

Legislative Update
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Both the Denham Amendment (to eliminate state-imposed meal and rest breaks) and the Duncan Amendment (to establish a federal hiring standard) have passed the House and will be incorporated in its FAA legislation.

Both of these Bills, if included in legislation sent to the President for signature will be very helpful to the industry. The Denham Amendment is the first step in reestablishing the doctrine of preemption, i.e., that state laws cannot trump statutes intended to apply across state lines

The Duncan Amendment addresses the pernicious argument advanced by plaintiff's bar, i.e. that shippers and brokers must second guess the FMCSA in the carrier vetting process or be potentially liable for "negligent selection under state law."

Both of these Bills are important to shippers, brokers and carriers – but have a long way to go before they will become law. The Senate must include these provisions in its Bill and/or the provisions must be included in the final legislation submitted to the President after the reconciliation process before it becomes law.

In light of anticipated opposition from organized labor, safety advocates and plaintiff's bar, it is important that your elected representatives hear from its constituents. Supporters of these amendments are welcome to use www.mcr.net as a vehicle for registering your support with your elected representatives.