set forth by the Secretary.

14 “(5) AVAILABILITY OF SAFETY RATINGS.—
15 Safety ratings determined under the pilot program
16 under this subsection may not be released publicly
17 by the Secretary or by any authorized agent de-
18 scribed in paragraph (4) that is participating in the
19 pilot program under this subsection.”.

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