

114TH CONGRESS
1ST SESSION

S. 1739

To increase the minimum levels of financial responsibility for transporting property, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 9, 2015

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To increase the minimum levels of financial responsibility for transporting property, 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 “Truck Safety Act”.

5 **SEC. 2. MINIMUM AMOUNTS.**

6 (a) TRANSPORTING PROPERTY.—

7 (1) IN GENERAL.—Section 31139(b) of title 49,
8 United States Code, is amended—

9 (A) in paragraph (2), by striking
10 “\$750,000” and inserting “\$1,500,000”; and

1 (B) by adding at the end the following:

2 “(3) The minimum level of financial responsi-
3 bility under paragraph (2) shall be adjusted annually
4 by the Secretary to reflect changes in the Consumer
5 Price Index—All Urban Consumers.”.

6 (2) EFFECTIVE DATE.—The amendments made
7 by paragraph (1) shall take effect 1 year after the
8 date of enactment of this Act.

9 (b) RULEMAKING.—The Secretary of Transportation,
10 by regulation, shall increase any minimum level of finan-
11 cial responsibility required under section 31138 or section
12 31139 if, after an opportunity for notice and comment,
13 the Secretary determines that the current amount is insuf-
14 ficient to satisfy liability amounts covering the claims de-
15 scribed in section 31138 or section 31139, as applicable.

16 **SEC. 3. COLLISION AVOIDANCE TECHNOLOGIES.**

17 (a) IN GENERAL.—Not later than 24 months after
18 the date of enactment of this Act, the Secretary of Trans-
19 portation shall initiate a rulemaking to establish a Federal
20 motor vehicle safety standard requiring a motor vehicle
21 with a gross vehicle weight rating greater than 26,000
22 pounds be equipped with crash avoidance and mitigation
23 systems, such as forward collision warning systems, for-
24 ward collision automatic braking systems, and lane depar-
25 ture warning systems.

1 (b) PERFORMANCE AND STANDARDS.—The regula-
2 tions prescribed under subsection (a) shall establish per-
3 formance requirements and standards to prevent collisions
4 with moving vehicles and stopped vehicles.

5 (c) EFFECTIVE DATE.—The Secretary shall issue a
6 final rule not later than 2 years after the date of enact-
7 ment of this Act, and the regulations prescribed by the
8 Secretary under this section shall take effect 2 years after
9 the date of publication of the final rule.

10 **SEC. 4. SPEED LIMITING DEVICES.**

11 Not later than 1 year after the date of enactment
12 of this Act, the Secretary of Transportation shall finalize
13 regulations to require a motor vehicle with a gross vehicle
14 weight rating greater than 26,000 pounds to be equipped
15 with an electronic control module requiring the speed to
16 be set at no more than 70 miles per hour by the manufac-
17 turer.

18 **SEC. 5. HIGH-RISK CARRIER COMPLIANCE REVIEWS.**

19 (a) HIGH-RISK CARRIER COMPLIANCE REVIEWS.—
20 Section 31104(b) of title 49, United States Code, is
21 amended by adding at the end the following: “From the
22 funds authorized by this subsection, the Secretary shall
23 ensure that a review is completed on each motor carrier
24 that demonstrates through performance data that it poses
25 the highest safety risk. At a minimum, a review shall be

1 conducted whenever a motor carrier is among the highest
2 risk carriers for 2 consecutive months.”.

3 (b) REPORT.—Not later than 180 days after the date
4 of enactment of this Act, the Secretary of Transportation
5 shall transmit to Congress a report on the actions the Sec-
6 retary has taken to comply with the review requirement
7 under section 31104(b) of title 49, United States Code,
8 as amended, including the number of high-risk motor car-
9 riers identified and the high-risk motor carriers reviewed.

10 (c) CONFORMING AMENDMENT.—Section 4138 of the
11 Safe, Accountable, Flexible, Efficient Transportation Eq-
12 uity Act: A Legacy for Users (49 U.S.C. 31144 note) is
13 repealed.

14 **SEC. 6. DRIVER COMPENSATION.**

15 (a) IN GENERAL.—Chapter 311 of title 49, United
16 States Code, is amended by inserting after section 31139
17 the following:

18 **“§ 31140. Driver compensation**

19 “(a) IN GENERAL.—The Secretary of Transportation
20 by regulation shall require that a motor carrier—

21 “(1) track the on-duty (not driving) time of an
22 employee whose base compensation is calculated in a
23 manner other than an hourly wage and who is re-
24 quired to keep a record of duty status under the

1 hours of service regulations prescribed by the Sec-
2 retary; and

3 “(2) separately compensate the employee for
4 any on-duty (not driving) time period at an hourly
5 rate not less than the Federal minimum wage rate
6 under section 6 of the Fair Labor Standards Act of
7 1938 (29 U.S.C. 206).

8 “(b) LIMITATION.—This section shall not apply to an
9 employee whose employment is governed by a collective
10 bargaining agreement, negotiated by employee representa-
11 tives certified as bona fide by the National Labor Rela-
12 tions Board, if the agreement governs, and compensates
13 the employee for all hours of on-duty (not driving) time.

14 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion or regulations adopted under this section shall affect
16 an employer’s obligations under the Fair Labor Standards
17 Act of 1938 (29 U.S.C. 201 et seq.). Compensation of em-
18 ployees under this section and regulations promulgated
19 under this section shall be in addition to other compensa-
20 tion calculated for purposes of determining compliance
21 with the Fair Labor Standards Act of 1938 (29 U.S.C.
22 201 et seq.).”.

23 (b) CONFORMING AMENDMENT.—The table of con-
24 tents of chapter 311 of title 49, United States Code, is

1 amended by inserting after the item relating to section
2 31139 the following:

“31140. Driver compensation.”.

3 **SEC. 7. STUDY ON COMMERCIAL MOTOR VEHICLE DRIVER**
4 **COMMUTING.**

5 (a) **EFFECTS OF EXCESSIVE COMMUTING.**—The Ad-
6 ministratoꝛ of the Federal Motor Carrier Safety Adminis-
7 tration shall conduct a study of the effects of excessive
8 commuting on safety and commercial motor vehicle driver
9 fatigue.

10 (b) **STUDY.**—In conducting the study, the Adminis-
11 trator shall consider—

12 (1) the prevalence of excessive driver com-
13 muting in the commercial motor vehicle industry, in-
14 cluding the number and percentage of drivers who
15 commute;

16 (2) the distances traveled, time zones crossed,
17 time spent commuting, and methods of transpor-
18 tation used;

19 (3) research on the impact of excessive com-
20 muting on safety and commercial motor vehicle driv-
21 er fatigue;

22 (4) the commuting practices of commercial
23 motor vehicle drivers and policies of motor carriers;

1 (5) the Federal Motor Carrier Safety Adminis-
2 tration regulations, policies, and guidance regarding
3 excessive driver commuting; and

4 (6) any other matters the Administrator con-
5 siders appropriate.

6 (c) REPORT.—Not later than 18 months after the
7 date of enactment of this Act, the Administrator shall sub-
8 mit to Congress a report containing its findings under the
9 study and any recommendations for regulatory or adminis-
10 trative action concerning excessive driver commuting.

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