

1 HB428
2 106421-2
3 By Representatives Beasley, Harper, Warren, Grimes, Wren,
4 McCampbell, Dukes, Fields, Shiver, Thigpen, Vance, Clouse,
5 Faust, McClendon, Lewis and Beck
6 RFD: Government Appropriations
7 First Read: 26-JAN-10

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8 SYNOPSIS: Existing state law does not require certain
9 fuel cost disclosures and fuel cost reimbursements
10 by a motor carrier, broker, or freight forwarder
11 providing or arranging truckload transportation or
12 service using fuel for which it does not bear the
13 cost.

14 This bill would require certain fuel cost
15 disclosures and fuel cost reimbursements by such
16 motor carriers, brokers, and freight forwarders.

17 This bill would prohibit any person from
18 causing a motor carrier, broker, or freight
19 forwarder to present false or misleading
20 information on a document or in an oral
21 representation about the actual rate, charge, or
22 allowance to any party to the transaction or
23 transportation.

24 This bill would provide a civil cause of
25 action against a person who fails to disclose a
26 fuel surcharge, make a payment, or cause or present
27 false or misleading information on a document or in

1 an oral representation about the actual rate,
2 charge, or allowance regarding a fuel surcharge.

3 This bill would require certain information
4 to be contained on each statement, invoice, or
5 other pay record regarding the logging, harvesting,
6 or hauling of timber and timber products.

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8 A BILL
9 TO BE ENTITLED
10 AN ACT

11
12 Relating to fuel surcharges of a motor carrier,
13 broker, or freight forwarder that does not actually bear the
14 costs of fuels; to require certain fuel cost disclosures and
15 fuel cost reimbursements by such motor carriers, brokers, and
16 freight forwarders; to prohibit any person from causing a
17 motor carrier, broker, or freight forwarder to present false
18 or misleading information on a document or in an oral
19 representation about the actual rate, charge, or allowance to
20 any party to the transaction or transportation; to provide a
21 civil cause of action against a person who fails to disclose
22 fuel surcharge, make a payment, or present false or misleading
23 information on a document or in an oral representation about
24 the actual rate, charge, or allowance regarding a fuel
25 surcharge; and to require certain information to be contained
26 on each statement, invoice, or other pay record regarding the
27 logging, harvesting, or hauling of timber and timber products.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. This act shall be known and may be cited
3 as the Trust in Reliable Understanding of Consumer Costs Act
4 or the "TRUCC Act."

5 Section 2. (a) A motor carrier, broker, or freight
6 forwarder providing or arranging truckload transportation or
7 service using fuel for which it does not bear the cost shall:

8 (1) Provide to the person that bears the cost of the
9 fuel either in a payment equal to the charges, invoiced or
10 otherwise presented to the person directly responsible to the
11 motor carrier, broker, or freight forwarder, which relate to
12 the cost of the fuel.

13 (2) At the time payment is made provided a written
14 list that specifically identifies any freight charge,
15 brokerage fee or commission, fuel surcharge or adjustment, and
16 any other charges invoiced or otherwise presented to the
17 person.

18 (b) A person may not knowingly present false or
19 misleading information on a document or in an oral
20 representation about the fuel surcharge for which it does not
21 bear the cost to any party to the transaction or
22 transportation.

23 (c) A person may bring a civil cause of action
24 against a person who fails to disclose a fuel surcharge or
25 presents false or misleading information on a document or in
26 an oral representation about the fuel surcharge for which it
27 does not bear the cost and may recover treble damages.

1 Section 3. (a) Each individual or entity shall
2 report on each statement, invoice, or other pay record
3 regarding loggers, pulp-wood harvesters, and truckers involved
4 in the handling of timber and timber products in this state
5 all of the following:

6 (1) The cut and haul rate itemized to reflect the
7 rate paid according to the United States ton rate for cutting,
8 skidding, and loading of timber or timber products separate
9 from the trucking rate which shall be calculated on the United
10 States ton rate per mile.

11 (2) The mileage for hauling timber or timber
12 products to different mills.

13 (3) The minimum hauling rate with the miles within
14 the minimum haul range of timber or timber products.

15 (4) Separate itemization for fuel adjustment which
16 must be calculated by the United States ton rate for logging
17 and the ton per mile for hauling for logging and trucking of
18 timber or timber products.

19 (5) A note of any special condition such as, but not
20 limited to, rough terrain or road condition that would impede
21 the logging or hauling of timber or timber products.

22 (b) Each individual or entity that collects a fuel
23 surcharge relating to the logging or hauling of timber or
24 timber products shall disclose the surcharge to the person or
25 entity logging or hauling the timber or timber products and
26 remit the surcharge to the person or entity bearing the cost
27 of the fuel.

1 Section 4. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.