

117TH CONGRESS
1ST SESSION

H. R. _____

An Act to Protect Truck Drivers and Other Operators of Commercial Motor Vehicles Engaged in Interstate Commerce from Death, Violence, and Threats of Violence

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2021

Mr. ____ (for himself, Mr. _____, and Mr. _____) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure.

A BILL

To acknowledge and enact public policy to address the risks inherent in working as an operator of commercial motor vehicles, especially in the occupation of truck driver; and revise Federal Law to (1) encourage shippers and receivers to provide upon request safe harbor to operators of commercial motor vehicles operating in interstate commerce; (2) require the Federal Motor Carrier Safety Administration (FMCSA) to promote and protect the personal safety of operators of commercial motor vehicles in interstate commerce; (3) specifically outlaw violence or threats of violence against operators of commercial motor vehicles; (4) enable and require the Secretary of Transportation to preempt state laws whenever the Secretary of Transportation determines that state law conflicts with Federal law that protects and promotes the safety of operators of commercial motor vehicles engaged in interstate commerce; and (5) direct the Secretary of Transportation to study and report to Congress on the appropriateness of existing Federal law and regulations insofar as they impact the safety of operators of commercial motor vehicles operating in interstate commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. TRUCK DRIVER PROTECTION ACT OF 2021 (“Boeglin’s Law”)

SECTION 2. FINDINGS

(a) **IN GENERAL.**—It is the sense of Congress that it is a national priority and in furtherance of interstate commerce to ensure the safety of truck drivers and other operators of commercial motor vehicles who risk their own personal safety as they sustain America’s supply chain, especially during the global Coronavirus pandemic.

(1) Congress recognizes that the occupation of truck driver is considered by the Department of Labor’s (DOL) Bureau of Labor Statistics (BLS) as one of the most dangerous occupations in the United States. In 2018, fatalities were the highest among workers in this occupation.

(2) On October 22, 2019, the National Highway Traffic Safety Administration (NHTSA) of the United States Department of Transportation (USDOT) released 2018 data that show a total of 885 large truck occupants perished in highway crashes.

(3) In October of 2020, the number of such fatalities increased to 892 for 2019. That number, which is more than 2 people killed each day, marks the most fatalities since 1988 when 911 people died and is currently a 31-year high.

(4) On June 26, 2014, over-the-road truck driver Michael Boeglin was murdered in his truck and set on fire after having been unable to secure safe harbor from the receiver of his shipment. Given BLS statistics which show a workplace homicides data table for the general category of "Transportation and warehousing" from 2011 to 2017, there were 291 people working in transportation murdered over 7 years, or 42 people, on average, each year.

(5) Congress recognizes that interstate truck drivers are susceptible at an alarming rate to violence and homicide on the job due to the fact that they live, sleep, and work usually alone in their trucks and have difficulty finding safe truck parking.

(6) During times of social unrest, this risk increases dramatically as truck drivers and their cargo are often specifically targeted by rioters and looters who physically attack truck drivers, steal their cargo, and set their trucks on fire.

(7) Congress has enacted Federal Law --codified at 49 U.S. Code §13101. Transportation policy:

(a) In General.-To ensure the development, coordination, and preservation of a transportation system that meets the transportation needs of the United States, including the United States Postal Service and national defense, it is the policy of the United States Government to oversee the modes of transportation and- (1) in overseeing those modes- (B) to promote safe, adequate, economical, and efficient transportation; (2) in overseeing transportation by motor carrier, to promote

competitive and efficient transportation services in order to- (I) improve and maintain a sound, safe, and competitive privately owned motor carrier system;

(8) Congress has enacted Federal Law --codified at 49 U.S. Code § 113. Federal Motor Carrier Safety Administration

(a) In General.— The Federal Motor Carrier Safety Administration shall be an administration of the Department of Transportation.

(b) Safety as Highest Priority.—In carrying out its duties, the Administration shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in motor carrier transportation.

(9) Congress has enacted Federal Law --codified at 49 U.S. Code §31136, that requires the regulations promulgated by the Secretary of Transportation must

“...ensure that... the responsibilities imposed on operators of commercial motor vehicles do not impair their ability to operate the vehicles safely;”

(10) Congress has enacted Federal Law --codified at 18 U.S. Code § 1951(a). Interference with commerce by threats or violence, which states:

Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined under this title or imprisoned not more than twenty years, or both.

(b) STATUTORY CHANGES

(1) 49 U.S. Code §13101(a)(1)(B) is hereby amended by inserting the words:

“...and encourage shippers and receivers to grant operators of commercial motor vehicles safe harbor upon request to ensure the personal safety of operators;”

(2) 49 U.S. Code § 113(b) is hereby amended by inserting the words:

“The Administration shall at all times consider, promote, and protect the personal safety of operators of commercial motor vehicles operating in interstate commerce when promulgating regulations and administering public policy.”

(3) 18 U.S. Code § 1951(a) is hereby amended in its entirety as follows:

Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence against any person including, but not limited, to an operator of a commercial motor vehicle or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined under this title or imprisoned not more than twenty years, or both.

(c) FEDERAL PREEMPTION

Pursuant to the Supremacy Clause of the Constitution (U.S. Const. art. VI, § 2), no state or political subdivision of a state shall deprive an operator of a commercial motor vehicle the rights and privileges granted by this section nor otherwise deprive such operators of commercial motor vehicles “equal protection under the law” guaranteed by the Fourteenth Amendment. The Secretary of Transportation shall have the authority and duty to preempt state laws whenever the Secretary of Transportation determines that state law conflicts with Federal law that protects and promotes the safety of operators of commercial motor vehicles engaged in interstate commerce.

(d) COMMENCEMENT OF STUDY

(1) IN GENERAL.—The Secretary of Transportation shall commence a study and report to Congress every four years on the appropriateness of current Federal law and regulations insofar as they impact the safety of operators of commercial motor vehicles operating in interstate commerce in accordance with USDOT’s 1979 Regulatory Policies and Procedures (44 FR 11034, Feb. 26, 1979), Executive Order (E.O.) 12866, E.O. 13563, and section 610 of the Regulatory Flexibility Act.

(2) EFFECTIVE DATE.—The Secretary’s report shall be submitted to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure one year after the date of the enactment of this Act and every four years thereafter.

(e) FUNDING

(1) Congress shall appropriate all funding necessary for carrying out this legislation.