

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2860

To amend the Interstate Commerce Act to modify the Interstate Commerce Commission's regulatory responsibilities over the trucking industry, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1993

Mr. EMERSON introduced the following bill; which was referred to the Committee on Public Works and Transportation

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## A BILL

To amend the Interstate Commerce Act to modify the Interstate Commerce Commission's regulatory responsibilities over the trucking industry, 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 "Trucking Regulatory  
5 Reform Act of 1993".

6 **SEC. 2. PURPOSE.**

7 This Act is part of the continuing effort by the Con-  
8 gress to reduce burdensome and unnecessary Government

1 regulation and to enhance competition, safety, and effi-  
2 ciency in the motor carrier industry.

3 **SEC. 3. FINDINGS.**

4 Congress finds that—

5 (1) a safe, sound, competitive, and fuel-efficient  
6 motor carrier system is vital to the maintenance of  
7 a strong national economy and a strong national de-  
8 fense;

9 (2) the statutes governing Federal regulation of  
10 the motor carrier industry are outdated and must be  
11 revised to reflect present and future transportation  
12 needs and realities;

13 (3) significant competitive and consumer bene-  
14 fits have resulted from the enactment and implemen-  
15 tation of the Motor Carrier Act of 1980;

16 (4) limitation of the Interstate Commerce Com-  
17 mission's regulatory responsibility over motor car-  
18 riers of property will result in enhanced competition  
19 in the motor carrier industry;

20 (5) elimination of unnecessary regulatory re-  
21 quirements will improve performance of the motor  
22 carrier industry at both the Federal and the State  
23 level;

1           (6) streamlined regulatory oversight functions  
2 will result in a reduction of the paperwork burden  
3 for businesses and government; and

4           (7) legislative and resulting changes should be  
5 implemented with the least amount of disruption  
6 consistent with achieving the reforms enacted.

7 **SEC. 4. TRANSPORTATION POLICY.**

8           Section 10101(a)(2) of title 49, United States Code,  
9 is amended—

10           (1) by redesignating clauses (A) through (I) as  
11 clauses (C) through (K), respectively;

12           (2) by inserting after “in order to” the follow-  
13 ing new clauses: “(A) allow, to the maximum extent  
14 possible, competition and the demand for services to  
15 establish reasonable rates for transportation by  
16 motor carriers of property; (B) minimize the need  
17 for Federal regulatory control over the motor carrier  
18 transportation system and to require fair and expe-  
19 ditious regulatory decisions when regulation is re-  
20 quired;”.

21 **SEC. 5. DEFINITIONS.**

22           Section 10102 of title 49, United States Code, is  
23 amended—

24           (1) by redesignating paragraphs (13) and (14)  
25 as paragraphs (14) and (15), respectively;

1           (2) by inserting after paragraph (12) the fol-  
2           lowing new paragraph:

3           “(13) ‘independently determined rate, classifica-  
4           tion, rule or practice’ means a rate, classification,  
5           rule, or practice established by—

6                     “(A) a single motor common carrier for  
7                     application only to transportation that it can  
8                     provide over its line; or

9                     “(B) 2 or more interlining carriers without  
10                    participation in an organization established or  
11                    continued under an agreement approved under  
12                    section 10706(b) for application only to trans-  
13                    portation that the interlining carriers can pro-  
14                    vide jointly over their lines.”;

15           (3) by inserting after paragraph (15), as so re-  
16           designated, the following new paragraph:

17           “(16) ‘motor common carrier independent ac-  
18           tion’ means any action taken by a motor common  
19           carrier of property that is a member of an organiza-  
20           tion established or continued under an agreement  
21           approved under section 10706(b) or by 2 or more  
22           interlining motor common carriers of property that  
23           are members of such an organization—

24                     “(A) to establish a rate, classification, rule,  
25                     or practice to be published by the organization

1 in the appropriate organization or individual  
2 tariff or to cancel a rate, classification, rule, or  
3 practice for the account of the motor common  
4 carrier or the interlining motor common car-  
5 riers; or

6 “(B) to instruct the organization that an  
7 existing rate established by collective action (in-  
8 cluding a joint-rate, general rate increase, or  
9 broad tariff restructuring) which is proposed to  
10 be instituted, changed, or canceled, be retained  
11 with or without modification for the account of,  
12 or be made inapplicable to the account of, the  
13 carrier or the accounts of the interlining car-  
14 riers and published in the appropriate organiza-  
15 tion or individual carrier tariffs.”; and

16 (4) by redesignating existing paragraphs (15)  
17 through (31) as paragraphs (17) through (33), re-  
18 spectively.

19 **SEC. 6. EXEMPTIONS.**

20 Section 10505 of title 49, United States Code, is  
21 amended—

22 (1) in subsection (a) by inserting “, or a motor  
23 carrier providing transportation of property other  
24 than household goods,” after “rail carrier providing  
25 transportation”;

1 (2) in each of subsections (a)(1) and (d) by in-  
2 serting “or section 10101(a)” after “section  
3 10101a”; and

4 (3) in subsection (f) by inserting “or a motor  
5 carrier providing transportation of property other  
6 than household goods” after “rail carrier”.

7 **SEC. 7. RATE BUREAUS.**

8 (a) Section 10706(b) of title 49, United States Code,  
9 is amended—

10 (1) in paragraph (2) by striking “As provided  
11 by this subsection, a” and inserting “A”;

12 (2) in paragraph (2) by striking “them.” at the  
13 end of the first sentence and inserting “them, only  
14 as provided by this subsection.”;

15 (3) in paragraph (3) by striking “Agreements”  
16 and inserting “An agreement”;

17 (4) by redesignating paragraphs (3) through  
18 (5) as paragraphs (4) through (6), respectively; and

19 (5) by inserting after paragraph (2) the follow-  
20 ing new paragraph:

21 “(3) If the agreement is not made and carried out  
22 under the conditions required by the Commission with re-  
23 spect to a rate, classification, rule, or practice, the fact  
24 that the rate, classification, rule, or practice was included  
25 in a tariff duly filed with the Commission shall not relieve

1 any carrier participating in it from liability or any remedy  
2 available under the antitrust laws, as defined in the first  
3 section of the Clayton Act (15 U.S.C. 12), unless the Com-  
4 mission has determined reasonableness of the rate, classi-  
5 fication, rule, or practice under the provisions of this sub-  
6 title.”.

7 (b) Section 10706(b)(4) of title 49, United States  
8 Code, as redesignated by subsection (a)(4) of this section,  
9 is amended—

10 (1) by redesignating subparagraphs (E)  
11 through (H) as subparagraphs (F) through (I), re-  
12 spectively; and

13 (2) by inserting after subparagraph (D) the fol-  
14 lowing new subparagraph:

15 “(E) No agreement approved under this sub-  
16 section may provide for docketing of the independent  
17 actions of motor common carriers providing trans-  
18 portation of property other than household goods or  
19 for discussion of or voting upon those independent  
20 actions.”.

21 **SEC. 8. STANDARDS FOR RATEMAKING.**

22 (a) Section 10701(a) of title 49, United States Code,  
23 is amended—

24 (1) by striking “(other than a rail rate),” in the  
25 first sentence and inserting “(other than a (1) rail

1 rate, or (2) an independently determined rate or a  
2 rate determined by the independent action, as de-  
3 fined in section 10102(16)(A), of a motor carrier  
4 providing transportation of property other than  
5 household goods),”;

6 (2) by striking “(including a rail carrier)” in  
7 the second sentence and inserting “(including a rail  
8 carrier, but excluding a motor carrier providing  
9 transportation of property other than household  
10 goods under rates described in clause (2) of the first  
11 sentence of this subsection)”;

12 (3) by striking “(including rail carriers)” in the  
13 third sentence and inserting “(including rail car-  
14 riers, but excluding motor carriers providing trans-  
15 portation of property other than household goods  
16 under rates described in clause (2) of the first sen-  
17 tence of this subsection)”.

18 (b) Section 10701(e) of title 49, United States Code,  
19 is amended by inserting “(except a motor carrier or a  
20 group of motor carriers providing transportation of prop-  
21 erty other than household goods under independently de-  
22 termined rates or rates determined by independent action,  
23 as defined in section 10102(16)(A))” after “motor car-  
24 riers”.

1 **SEC. 9. PRESCRIPTION OF RATES, CLASSIFICATIONS,**  
2 **RULES, AND PRACTICES BY THE INTERSTATE**  
3 **COMMERCE COMMISSION.**

4 (a) Section 10704(b)(1) of title 49, United States  
5 Code, is amended—

6 (1) in subparagraph (A) by inserting after  
7 “title” the following: “(except as to a motor common  
8 carrier providing transportation of property other  
9 than household goods under independently deter-  
10 mined rates or rates determined by independent ac-  
11 tion, as defined in section 10102(16)(A))”;

12 (2) by inserting “, except as provided in para-  
13 graph (2) of this subsection, or the” after “shall  
14 prescribe,”.

15 (b) Section 10704(b) of title 49, United States Code,  
16 is amended—

17 (1) by redesignating paragraphs (2), (3), and  
18 (4) as paragraphs (3), (4), and (5), respectively; and

19 (2) by inserting after paragraph (1) the follow-  
20 ing new paragraph:

21 “(2) If the carrier is a motor common carrier provid-  
22 ing transportation of property other than household goods  
23 which establishes rates collectively in an organization es-  
24 tablished or continued under an agreement approved  
25 under section 10706 of this title or by independent action,  
26 as defined in section 10102(16)(B), the Commission shall

1 prescribe only the maximum rate or the classification,  
2 rule, or practice to be followed.”.

3 (c) Section 10704(c)(1) of title 49, United States  
4 Code, is amended—

5 (1) in the first sentence by inserting “(except a  
6 motor contract carrier providing transportation of  
7 property other than household goods)” after “con-  
8 tract carrier” the first place it appears;

9 (2) in the first sentence by inserting “(except  
10 the minimum rate of a motor contract carrier pro-  
11 viding transportation of property other than house-  
12 hold goods)” after “minimum rate” the second place  
13 it appears; and

14 (3) in the second sentence by striking “rate,”  
15 and inserting “rate (except the rate of a motor con-  
16 tract carrier providing transportation of property  
17 other than households goods),”.

18 (d) Section 10704(c)(2) of title 49, United States  
19 Code, is amended by inserting “except a motor contract  
20 carrier providing transportation of property other than  
21 household goods,” after “contract carrier,”.

22 (e) Section 10704(d) of title 49, United States Code,  
23 is amended by inserting “and motor carriers providing  
24 transportation of property other than household goods”  
25 after “rail carriers”.

1 (f) Section 10705(b) of title 49, United States Code,  
2 is amended by adding at the end the following new para-  
3 graph:

4 “(3) Nothing in this section shall be applicable to  
5 motor common carriers providing transportation of prop-  
6 erty other than household goods under rates, classifica-  
7 tions, rules, and practices that have been independently  
8 determined, as defined in section 10102(13), or estab-  
9 lished by independent action as defined in section  
10 10102(16)(A).”.

11 **SEC. 10. INVESTIGATION AND SUSPENSION OF NEW RATES,**  
12 **CLASSIFICATIONS, RULES, AND PRACTICES.**

13 (a) Section 10708(a)(1) of title 49, United States  
14 Code, is amended—

15 (1) in subparagraph (A)—

16 (A) by inserting “(except as to new indi-  
17 vidual rates, classifications, rules, and practices  
18 that are independently determined, as defined  
19 in section 10102(13), or established by inde-  
20 pendent action, as defined in section  
21 10102(16)(A), by motor common carriers pro-  
22 viding transportation of property other than  
23 household goods)” after “affecting a rate”; and

24 (B) by striking “or” the last place it ap-  
25 pears;

1 (2) in subparagraph (B)—

2 (A) by inserting “(other than a motor con-  
3 tract carrier providing transportation of prop-  
4 erty other than households goods)” after “con-  
5 tract carrier”; and

6 (B) by striking the period at the end of  
7 such subparagraph and inserting “; or”; and

8 (3) by inserting after subparagraph (B) the fol-  
9 lowing new subparagraph:

10 “(C) a new rate, classification, rule, or practice  
11 described in subparagraph (A) and established by  
12 independent action, as defined in section  
13 10102(16)(B), or established collectively in accord-  
14 ance with the procedures of an agreement approved  
15 by the Commission under section 10706(b) is filed  
16 with the Commission by or on behalf of a motor  
17 common carrier or 2 or more interlining motor com-  
18 mon carriers providing transportation of property,  
19 other than household goods.”.

20 (b) Section 10708(d) of title 49, United States Code,  
21 is amended—

22 (1) in paragraph (1) by striking “motor com-  
23 mon carrier of property or” and inserting “motor  
24 common carrier providing transportation of house-  
25 hold goods or a”;

1           (2) in paragraph (2) by striking “of property”  
2           and inserting “providing transportation of household  
3           goods”;

4           (3) in paragraph (2)(B)(i) by striking “carriers  
5           or” and inserting “motor common carriers providing  
6           transportation of households goods or”; and

7           (4) in paragraph (6) by inserting “(except as to  
8           independent actions by motor common carriers of  
9           property other than household goods)” after “dock-  
10          eting”.

11          (c) Section 10708(e) of title 49, United States Code,  
12          is amended—

13           (1) by striking “3 years after the effective date  
14           of this subsection,”;

15           (2) by inserting “(1)” before “a motor common  
16           carrier of passengers”;

17           (3) by inserting after “too low,” the following:  
18           “or (2) a motor common carrier providing transpor-  
19           tation of property other than household goods on the  
20           grounds that such a rate is unreasonable on the  
21           basis that it is too high,”;

22           (4) by inserting “by independent action, as de-  
23           fined in section 10102(16)(B), or is established”  
24           after “rate is established”; and

1           (5) by striking “title.” and inserting “title or  
2           the result of an independent action, as defined in  
3           section 10102(16)(B).”.

4 **SEC. 11. SPECIAL RATES.**

5           (a) Section 10725 of title 49, United States Code,  
6 is amended—

7           (1) in subsection (b) by striking “A” and in-  
8           serting “(1) Except as provided in paragraph (2) of  
9           this subsection, a”;

10           (2) by adding at the end of subsection (b) the  
11 following new paragraph:

12           “(2) The limitations of paragraph (1) of this sub-  
13 section shall not apply to rates, classifications, and rules  
14 established pursuant to subsection (a) of this section if  
15 they are independently determined, as defined in section  
16 10102(13), or established by independent action, as de-  
17 fined in section 10102(16)(A), by a motor common carrier  
18 providing transportation of property other than household  
19 goods.”;

20           (3) by inserting at the end of subsection (c) the  
21 following new sentence: “A motor common carrier  
22 providing transportation of property other than  
23 household goods may establish any rate for the  
24 transportation if the rate is independently deter-  
25 mined, as defined in section 10102(13), or estab-

1 lished by independent action, as defined in section  
2 10102(16)(A).”.

3 (b) Section 10730(b)(2) of title 49, United States  
4 Code, is amended by inserting at the end the following  
5 new sentence: “The Commission may grant relief from  
6 this paragraph with respect to one or more motor common  
7 carriers providing transportation of property other than  
8 household goods when relief is consistent with the public  
9 interest and the transportation policy of section 10101 of  
10 this title. The Commission may begin a proceeding under  
11 this paragraph on application of 1 or more motor common  
12 carriers providing transportation of property other than  
13 household goods or on its own initiative.”.

14 (c) The second sentence of section 10747 of title 49,  
15 United States Code, is amended by inserting “(except a  
16 motor common carrier providing transportation of prop-  
17 erty other than household goods under rates that are inde-  
18 pendently determined, as defined in section 10102(13), or  
19 established by independent action, as defined in section  
20 10102(16)(A))” after “of this title”.

21 **SEC. 12. PROCEDURE FOR RESOLVING DISPUTES.**

22 (a) GENERAL RULE.—For purposes of section 10701  
23 of title 49, United States Code, it shall be an unreasonable  
24 practice for a nonhousehold goods motor carrier, a  
25 nonhousehold goods freight forwarder, or a person rep-

1 resenting such a carrier or freight forwarder (hereinafter  
2 in this section referred to as a “representative”) to at-  
3 tempt to charge or to charge for a transportation service  
4 the difference between—

5           (1) the rate that is lawfully in effect pursuant  
6           to a tariff that is filed in accordance with chapter  
7           107 of such title by the carrier or freight forwarder  
8           and that is applicable to such transportation service,  
9           and

10           (2) the negotiated rate for such transportation  
11           service,

12 if the carrier or freight forwarder is no longer transporting  
13 property between places described in section 10521(a)(1)  
14 of such title or is transporting property between places  
15 described in such section for the purpose of avoiding the  
16 application of this subsection.

17           (b) JURISDICTION OF THE COMMISSION.—The Com-  
18 mission shall have exclusive jurisdiction to make a deter-  
19 mination of whether or not the attempting to charge or  
20 the charging of a person for a transportation service rate  
21 by a carrier, freight forwarder, or a representative is an  
22 unreasonable practice under subsection (a). In making  
23 such a determination, the Commission shall consider—

24           (1) whether such person was offered a transpor-  
25           tation rate by the carrier or freight forwarder other

1 than that legally on file with the Commission for  
2 such transportation service,

3 (2) whether such person tendered freight to the  
4 carrier or freight forwarder in reasonable reliance  
5 upon the offered transportation rate,

6 (3) whether the carrier or freight forwarder did  
7 not properly or timely file with the Commission a  
8 tariff providing for such transportation rate or failed  
9 to execute a valid contract for such transportation  
10 service,

11 (4) whether the transportation rate was billed  
12 and collected by the carrier or freight forwarder, and

13 (5) whether the carrier, freight forwarder, or  
14 representative demands additional payment of a  
15 higher rate filed in a tariff.

16 (c) STAY OF ADDITIONAL COMPENSATION.—When a  
17 person proceeds under this section to challenge the reason-  
18 ableness of the practice of, or the legally applicable freight  
19 rate or charges being claimed by, a carrier, freight for-  
20 warder, or representative described in subsection (a) in ad-  
21 dition to those already billed and collected, such person  
22 shall not have to pay any additional compensation to such  
23 carrier, freight forwarder, or representative until the Com-  
24 mission has made a determination as to the reasonable-

1 ness of the challenged rate or practice as applied to the  
2 freight of the person against whom the claim is made.

3 (d) SATISFACTION OF CLAIMS.—A person from whom  
4 the additional rates or charges are sought may elect to  
5 satisfy such claim by payment of 10 percent of the dif-  
6 ference between the carrier’s legally applicable and effec-  
7 tive tariff rate or charge and the rate originally billed and  
8 paid. In the event that a dispute arises as to the rate that  
9 was legally applicable to the shipment, such dispute shall  
10 be resolved by the Commission.

11 (e) SPECIAL RULE FOR SMALL-BUSINESS CONCERNS  
12 AND CHARITABLE ORGANIZATIONS.—Notwithstanding  
13 subsections (a), (b), and (d), a person from whom the ad-  
14 ditional legally applicable and effective tariff rate or  
15 charges are sought may elect to satisfy such claim by pay-  
16 ment of 1 percent of the difference between the carrier’s  
17 applicable and effective tariff rate and the rate originally  
18 billed and paid if such person qualifies as a small-business  
19 concern under the Small Business Act (15 U.S.C. 631 et  
20 seq.) or is an organization which is described in section  
21 501(c)(3) of the Internal Revenue Code and exempt from  
22 tax under section 501(a) of such Code. In the event that  
23 a dispute arises as to the rate that was legally applicable  
24 to the shipment, such dispute shall be resolved by the  
25 Commission.

1 (f) NOTIFICATION OF ELECTION.—A person must  
2 notify the carrier, freight forwarder, or representative as  
3 to its election to proceed under subsection (d) or (e) not  
4 later than the 120th day after the date of receipt of notifi-  
5 cation by the claimant or plaintiff of the election provi-  
6 sions of this section.

7 (g) EFFECTS OF ELECTION.—When a person from  
8 whom additional legally applicable and effective tariff  
9 rates or charges are sought does not elect to use the provi-  
10 sions of subsection (d) or (e), the person may pursue all  
11 rights and remedies existing under title 49, United States  
12 Code.

13 (h) TREATMENT OF SUBSECTION.—Subsections (a)  
14 through (g) are enacted as an exception, and shall be  
15 treated as an exception, to the requirement of sections  
16 10761(a) and 10762 of title 49, United States Code, relat-  
17 ing to a filed tariff rate for a transportation or service  
18 subject to the jurisdiction of the Commission and other  
19 general tariff requirements.

20 (i) DEFINITIONS.—For purposes of this section, the  
21 following definitions apply:

22 (1) COMMISSION, HOUSEHOLD GOODS, AND  
23 HOUSEHOLD GOODS FREIGHT FORWARDER.—The  
24 terms “Commission”, “household goods”, and  
25 “household goods freight forwarder” have the mean-

1 ing such terms have under section 10102 of title 49,  
2 United States Code.

3 (2) NONHOUSEHOLD GOODS FREIGHT FOR-  
4 WARDER.—The term “nonhousehold goods freight  
5 forwarder” means a freight forwarder as defined in  
6 section 10102 of title 49, United States Code, except  
7 that such term does not include a household goods  
8 freight forwarder.

9 (3) NONHOUSEHOLD GOODS MOTOR CARRIER.—  
10 The term “nonhousehold goods motor carrier”  
11 means a motor carrier as defined under section  
12 10102 of title 49, United States Code of property  
13 (other than household goods).

14 (4) NEGOTIATED RATE.—The term “negotiated  
15 rate” means a rate, charge, classification, or rule  
16 agreed upon by a nonhousehold goods motor carrier  
17 or nonhousehold goods freight forwarder and a ship-  
18 per through negotiations pursuant to which no tariff  
19 was lawfully or timely filed with the Commission and  
20 for which there is written evidence of such agree-  
21 ment.

22 (j) STATUTE OF LIMITATIONS.—

23 (1) MOTOR CARRIER CHARGES.—Section  
24 11706(a) of title 49, United States Code, is amend-  
25 ed by striking the period at the end and inserting

1 the following: “; except that a common carrier pro-  
2 viding transportation or service subject to the juris-  
3 diction of the Commission under chapter 105 of this  
4 title—

5 “(1) must begin, within 24 months after the  
6 claim accrues, a civil action to recover charges for  
7 such transportation or service if such transportation  
8 or service is provided by the carrier on or after the  
9 date of the enactment of this exception and before  
10 the date that is 1 year after such date of enactment;  
11 and

12 “(2) must begin, within 18 months after the  
13 claim accrues, such a civil action if such transpor-  
14 tation or service is provided by the carrier on or  
15 after the date that is 1 year after such date of en-  
16 actment.”.

17 (2) MOTOR CARRIER OVERCHARGES.—Section  
18 11706(b) of title 49, United States Code, is amend-  
19 ed by striking the period at the end of the first sen-  
20 tence and inserting the following: “except that a per-  
21 son must begin, within 24 months after the claim  
22 accrues, a civil action to recover overcharges from a  
23 carrier subject to the jurisdiction of the Commission  
24 under subchapter II of chapter 105 of this title for  
25 transportation or service if such transportation or

1 service takes place on or after the date of the enact-  
2 ment of this exception and before the date that is  
3 1 year after such date of enactment, and a person  
4 must begin, within 18 months after the claim ac-  
5 crues, such a civil action for transportation or serv-  
6 ice taking place on or after the date that is 1 year  
7 after such date of enactment.”.

8 (3) CONFORMING AMENDMENT.—Section  
9 11706(d) of title 49, United States Code, is amend-  
10 ed by striking “3-year period” each place it appears  
11 and inserting “limitations period”.

12 (k) TARIFF RECONCILIATION RULES FOR MOTOR  
13 CARRIERS OF PROPERTY.—

14 (1) IN GENERAL.—Chapter 117 of title 49,  
15 United States Code, is amended by adding at the  
16 end the following new section:

17 **“§11712. Tariff reconciliation rules for motor com-**  
18 **mon carriers of property**

19 “(a) MUTUAL CONSENT.—Subject to Commission re-  
20 view and approval, motor carriers subject to the jurisdic-  
21 tion of the Commission under subchapter II of chapter  
22 105 of this title and shippers may resolve, by mutual con-  
23 sent, overcharge and undercharge claims resulting from  
24 incorrect tariff provisions or billing errors arising from the  
25 inadvertent failure to properly or timely file and maintain

1 agreed upon rates, rules, or classifications in compliance  
2 with sections 10761 and 10762 of this title. Resolution  
3 of such claims among the parties shall not subject any  
4 party to the penalties of chapter 119 of this title.

5 “(b) LIMITATION ON STATUTORY CONSTRUCTION.—  
6 Nothing in this section shall relieve the motor carrier of  
7 the duty to file and adhere to its rates, rules, and classi-  
8 fications as required in sections 10761 and 10762, except  
9 as provided in subsection (a) of this section.

10 “(c) RULEMAKING PROCEEDING.—Not later than 90  
11 days after the date of the enactment of this section, the  
12 Commission shall institute a proceeding to establish rules  
13 pursuant to which the tariff requirements of sections  
14 10761 and 10762 of this title shall not apply under cir-  
15 cumstances described in subsection (a) of this section.”.

16 (2) CONFORMING AMENDMENT.—The analysis  
17 for chapter 117 of title 49, United States Code, is  
18 amended by adding at the end the following:

“11712. Tariff reconciliation rules for motor common carriers of property.”.

19 (l) CUSTOMER ACCOUNT CODES.—Section 10762(g)  
20 of title 49, United States Code, is amended to read as  
21 follows:

22 “(g) CUSTOMER ACCOUNT CODES.—No tariff filed  
23 with the Commission before, on, or after the date of the  
24 enactment of this subsection may be held invalid solely on  
25 the basis that a numerical or alpha account code is used

1 in such tariff to designate customers or to describe the  
2 applicability of rates. For transportation performed on  
3 and after the 90th day following such date of enactment,  
4 the name of the customer for each account code must be  
5 set forth in a tariff.”.

6 (m) PAYMENT OF RATES.—Section 10743(b)(1) of  
7 title 49, United States Code, is amended by adding at the  
8 end the following new sentence: “Carriers may not by tar-  
9 iff publication override regulations of the Commission.”.

10 (n) FAILURE TO PARTICIPATE IN AGENT’S TAR-  
11 IFF.—Section 10762(b)(1) of title 49, United States Code,  
12 is amended by inserting after the first sentence the follow-  
13 ing new sentence: “Regulations of the Commission relat-  
14 ing to tariff publication and filing may provide that tariffs  
15 which do not comply with such regulations are void.”.

16 (o) EFFECTIVE DATE.—

17 (1) GENERAL RULE.—Except as provided in  
18 paragraph (2), this section (including the amend-  
19 ments made by this section) shall take effect on the  
20 date of the enactment of this Act.

21 (2) EXCEPTION.—Subsections (a) through (i)  
22 shall apply to—

23 (A) any proceeding before the Interstate  
24 Commerce Commission, and

25 (B) any court action,

1       which is pending or commenced on or after the date  
2       of the enactment of this Act.

3 **SEC. 13. TARIFF FILING.**

4       (a) Section 10702(b) of title 49, United States Code,  
5 is amended by inserting “, except a motor contract carrier  
6 of property,” after “A contract carrier” and by inserting  
7 “of passengers” in the second sentence after “motor con-  
8 tract carrier”.

9       (b) Section 10761(a) of title 49, United States Code,  
10 is amended—

11           (1) by inserting “and in subsection (b) of this  
12 section” after “subtitle”;

13           (2) by inserting after “105 of this title” the fol-  
14 lowing: “(excluding a motor common carrier provid-  
15 ing transportation of property other than household  
16 goods under independently determined rates, as de-  
17 fined in section 10102(13), or rates established by  
18 independent action, as defined in section  
19 10102(16)(A))”; and

20           (3) by striking “That carrier” and inserting “A  
21 carrier subject to this subsection”.

22       (c) Section 10761 of title 49, United States Code,  
23 is amended by redesignating subsections (b) and (c) as  
24 subsections (c) and (d), respectively, and by inserting after  
25 subsection (a) the following new subsection:

1       “(b) The rate for transportation or service, specified  
2 in a tariff filed by a motor common carrier providing  
3 transportation of property other than household goods  
4 under rates determined collectively in accordance with an  
5 agreement approved by the Commission under section  
6 10706(b) or by independent action, as defined in section  
7 10102(16)(B), shall be considered a maximum rate.”.

8       (d) Section 10762(a) of title 49, United States Code,  
9 is amended—

10           (1) in paragraph (1) by inserting “(except a  
11 motor common carrier providing transportation of  
12 property other than household goods under inde-  
13 pendently determined rates, as defined in section  
14 10102(13), or rates established by independent ac-  
15 tion, as defined in section 10102(16)(A) of this  
16 title)” after “A motor common carrier” in the sec-  
17 ond sentence and after “that motor common car-  
18 riers” in the third sentence;

19           (2) by inserting after the third sentence the fol-  
20 lowing new sentence: “A motor contract carrier of  
21 property is not required to publish or file actual or  
22 minimum rates under this subtitle.”; and

23           (3) by striking “or a motor carrier of property  
24 providing transportation under a certificate to which  
25 the provisions of section 10922(b)(4)(E) of this title

1 apply or under a permit to which the provisions of  
2 section 10923(b)(5) of this title apply”.

3 (e) Section 10762(c)(2) of title 49, United States  
4 Code, is amended by inserting “(except a motor contract  
5 carrier of property or a motor contract carrier of pas-  
6 sengers)” after “contract carrier”.

7 (f) Section 11916 of title 49, United States Code, is  
8 amended—

9 (1) by striking “When” and inserting “(a) Ex-  
10 cept as provided in subsection (b), when”;

11 (2) by adding at the end the following new sub-  
12 section:

13 “(b) When a motor common carrier providing trans-  
14 portation of property other than household goods files with  
15 the Commission or publishes a particular rate under chap-  
16 ter 107 of this title or participates in one of those rates  
17 and that rate was established by independent action, as  
18 defined in section 10102(16)(B), or established collectively  
19 in accordance with an agreement approved by the Com-  
20 mission under section 10706(b), then the published or  
21 filed rate is conclusive proof against that carrier, its offi-  
22 cers, and agents that it is the maximum legal rate for that  
23 transportation or service in a proceeding begun under sec-  
24 tion 11902 and 11903 of this title. A departure, or offer

1 to depart, from that rate is a violation of those sections  
2 only if it exceeds that rate.”.

3 **SEC. 14. STANDARDS FOR SAFETY FITNESS.**

4 (a) USE OF SAFETY RATINGS.—The Secretary of  
5 Transportation and the Interstate Commerce Commission  
6 shall determine jointly by rule, after notice and oppor-  
7 tunity for comment, the proper use of safety ratings (espe-  
8 cially conditional and unsatisfactory ratings) developed  
9 pursuant to section 215 of the Motor Carrier Safety Act  
10 of 1984 (49 U.S.C. App. 2512), in determining whether  
11 a motor carrier owner or operator or an applicant for an  
12 operating certificate meets the safety fitness requirements  
13 of that provision.

14 (b) ICC PROCEDURES.—The Interstate Commerce  
15 Commission, in cooperation with the Secretary of Trans-  
16 portation, shall determine by rule, after notice and oppor-  
17 tunity for comment, appropriate procedures by which the  
18 Commission may suspend or revoke the certificates of car-  
19 riers that fail to meet the safety fitness requirements de-  
20 scribed in subsection (a) and any other safety require-  
21 ments established by the Commission.

22 **SEC. 15. MOTOR COMMON CARRIER LICENSING.**

23 (a) Section 10922(b)(1) of title 49, United States  
24 Code, is amended—

1           (1) by striking “finds—” and inserting “finds  
2 that the person is able to comply with—”;

3           (2) by striking subparagraphs (A) and (B) and  
4 all that follows through the period at the end and  
5 inserting the following:

6           “(A) this subtitle, the regulations of the Com-  
7 mission, and any safety requirements imposed by the  
8 Commission; and

9           “(B) the safety fitness requirements established  
10 by the Secretary of Transportation in consultation  
11 with the Commission pursuant to section 215 of the  
12 Motor Carrier Safety Act of 1984 (49 U.S.C. App.  
13 2512); and

14           “(C) the minimum financial responsibility re-  
15 quirements established by the Commission pursuant  
16 to section 10927 of this title.”.

17       (b) Section 10922(b)(2) of title 49, United States  
18 Code, is amended—

19           (1) by striking subparagraphs (A) and (B);

20           (2) by striking “at least the following:” and in-  
21 sserting the following: “any evidence demonstrating  
22 that the applicant is unable to comply with this sub-  
23 title, the regulations of the Commission, Commission  
24 safety requirements, or the safety fitness and mini-

1       mum financial responsibility requirements referred  
2       to in paragraph (1) of this subsection.”.

3       (c) Section 10922(b) of title 49, United States Code,  
4       is amended—

5             (1) by striking paragraphs (3) and (4);

6             (2) by inserting after paragraph (2) the follow-  
7       ing new paragraph:

8       “(3) The Commission, pursuant to section 215(d) of  
9       the Motor Carrier Safety Act of 1984 (49 U.S.C. App.  
10      2512(d)), shall find any applicant for authority to operate  
11     as a motor carrier under this section to be unfit if the  
12     applicant does not meet the safety fitness requirements  
13     referred to in paragraph (1)(B) and shall deny the appli-  
14     cation.”;

15            (3) by redesignating paragraph (5) as para-  
16     graph (4);

17            (4) in paragraph (4), as so redesignated, by  
18     striking “holding authority under paragraph (4)(D)  
19     of this subsection,” and inserting “motor carrier  
20     providing transportation of shipments weighing 100  
21     pounds or less transported in a motor vehicle in  
22     which no one package exceeds 100 pounds and”;

23            (5) by inserting after paragraph (4), as so re-  
24     designated, the following new paragraph:

1 “(5) A person may protest an application to provide  
2 transportation under this subsection only on the grounds  
3 that the applicant fails or will fail to comply with this sub-  
4 title, the regulations of the Commission, Commission safe-  
5 ty requirements, or the safety fitness or minimum finan-  
6 cial responsibility requirements referred to in paragraph  
7 (1) of this subsection.”; and

8 (6) by striking paragraphs (6) through (9).

9 (d) Section 10922(g)(1) of title 49, United States  
10 Code, is amended by striking “by public convenience” and  
11 all that follows through the period at the end and inserting  
12 a period.

13 **SEC. 16. MOTOR CONTRACT CARRIER LICENSING.**

14 (a) GENERAL RULE.—Section 10923(a) of title 49,  
15 United States Code, is amended by inserting “of pas-  
16 sengers” after “motor contract carrier”.

17 (b) MOTOR CONTRACT CARRIERS OF PROPERTY.—  
18 Section 10923 of title 49, United States Code, is amended  
19 by redesignating subsections (b), (c), (d), and (e) as sub-  
20 sections (c), (d), (e), and (f), respectively, and by inserting  
21 after subsection (a) the following new subsection:

22 “(b) PERMITS TO NONPASSENGER MOTOR CON-  
23 TRACT CARRIERS.—Except as provided in this section and  
24 section 10930 of this title, the Commission shall issue a  
25 permit to a person authorizing the person to provide

1 transportation subject to the jurisdiction of the Commis-  
2 sion under subchapter II of chapter 105 of this title as  
3 a motor contract carrier (other than a motor contract car-  
4 rier of passengers) if the Commission finds that the person  
5 is able to comply with—

6           “(1) this subtitle, the regulations of the Com-  
7 mission, and any safety requirements imposed by the  
8 Commission;

9           “(2) the safety fitness requirements established  
10 by the Secretary of Transportation in consultation  
11 with the Commission pursuant to section 215 of the  
12 Motor Carrier Safety Act of 1984 (49 U.S.C. App.  
13 2512); and

14           “(3) the minimum financial responsibility re-  
15 quirements established by the Commission pursuant  
16 to section 10927 of this title.”.

17       (c) EVIDENCE TO BE CONSIDERED.—Section  
18 10923(c) of title 49, United States Code, as redesignated  
19 by subsection (b) of this section, is amended—

20           (1) in paragraph (3) by striking “shall con-  
21 sider—” and subparagraphs (A), (B), and (C) and  
22 inserting the following: “shall consider any evidence  
23 demonstrating that the applicant is unable to comply  
24 with this subtitle, the regulations of the Commission,  
25 Commission safety requirements, or the safety fit-

1       ness and minimum financial responsibility require-  
2       ments referred to in subsection (b) of this section.”;

3               (2) by striking paragraph (4) and inserting the  
4       following:

5       “(4) The Commission, pursuant to section 215 of the  
6       Motor Carrier Safety Act of 1984 (49 U.S.C. App.  
7       2512(d)), shall find any applicant for authority to operate  
8       as a motor contract carrier under this section to be unfit  
9       if the applicant does not meet the safety fitness require-  
10       ments of subsection (b)(2) of this section and shall deny  
11       the application.”;

12               (3) by striking paragraphs (5) and (6);

13               (4) by redesignating paragraph (7) as para-  
14       graph (5); and

15               (5) by inserting at the end the following new  
16       paragraph:

17       “(6) A person may protest an application to provide  
18       transportation under this subsection only on the grounds  
19       that the applicant fails or will fail to comply with this sub-  
20       title, the regulations of the Commission, Commission safe-  
21       ty requirements, or the safety fitness or minimum finan-  
22       cial responsibility requirements of paragraph (1) of this  
23       subsection.”.

1 (d) CONDITIONS.—Section 10923(e) of title 49, Unit-  
2 ed States Code, as redesignated by subsection (b) of this  
3 section, is amended—

4 (1) in paragraph (1) by striking “, except that”  
5 and all that follows through the period at the end  
6 of the first sentence and inserting a period;

7 (2) in paragraph (2) by striking “each person  
8 or class of persons” and all that follows through  
9 “persons)” and inserting “, in the case of a motor  
10 contract carrier of passengers, the number of per-  
11 sons”; and

12 (3) in paragraph (2)(A) by striking “as a motor  
13 contract carrier”.

14 (e) CONTINUING CONTRACTS.—Section 10923 of title  
15 49, United States Code, is further amended by adding at  
16 the end the following new subsection:

17 “(g) CONTINUING CONTRACTS.—One or more motor  
18 contract carriers of property providing transportation sub-  
19 ject to the jurisdiction of the Commission under sub-  
20 chapter II of chapter 105 of this title may enter into a  
21 continuing contract with one or more purchasers of motor  
22 carrier services to provide specified services under speci-  
23 fied rates and conditions to the extent permitted by the  
24 common law of contracts and the Uniform Commercial  
25 Code.”.

1 **SEC. 17. REVOCATION OF MOTOR CARRIER AUTHORITY.**

2 (a) ICC SUSPENSIONS.—Section 10925(d)(1) of title  
3 49, United States Code, is amended—

4 (1) by striking “and” at the end of subpara-  
5 graph (A);

6 (2) by redesignating subparagraph (B) as sub-  
7 paragraph (C); and

8 (3) by inserting after subparagraph (A) the fol-  
9 lowing new subparagraph:

10 “(B) if a motor carrier, for failure to comply  
11 with the safety fitness requirements referred to in  
12 section 10922(b)(1) or 10923(b) of this subtitle or  
13 the minimum financial responsibility requirements of  
14 section 10927 of this subtitle;”.

15 (b) DOT SUSPENSIONS.—Section 10925(d)(2) of  
16 title 49, United States Code, is amended—

17 (1) by inserting “or upon its own initiative”  
18 after “Secretary of Transportation”;

19 (2) by inserting “or property” after “pas-  
20 sengers”; and

21 (3) by striking “property.” and inserting “prop-  
22 erty or has failed to meet the safety fitness stand-  
23 ards established by the Secretary pursuant to sec-  
24 tion 215 of the Motor Carrier Safety Act of 1984  
25 (49 U.S.C. App. 2512).”.

1 **SEC. 18. COMMISSION AUTHORITY OVER INTRASTATE**  
2 **TRANSPORTATION.**

3 (a) NONHOUSEHOLD GOODS MOTOR CARRIERS OF  
4 PROPERTY.—Section 11501(b) of title 49, United States  
5 Code, is amended—

6 (1) in paragraph (1)—

7 (A) by inserting “or intrastate transpor-  
8 tation of property (other than household goods)  
9 provided by a motor carrier” after “rail car-  
10 rier”; and

11 (B) by inserting “or II” after “subchapter  
12 I”;

13 (2) by adding at the end the following new  
14 paragraph:

15 “(7) In this subsection and subsections (c) and  
16 (d) of this section, the terms ‘exercise jurisdiction  
17 over intrastate transportation of property (other  
18 than household goods) provided by a motor carrier’  
19 and ‘exercise jurisdiction over intrastate motor car-  
20 rier transportation of property (other than household  
21 goods)’ each mean to regulate any aspect of the  
22 intrastate transportation of property (other than  
23 household goods) provided by a motor carrier that is  
24 also the subject of regulation by the Commission, in-  
25 cluding licensing, tariff filing, contracts, rates, clas-  
26 sifications, rules, and practices.”;

1 (3) in paragraph 2—

2 (A) by inserting “(A)” before “Within 120  
3 days”; and

4 (B) by inserting at the end the following  
5 new subparagraphs:

6 “(B) Within 120 days after the effective date of the  
7 Trucking Regulatory Reform Act of 1993, the Commission  
8 shall establish guidelines for determining whether the  
9 standards and procedures that a State authority will use  
10 in exercising jurisdiction over intrastate transportation of  
11 property (other than household goods) provided by a  
12 motor carrier described in paragraph (1) of this subsection  
13 are in accordance with the standards and procedures ap-  
14 plicable to regulation of motor carriers by the Commission  
15 under this title.

16 “(C) Within 180 days after the effective date of the  
17 guidelines required to be established under subparagraph  
18 (B), each State authority exercising jurisdiction over  
19 intrastate transportation of property (other than house-  
20 hold goods) provided by a motor carrier described in para-  
21 graph (1) of this subsection shall (i) submit to the Com-  
22 mission the standards and procedures that it will use in  
23 exercising such jurisdiction, and (ii) certify that such  
24 standards and procedures are in accordance with the  
25 guidelines established in subparagraph (B) and with the

1 standards and procedures applicable to regulation of  
2 motor carriers by the Commission under this title.”.

3 (b) ICC CERTIFICATION.—Section 11501(b)(3)(A) of  
4 title 49, United States Code, is amended—

5 (1) by inserting “(i)” before “90 days”;

6 (2) by striking “paragraph (2)” and inserting  
7 “paragraph (2)(A)”;

8 (3) by inserting after “of this subsection,” the  
9 following: “or (ii) 180 days after receipt of the intra-  
10 state motor carrier regulatory standards and proce-  
11 dures under paragraph (2)(B) of this subsection,”;  
12 and

13 (4) by inserting “or motor carriers providing  
14 transportation of property (other than household  
15 goods)” after “rail carriers”.

16 (c) GRANDFATHERED STANDARDS AND PROCE-  
17 DURES.—Section 11501(b)(3)(B) of title 49, United  
18 States Code, is amended by inserting after “rules, and  
19 practices” the following: “and the standards and proce-  
20 dures existing in each State on the effective date of the  
21 Trucking Regulatory Reform Act of 1993 for the exercise  
22 of jurisdiction over intrastate motor carrier transportation  
23 of property (other than household goods)”.

24 (d) STATE AUTHORITY.—Section 11501(b)(4) of title  
25 49, United States Code, is amended—

1 (1) in subparagraph (A)—

2 (A) by inserting “intrastate motor carrier  
3 transportation of property (other than house-  
4 hold goods) or” after “jurisdiction over” in the  
5 first sentence;

6 (B) by striking “over intrastate” in the  
7 second sentence and inserting “over intrastate  
8 motor carrier transportation of property (other  
9 than household goods) or intrastate rail”; and  
10 (2) in subparagraph (B)—

11 (A) by inserting “or a motor carrier pro-  
12 viding transportation of property (other than  
13 household goods)” after “provided by a rail car-  
14 rier”;

15 (B) by inserting “over intrastate motor  
16 carrier transportation of property (other than  
17 household goods) or” after “may not exercise  
18 jurisdiction”;

19 (C) by inserting “rail” after “over an  
20 intrastate”; and

21 (D) by inserting “or II” after “subchapter  
22 I”.

23 (e) COMMISSION REVIEW.—Section 11501(c) of title  
24 49, United States Code, is amended—

1           (1) in the first sentence by inserting “rail”  
2 after “lawfulness of an intrastate”;

3           (2) in the first sentence by inserting after “de-  
4 termined,” the following: “and any motor carrier  
5 providing transportation of property (other than  
6 household goods) subject to the jurisdiction of the  
7 Commission under subchapter II of chapter 105 of  
8 this title and any party to an administrative pro-  
9 ceeding of any State authority in which the lawful-  
10 ness of intrastate motor carrier transportation of  
11 property (other than household goods) is decided  
12 may petition the Commission to review that deci-  
13 sion”;

14           (3) in the second sentence by inserting “filed by  
15 a rail carrier” after “any such petition”;

16           (4) in the second sentence by inserting “and on  
17 any such petition filed by a motor carrier or any  
18 party to a motor carrier proceeding of a State au-  
19 thority within 60 days after the date it is received”  
20 after “is received”;

21           (5) in the third sentence by inserting “rail”  
22 after “authorize the”;

23           (6) in the third sentence by inserting “or shall  
24 determine and authorize the motor carrier to take  
25 the appropriate action with respect to intrastate

1 motor carrier transportation of property (other than  
2 household goods)” after “or practice”; and

3 (7) by adding at the end the following new sen-  
4 tence: “The authority of the Commission under this  
5 subsection shall include the authority to issue a cer-  
6 tificate under the standards of section 10922 and a  
7 permit under the standards of section 10923 author-  
8 izing a motor carrier providing transportation of  
9 property (other than household goods) subject to the  
10 jurisdiction of the Commission under subchapter or  
11 II of chapter 105 of this title to provide intrastate  
12 motor carrier transportation of property (other than  
13 household goods).”.

14 (f) EXCLUSIVE AUTHORITY OF COMMISSION.—Sec-  
15 tion 11501(d) of title 49, United States Code, is amend-  
16 ed—

17 (1) in paragraph (1) by inserting “or by a  
18 motor carrier providing transportation of property  
19 (other than household goods)” after “rail carrier”  
20 the first place it appears;

21 (2) in paragraph (1) by inserting “or II” after  
22 “subchapter I”;

23 (3) in paragraph (1)(A) by inserting “or a  
24 motor carrier providing transportation of property  
25 (other than household goods)” after “a rail carrier”;

1           (4) in paragraph (2) by inserting “or a motor  
2 carrier providing transportation of property (other  
3 than household goods)” after “rail carrier”;

4           (5) in paragraph (2) by inserting “rail” after  
5 “intrastate”; and

6           (6) in paragraph (2) by inserting “and shall  
7 prescribe the intrastate motor carrier rate under the  
8 standards of chapter 107 of this title” after “and  
9 chapter 107 of this title”.

○

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