

112TH CONGRESS
1ST SESSION

H. R. 756

To direct the Secretary of Transportation to prescribe standards for the maximum number of hours that an operator of a commercial motor vehicle may be reasonably detained by a shipper or receiver, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2011

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

A BILL

To direct the Secretary of Transportation to prescribe standards for the maximum number of hours that an operator of a commercial motor vehicle may be reasonably detained by a shipper or receiver, 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. DETENTION OF OPERATORS OF COMMERCIAL**
4 **MOTOR VEHICLES BY SHIPPERS AND RECEIV-**
5 **ERS.**

6 (a) STUDY.—The Secretary of Transportation shall
7 conduct a study on the detention of operators of commer-

1 cial motor vehicles by shippers and receivers before the
2 loading and unloading of such vehicles.

3 (b) ELEMENTS OF STUDY.—In conducting the study,
4 the Secretary shall assess—

5 (1) the average length of time that operators of
6 commercial motor vehicles are detained before the
7 loading and unloading of such vehicles;

8 (2) how such detentions impact such operators
9 under various compensation structures in the motor
10 carrier industry;

11 (3) the extent to which such detentions result
12 in violations of the Secretary’s regulations on max-
13 imum hours of service prescribed under section
14 31502 of title 49, United States Code; and

15 (4) the feasibility of tracking the causes of vio-
16 lations of such regulations.

17 (c) REPORT.—Not later than one year after the date
18 of enactment of this Act, the Secretary shall submit to
19 the Committee on Transportation and Infrastructure of
20 the House of Representatives and the Committee on Com-
21 merce, Science, and Transportation of the Senate a report
22 on the results of the study.

23 **SEC. 2. RULEMAKING.**

24 (a) IN GENERAL.—Not later than one year after the
25 date of submission of the report under section 1, the Sec-

1 retary of Transportation shall prescribe, by regulation,
2 standards for the maximum number of hours that an oper-
3 ator of a commercial motor vehicle transporting property
4 in interstate commerce may be reasonably detained by a
5 shipper or receiver before the loading or unloading of the
6 vehicle, if the operator is not compensated for time de-
7 tained.

8 (b) CONTENTS.—As part of the rulemaking, the Sec-
9 retary shall—

10 (1) consider whether the effect on safety of un-
11 reasonable detention of operators of commercial
12 motor vehicles differs based on how an operator is
13 compensated;

14 (2) consider any correlation between unreason-
15 able detention time of such an operator and a viola-
16 tion of the Secretary's regulations on maximum
17 hours of service prescribed under section 31502 of
18 title 49, United States Code;

19 (3) establish a process for an employer, shipper,
20 receiver, broker, or commercial motor vehicle oper-
21 ator to report violations of the Secretary's standards
22 on detention time, including by providing data con-
23 tained in an electronic on-board recorder or through
24 another mechanism authorized by the Secretary; and

1 (4) institute appropriate enforcement measures,
2 including penalties, for violations of the Secretary’s
3 standards on detention time.

4 **SEC. 3. LOADING AND UNLOADING MOTOR VEHICLES.**

5 (a) LIMITATIONS ON CERTAIN DETENTIONS.—Sec-
6 tion 14103 of title 49, United States Code, is amended
7 by adding at the end the following:

8 “(c) LIMITATIONS ON CERTAIN DETENTIONS.—A
9 shipper or receiver may not detain a person who operates
10 a commercial motor vehicle transporting property in inter-
11 state commerce before the loading or unloading of such
12 vehicle without providing compensation for time detained
13 beyond the maximum number of hours that the Secretary
14 determines, by regulation, is reasonable.”.

15 (b) PENALTIES.—Section 14905 of such title is
16 amended by striking “of subsection (a) or (b)” and insert-
17 ing “of subsection (a), (b), or (c)”.

18 **SEC. 4. DEFINITIONS.**

19 In this section, the following definitions apply:

20 (1) SHIPPER.—The term “shipper” means a
21 person who offers property for transportation sub-
22 ject to jurisdiction under subchapter I of chapter
23 135 of title 49, United States Code.

24 (2) RECEIVER.—The term “receiver” means a
25 person who accepts property for transportation sub-

1 ject to jurisdiction under subchapter I of chapter
2 135 of such title.

3 (3) EMPLOYER.—The term “employer” has the
4 meaning such term has under section 31301 of such
5 title.

6 (4) BROKER.—The term “broker” has the
7 meaning such term has under section 13102 of such
8 title.

9 (5) COMMERCIAL MOTOR VEHICLE.—The term
10 “commercial motor vehicle” has the meaning such
11 term has under section 31101 of such title.

12 (6) INTERSTATE COMMERCE.—The term “inter-
13 state commerce” has the meaning such term has
14 under section 390.5 of title 49, Code of Federal
15 Regulations, as in effect on the date of enactment of
16 this Act.

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