

104TH CONGRESS  
2D SESSION

# H. R. 3492

To amend title 49, United States Code, to ensure the ability of utility providers to establish, improve, operate, and maintain utility structures, facilities, and equipment for the benefit, safety, and well-being of consumers, by removing limitations on maximum driving and on-duty time pertaining to utility vehicle operators and drivers, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 16, 1996

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

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## A BILL

To amend title 49, United States Code, to ensure the ability of utility providers to establish, improve, operate, and maintain utility structures, facilities, and equipment for the benefit, safety, and well-being of consumers, by removing limitations on maximum driving and on-duty time pertaining to utility vehicle operators and drivers, 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 “Utility Consumer Serv-  
5 ice Improvement and Protection Act of 1996”.

1 **SEC. 2. EXEMPTION FROM CERTAIN REGULATIONS FOR**  
2 **UTILITY SERVICE COMMERCIAL MOTOR VE-**  
3 **HICLE DRIVERS.**

4 Section 31502 of title 49, United States Code, is  
5 amended by adding at the end the following new sub-  
6 section:

7 “(e) EXCEPTION.—

8 “(1) IN GENERAL.—Notwithstanding with other  
9 provision of law, regulations promulgated under this  
10 section or section 31136 regarding—

11 “(A) maximum driving and on-duty times  
12 applicable to operators of commercial motor ve-  
13 hicles;

14 “(B) physical testing, reporting, or record-  
15 keeping; and

16 “(C) the installation of automatic record-  
17 ing devices associated with establishing the  
18 maximum driving and on-duty times referred to  
19 in subparagraph (A),

20 shall not apply to any driver of a utility service  
21 vehicle.

22 “(2) DEFINITIONS.—For purposes of this sub-  
23 section, the following definitions shall apply:

24 “(A) DRIVER OF A UTILITY SERVICE VEHI-  
25 CLE.—The term ‘driver of a utility service vehi-  
26 cle’ means any driver who is considered to be

1 a driver of a utility service vehicle for purposes  
2 of section 345(a)(4) of the National Highway  
3 System Designation Act of 1995 (19 U.S.C.  
4 31136 note).

5 “(B) UTILITY SERVICE VEHICLE.—The  
6 term ‘utility service vehicle’ has the same mean-  
7 ing as in section 345(e)(6) of the National  
8 Highway System Designation Act of 1995 (49  
9 U.S.C. 31136 note).”.

10 **SEC. 3. CONTINUED APPLICATION OF SAFETY AND MAINTENANCE REQUIREMENTS.**  
11

12 (a) IN GENERAL.—The amendment made by this Act  
13 may not be construed—

14 (1) to exempt any utility service vehicle from  
15 compliance with any applicable provision of law re-  
16 lating to vehicle mechanical safety, maintenance re-  
17 quirements, or inspections; or

18 (2) to exempt any driver of a utility service ve-  
19 hicle from any applicable provision of law (including  
20 any regulation) established for the issuance, mainte-  
21 nance, or periodic renewal of a commercial driver’s  
22 license for that driver.

23 (b) DEFINITIONS.—For purposes of this section, the  
24 following definitions shall apply:

1           (1) COMMERCIAL DRIVER’S LICENSE:—The  
2 term “commercial driver’s license” has the same  
3 meaning as in section 31301(3) of title 49, United  
4 States Code.

5           (2) DRIVER OF A UTILITY SERVICE VEHICLE.—  
6 The term “driver of a utility service vehicle” has the  
7 same meaning as in section 31502(e)(2)(A) of title  
8 49, United States Code, as added by section 2 of  
9 this Act.

10          (3) REGULATION.—The term “regulation” has  
11 the same meaning as in section 31132(7) of title 49,  
12 United States Code.

13          (4) UTILITY SERVICE VEHICLE.—The term  
14 “utility service vehicle” has the same meaning as in  
15 section 345(e)(6) of the National Highway System  
16 Designation Act of 1995 (49 U.S.C. 31136 note).

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