

SINEMA_1

AMENDMENT NO. _____

Calendar No. _____

Purpose: To require the Secretary of Transportation to issue guidance to clarify certain definitions for Federal motor carrier safety regulations.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. 2016

To authorize elements of the Department of Transportation, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. SINEMA

Viz:

1 At the end of title III, add the following:

2 **SEC. 3 ____ . BROKER GUIDANCE RELATING TO FEDERAL**
 3 **MOTOR CARRIER SAFETY REGULATIONS.**

4 (a) IN GENERAL.—Not later than 1 year after the
 5 date of enactment of this Act, the Secretary shall issue
 6 guidance to clarify the definitions of the terms “broker”
 7 and “bona fide agents” in section 371.2 of of title 49,
 8 Code of Federal Regulations.

9 (b) CONSIDERATIONS.—In issuing guidance under
 10 subsection (a), the Secretary shall take into consider-
 11 ation—

1 (1) the extent to which technology has changed
2 the nature of freight brokerage;

3 (2) the role of bona fide agents; and

4 (3) other aspects of the freight transportation
5 industry.

6 (c) DISPATCH SERVICES.—In issuing guidance under
7 subsection (a), the Secretary shall, at a minimum—

8 (1) examine the role of a dispatch service in the
9 transportation industry;

10 (2) examine the extent to which dispatch serv-
11 ices could be considered brokers or bona fide agents;
12 and

13 (3) clarify the level of financial penalties for un-
14 authorized brokerage activities under section 14916
15 of title 49, United States Code, applicable to a dis-
16 patch service.