

**AMENDMENT TO H.R. 2679, AS REPORTED
OFFERED BY MR. SHUSTER OF PENNSYLVANIA**

Page 7, line 8, before the semicolon insert the following:

1 and by section 18 of the Noise Control Act of 1972
2 (42 U.S.C. 4917; 86 Stat. 1249–1250); except as
3 otherwise delegated by the Secretary to any agency
4 of the Department of Transportation other than the
5 Federal Highway Administration, as of October 8,
6 1999

Page 13, after line 21, insert the following:

7 (3) SAVINGS CLAUSE.—In developing and as-
8 sessing progress toward meeting the measurable
9 goals set forth in this subsection, the Secretary and
10 the Administrator shall not take any action that
11 would impinge on the due process rights of motor
12 carriers and drivers.

13 Page 22, line 9, insert “average” before “level”.

14 Page 22, line 9, strike “fiscal year” and insert “fiscal
15 years 1997, 1998, and”.

16 Page 24, line 9, after “industry,” insert “representa-
17 tives from law enforcement agencies of border States,”.

1 Page 35, line 1, insert “or renewing” after “issuing”.

2 Page 36, line 10, strike “5 percent of amounts” and
3 insert “the amount”.

4 Page 36, line 11, strike “(1)” and insert “(2)(B)”.

Page 37, line 15, strike “has previously” and all
that follows through line 17 and insert the following:

5 is found to have committed a pattern of violations
6 of critical or acute regulations issued to carry out
7 such a law or to have previously committed the same
8 or a related violation of critical or acute regulations
9 issued to carry out such a law.

Page 37, line 22, after the period insert the fol-
lowing:

10 In cases where a person has been found to have previously
11 committed the same or a related violation of critical or
12 acute regulations issued to carry out a law referred to in
13 subsection (a), extraordinary circumstances may be found
14 to exist when the Secretary determines that repetition of
15 such violation does not demonstrate a failure to take ap-
16 propriate remedial action.

Page 40, after line 23, add the following:

1 **SEC. 210. REGISTRATION ENFORCEMENT.**

2 Section 13902 of title 49, United States Code, is
3 amended—

4 (1) by redesignating subsection (e) as sub-
5 section (f); and

6 (2) by inserting after subsection (d) the fol-
7 lowing:

8 “(e) PENALTIES FOR FAILURE TO COMPLY WITH
9 REGISTRATION REQUIREMENTS.—In addition to other
10 penalties available under law, motor carriers that fail to
11 register their operations as required by this section or that
12 operate beyond the scope of their registrations may be
13 subject to the following penalties:

14 “(1) OUT-OF-SERVICE ORDERS.—If, upon in-
15 spection or investigation, the Secretary determines
16 that a motor vehicle providing transportation requir-
17 ing registration under this section is operating with-
18 out a registration or beyond the scope of its registra-
19 tion, the Secretary may order the vehicle out-of-serv-
20 ice. Subsequent to the issuance of the out-of-service
21 order, the Secretary shall provide an opportunity for
22 review in accordance with section 554 of title 5; ex-
23 cept that such review shall occur not later than 10
24 days after issuance of such order.

25 “(2) PERMISSION FOR OPERATIONS.—A person
26 domiciled in a country contiguous to the United

1 States with respect to which an action under sub-
2 section (c)(1)(A) or (c)(1)(B) is in effect and pro-
3 viding transportation for which registration is re-
4 quired under this section shall maintain evidence of
5 such registration in the motor vehicle when the per-
6 son is providing the transportation. The Secretary
7 shall not permit the operation in interstate com-
8 merce in the United States of any motor vehicle in
9 which there is not a copy of the registration issued
10 pursuant to this section.”.

11 **SEC. 211. REVOCATION OF REGISTRATION.**

12 Section 13905(c) of title 49, United States Code is
13 amended—

14 (1) by inserting “(1) IN GENERAL.—” before
15 “On application”;

16 (2) by inserting “(A)” before “suspend”;

17 (3) by striking the period at the end of the sec-
18 ond sentence and inserting “; and (B) suspend,
19 amend, or revoke any part of the registration of a
20 motor carrier, broker, or freight forwarder (i) for
21 failure to pay a civil penalty imposed under chapter
22 5, 51, 149, or 311 of this title, or (ii) for failure to
23 arrange and abide by an acceptable payment plan
24 for such civil penalty, within 180 days of the time
25 specified by order of the Secretary for the payment

1 of such penalty. Subparagraph (B) shall not apply
2 to any person who is unable to pay a civil penalty
3 due to bankruptcy reorganization.

4 “(2) REGULATIONS.—Not later than 12 months
5 after the date of enactment of this paragraph, the
6 Secretary, after notice and opportunity for public
7 comment, shall issue regulations to provide for the
8 suspension, amendment, or revocation of a registra-
9 tion under this part for failure to pay a civil penalty
10 as provided in paragraph (1)(B).”; and

11 (4) by indenting paragraph (1) (as designated
12 by paragraph (1) of this section) and aligning such
13 paragraph with paragraph (2) of such section (as
14 added by paragraph (3) of this section).

15 **SEC. 212. STATE COOPERATION IN REGISTRATION EN-**
16 **FORCEMENT.**

17 Section 31102(b)(1) of title 49, United States Code,
18 is amended—

19 (1) by aligning subparagraph (A) with subpara-
20 graph (B) of such section; and

21 (2) by striking subparagraph (R) and inserting
22 the following:

23 “(R) ensures that the State will cooperate
24 in the enforcement of registration requirements
25 under section 13902 and financial responsibility

1 requirements under sections 13906, 31138, and
2 31139 and regulations issued thereunder;”

3 **SEC. 213. EXPIRATION OF APPROVALS.**

4 Section 13703 of title 49, United States Code, is
5 amended—

6 (1) by striking subsection (d); and

7 (2) by redesignating subsections (e), (f), (g),
8 and (h) as subsections (d), (e), (f), and (g) respec-
9 tively

10 **SEC. 214. IMMINENT HAZARD.**

11 Section 521(b)(5)(B) of title 49, United States Code,
12 is amended by striking “is likely to result in” and insert-
13 ing “substantially increases the likelihood of”.

14 **SEC. 215. PROHIBITED TRANSPORTATION BY COMMERCIAL**
15 **MOTOR VEHICLE OPERATORS.**

16 Section 521(b) of title 49, United States Code, is
17 amended—

18 (1) by redesignating paragraphs (8) through
19 (13) as paragraphs (9) through (14), respectively;
20 and

21 (2) by inserting after paragraph (7) the fol-
22 lowing:

23 “(8) PROHIBITION OPERATION IN INTERSTATE
24 COMMERCE AFTER NONPAYMENT OF PENALTIES.—

1 “(A) IN GENERAL.—An owner or operator
2 of a commercial motor vehicle against whom a
3 civil penalty is assessed under this chapter or
4 chapters 51, 149, 311 of this title and who does
5 not pay such penalty or fails to arrange and
6 abide by an acceptable payment plan for such
7 civil penalty may not operate in interstate com-
8 merce beginning on the 181st day after the
9 date specified by order of the Secretary for pay-
10 ment of such penalty. This paragraph shall not
11 apply to any person who is unable to pay a civil
12 penalty due to bankruptcy reorganization.

13 “(B) REGULATIONS.—Not later than 12
14 months after the date of enactment of the
15 Motor Carrier Safety Act of 1999, the Sec-
16 retary, after notice and an opportunity for pub-
17 lic comment, shall issue regulations setting
18 forth procedures for ordering commercial motor
19 vehicle owners and operators delinquent in pay-
20 ing civil penalties to cease operations until pay-
21 ment has been made.”.

22 **SEC. 216. HOUSEHOLD GOODS AMENDMENTS.**

23 (a) DEFINITION OF HOUSEHOLD GOODS.—Section
24 13102(10)(A) of title 49, United States Code, is amended
25 by striking “, including” and all that follows through

1 “dwelling,” and inserting “, except such term does not in-
2 clude property moving from a factory or store, other than
3 property that the householder has purchased with the in-
4 tent to use in his or her dwelling and is transported at
5 the request of, and the transportation charges are paid
6 to the carrier by, the householder;”.

7 (b) ARBITRATION REQUIREMENTS.—Section
8 14708(b)(6) of such title is amended by striking “\$1,000”
9 each place it appears and inserting “\$5,000”.

10 (c) STUDY OF ENFORCEMENT OF CONSUMER PRO-
11 TECTION RULES IN THE HOUSEHOLD GOODS MOVING IN-
12 DUSTRY.—The Comptroller General shall conduct a study
13 of the effectiveness of the Department of Transportation’s
14 enforcement of household goods consumer protection rules
15 under title 49, United States Code. The study shall also
16 include a review of other potential methods of enforcing
17 such rules, including allowing States to enforce such rules.

18 **SEC. 217. REGISTRATION OF MOTOR CARRIERS.**

19 (a) REGISTRATION OF MOTOR CARRIERS BY A
20 STATE.—

21 (1) INTERIM RULE.—Section 14504(b) of title
22 49, United States Code, is amended—

23 (A) in the first sentence by striking “The”
24 and inserting “Until January 1, 2002, the”;
25 and

1 (B) in the second sentence by striking
2 “When” and inserting “Until January 1, 2002,
3 when”.

4 (2) REPEAL.—Effective January 1, 2002, sec-
5 tion 14504 of such title and the item relating to
6 such section in the analysis for chapter 145 of such
7 title are repealed.

8 (b) COMPREHENSIVE REGISTRATION.—Section
9 13908 of such title is amended—

10 (1) in the first sentence of subsection (a) by in-
11 sserting “the requirements of section 13304,” after
12 “this chapter,”;

13 (2) by striking the last sentence of subsection
14 (a);

15 (3) in subsection (b)—

16 (A) by striking paragraphs (1), (2), and
17 (3); and

18 (B) by redesignating paragraphs (4), (5),
19 and (6) as paragraphs (1), (2), and (3), respec-
20 tively;

21 (4) in subsection (c) by striking “cover” and in-
22 sserting “equal as nearly as possible”; and

23 (5) by striking subsection (d) and inserting the
24 following:

1 “(d) STATE REGISTRATION PROGRAMS.—Effective
2 January 1, 2002, it shall be an unreasonable burden on
3 interstate commerce for any State or political subdivision
4 thereof, or any political authority of 2 or more States, to
5 require a motor carrier operating in interstate commerce
6 and providing transportation in such State or States to,
7 or to collect fees to—

8 “(1) register its interstate operating authority;

9 “(2) file information on its interstate Federal
10 financial responsibility; or

11 “(3) designate its service of process agent.”.

12 (c) DEADLINE.—Section 13908(e) of such title is
13 amended—

14 (1) by striking “Not later than 24 months after
15 January 1, 1996,” and inserting “By January 1,
16 2002,”;

17 (2) by inserting “and” after the semicolon at
18 the end of paragraph (1);

19 (3) by striking paragraph (2); and

20 (4) by redesignating paragraph (3) as para-
21 graph (2).

22 (d) CONFORMING AMENDMENT.—Section 13304(a)
23 of such title is amended by striking “and each State” and
24 all that follows through “filed with it”.

1 **SEC. 218. FOREIGN MOTOR CARRIER PENALTIES AND DIS-**
2 **QUALIFICATIONS.**

3 (a) GENERAL RULE.—Subject to subsections (b) and
4 (c), a foreign motor carrier or foreign motor private car-
5 rier (as such terms are defined under section 13102 of
6 title 49, United States Code) that operates without au-
7 thority, before the implementation of the land transpor-
8 tation provisions of the North American Free Trade
9 Agreement, outside the boundaries of a commercial zone
10 along the United States-Mexico border (as such zones
11 were defined on December 31, 1995) shall be liable to the
12 United States for a civil penalty and shall be disqualified
13 from operating a commercial motor vehicle anywhere with-
14 in the United States as provided in subsections (b) and
15 (c).

16 (b) PENALTY FOR INTENTIONAL VIOLATION.—The
17 civil penalty for an intentional violation of subsection (a)
18 by a carrier shall not be more than \$10,000 and may in-
19 clude a disqualification from operating a commercial
20 motor vehicle anywhere within the United States for a pe-
21 riod of not more than 6 months.

22 (c) PENALTY FOR PATTERN OF INTENTIONAL VIOLA-
23 TIONS.—The civil penalty for a pattern of intentional vio-
24 lations of subsection (a) by a carrier shall not be more
25 than \$25,000 and the carrier shall be disqualified from

1 operating a commercial motor vehicle anywhere within the
2 United States and the disqualification may be permanent.

3 (d) SAVINGS CLAUSE.—No provision of this section
4 may be enforced if it is inconsistent with any international
5 agreement of the United States.

6 (e) ACTS OF EMPLOYEES.—The actions of any em-
7 ployee driver of a foreign motor carrier or foreign motor
8 private carrier committed without the knowledge of the
9 carrier or committed unintentionally shall not be grounds
10 for penalty or disqualification under this section.

11 **SEC. 219. TEST RESULTS STUDY.**

12 (a) IN GENERAL.—The Secretary of Transportation
13 shall conduct a study of the feasibility and merits of—

14 (1) requiring medical review officers to report
15 all verified positive controlled substances test results
16 on any driver subject to controlled substances test-
17 ing under part 382 of title 49, Code of Federal Reg-
18 ulations, including the identity of each person tested
19 and each controlled substance found, to the State
20 that issued the driver's commercial driver's license;
21 and

22 (2) requiring all prospective employers, before
23 hiring any driver, to query the State that issued the
24 driver's commercial driver's license on whether the

1 State has on record any verified positive controlled
2 substances test on such driver.

3 (b) STUDY FACTORS.—In carrying out the study
4 under this section, the Secretary shall assess—

5 (1) methods for safeguarding the confidentiality
6 of verified positive controlled substances test results;

7 (2) the costs, benefits, and safety impacts of re-
8 quiring States to maintain records of verified posi-
9 tive controlled substances test results; and

10 (3) whether a process should be established to
11 allow drivers—

12 (A) to correct errors in their records; and

13 (B) to expunge information from their
14 records after a reasonable period of time.

15 (c) REPORT.—Not later than 2 years after the date
16 of enactment of this Act, the Secretary shall submit to
17 Congress a report on the study carried out under this sec-
18 tion, together with such recommendations as the Secretary
19 determines appropriate.

Conform the table of contents of the bill accordingly.