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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend title 49, United States Code, to establish a penalty for a freight broker that contracts with an unsafe carrier, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MOOLENAAR introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 49, United States Code, to establish a penalty for a freight broker that contracts with an unsafe carrier, 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. SHORT TITLE.**

4 This Act may be cited as the “Patrick and Barbara
5 Kowalski Freight Brokers Safety Act”.

1 **SEC. 2. PENALTY FOR CONTRACTING WITH UNSAFE CAR-**
2 **RIER.**

3 (a) IN GENERAL.—Chapter 149 of title 49, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 14917. Penalty for contracting with unsafe carrier**

7 “(a) IN GENERAL.—Any broker under this part that
8 contracts with any specified transportation company shall
9 be liable to the United States for a civil penalty in an
10 amount equal to 10 percent of the value of the contracted
11 cargo for the entire contract of such broker with the speci-
12 fied transportation company.

13 “(b) DEPOSIT IN HIGHWAY TRUST FUND.—The Sec-
14 retary shall deposit any penalty collected under subsection
15 (a) into the Highway Trust Fund.

16 “(c) USE OF FUNDS.—The Secretary may use
17 amounts deposited under subsection (b) without further
18 appropriation for projects or infrastructure eligible under
19 this title or title 23 that increase roadway safety.

20 “(d) SPECIFIED TRANSPORTATION COMPANY DE-
21 FINED.—In this section, the term ‘specified transportation
22 company’ means a person that transports cargo for com-
23 pensation that, in the 5 year period ending on the date
24 on which a broker contracts with the specified transpor-
25 tation company—

1 “(1) has been issued 3 or more Department of
2 Transportation violations; or

3 “(2) employs a driver that has been issued 3 or
4 more Department of Transportation violations.

5 **“§ 14918. Investigations of certain crashes**

6 “(a) IN GENERAL.—The Administrator of the Fed-
7 eral Motor Carrier Safety Administration may investigate
8 a freight broker following a fatal crash by a company con-
9 tracted by such freight broker.

10 “(b) ADDITIONAL SAFETY REQUIREMENTS.—Fol-
11 lowing an investigation conducted pursuant to subsection
12 (a), the Administrator may establish additional operating
13 requirements on a freight broker if the Administrator
14 found in such investigation that the broker acted with
15 egregious disregard for safety in contracting the company
16 that was involved in such accident.”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-
18 ter 149 of title 49, United States Code, is amended by
19 adding at the end the following:

 “14917. Penalty for contracting with unsafe carrier.

 “14918. Investigations of certain crashes.”.