

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 8505
OFFERED BY MS. NORTON OF DISTRICT OF
COLUMBIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Household Goods Ship-
3 ping Consumer Protection Act”.

**4 SEC. 2. ADMINISTRATIVE ASSESSMENT OF CIVIL PEN-
5 ALTIES FOR VIOLATIONS OF COMMERCIAL
6 REGULATIONS.**

7 (a) ENFORCEMENT BY SECRETARY.—Section 14914
8 of title 49, United States Code, is amended—

9 (1) by redesignating subsections (b), (c), and
10 (d) as subsections (c), (d), and (e), respectively;

11 (2) by inserting after subsection (a) the fol-
12 lowing:

13 “(b) ENFORCEMENT BY SECRETARY.—If, after no-
14 tice and an opportunity for a hearing, the Secretary finds
15 that a person violated a provision of part B of subtitle
16 IV of this title, or a regulation or order issued pursuant

1 to such part, the Secretary shall assess a civil penalty by
2 written notice.”;

3 (3) in subsection (c), as redesignated by para-
4 graph (1), by inserting “or the Secretary” after
5 “Board”; and

6 (4) in subsection (d), as redesignated by para-
7 graph (1), by inserting “or the Secretary” after
8 “Board”.

9 (b) APPLICATION.—Section 501(b) of title 49, United
10 States Code, is amended—

11 (1) by inserting “5,” after “20303 and chap-
12 ters”; and

13 (2) by inserting “311, 313,” after “chapters),”.

14 **SEC. 3. STATE USE OF GRANT FUNDS FOR COMMERCIAL**
15 **ENFORCEMENT AND CONSUMER PROTEC-**
16 **TION.**

17 Section 31102 of title 49, United States Code, is
18 amended—

19 (1) in subsection (h)—

20 (A) in paragraph (1)(B), by striking “and”
21 at the end;

22 (B) in paragraph (2)(B), by striking the
23 period at the end and inserting “; and”; and

24 (C) by adding at the end the following:

1 “(3) for the enforcement of Federal household
2 goods statutes and regulations for the interstate
3 transportation of household goods by household
4 goods motor carriers and brokers, and for the intra-
5 state transportation of household goods by household
6 goods motor carriers if the State has adopted laws
7 or regulations that are compatible with Federal
8 household goods regulations.”;

9 (2) in subsection (l)(2)—

10 (A) in subparagraph (I), by striking “and”
11 at the end;

12 (B) by redesignating subparagraph (J) as
13 subparagraph (K); and

14 (C) by inserting after subparagraph (I) the
15 following:

16 “(J) enforce Federal household goods stat-
17 utes and regulations for the interstate transpor-
18 tation of household goods by household goods
19 motor carriers and brokers, and for the intra-
20 state transportation of household goods by
21 household goods motor carriers if the State has
22 adopted laws or regulations that are compatible
23 with Federal household goods regulations; and”;
24 and

25 (3) by adding at the end the following:

1 “(m) STATE DISCRETION.—The activities described
2 in subsections (h)(3) and (l)(2)(J) are—

3 “(1) optional at the discretion of a State; and

4 “(2) not a condition on funds received under
5 this section.”.

6 **SEC. 4. STATE RETENTION OF PENALTIES AND FINES.**

7 Section 14711 of title 49, United States Code, is
8 amended by adding at the end the following:

9 “(g) PENALTIES.—Notwithstanding any other provi-
10 sion of law, any fine or penalty imposed on a carrier or
11 broker in a proceeding under this section shall be paid
12 to, and retained by, the State that imposed such fine or
13 penalty.”.

14 **SEC. 5. REGISTRATION REQUIREMENTS.**

15 (a) DEFINITIONS.—Section 13102 of title 49, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 “(28) PRINCIPAL PLACE OF BUSINESS.—The
19 term ‘principal place of business’ means a single
20 physical business location of a specified entity
21 where—

22 “(A) management officials of such speci-
23 fied entity report to work;

1 “(B) such specified entity conducts a sig-
2 nificant portion of its business relating to the
3 transportation of persons or property; and

4 “(C) such specified entity maintains
5 records required by part B of subtitle IV or
6 part B of subtitle VI.

7 “(29) SPECIFIED ENTITY.—The term ‘specified
8 entity’ means—

9 “(A) an employer, as such term is defined
10 in section 31132;

11 “(B) a person;

12 “(C) a motor carrier, including a foreign
13 motor carrier or foreign motor private carrier;

14 “(D) a broker; or

15 “(E) a freight forwarder.”.

16 (b) MOTOR CARRIER GENERALLY.—Section
17 13902(a)(1) of title 49, United States Code, is amended—

18 (1) in subparagraph (C), by striking “and” at
19 the end;

20 (2) in subparagraph (D), by striking the period
21 at the end and inserting “; and”; and

22 (3) by adding at the end the following:

23 “(E) has designated a principal place of
24 business.”.

1 (c) REGISTRATION OF FREIGHT FORWARDERS.—
2 Section 13903(a) of title 49, United States Code, is
3 amended—

4 (1) in paragraph (1), by striking “and” at the
5 end;

6 (2) in paragraph (2), by striking the period at
7 the end and inserting a semicolon; and

8 (3) by adding at the end the following:

9 “(3) has designated a principal place of busi-
10 ness; and

11 “(4) has disclosed any relationship involving
12 common ownership, common management, common
13 control, or common familial relationship between
14 such person and any other motor carrier, freight for-
15 warder, broker, or any other applicant for motor
16 carrier, freight forwarder, or broker registration, if
17 the relationship occurred in the 3-year period pre-
18 ceding the date of the filing of the application for
19 registration.”.

20 (d) REGISTRATION OF BROKERS.—Section 13904(a)
21 of title 49, United States Code, is amended—

22 (1) in subsection (1) by striking “and” after
23 the semicolon;

24 (2) in subsection (2) by striking the period and
25 inserting a semicolon; and

1 (3) by inserting at the end the following:

2 “(3) has designated a principal place of busi-
3 ness; and

4 “(4) has disclosed any relationship involving
5 common ownership, common management, common
6 control, or common familial relationship between
7 such person and any other motor carrier, freight for-
8 warder, or broker, or any other applicant for motor
9 carrier, freight forwarder, or broker registration, if
10 the relationship occurred in the 3-year period pre-
11 ceding the date of the filing of the application for
12 registration.”.

13 (e) COMPLAINTS AND ACTIONS ON SECRETARY INI-
14 TIATIVES.—Section 13905(d)(2) of title 49, United States
15 Code, is amended—

16 (1) in subparagraph (C)(iii), by striking “or” at
17 the end;

18 (2) in subparagraph (D), by striking the period
19 at the end and inserting “; or”; and

20 (3) by adding at the end the following:

21 “(E) withhold, suspend, amend, or revoke
22 any part of a registration of a motor carrier,
23 foreign motor carrier, foreign motor private car-
24 rier, broker, or freight forwarder if the Sec-
25 retary finds that the motor carrier, foreign

1 motor carrier, foreign motor private carrier,
2 broker, or freight forwarder failed to designate
3 a valid principal place of business.”.

4 (f) REQUIREMENT FOR REGISTRATION AND USDOT
5 NUMBER.—Section 31134 of title 49, United States Code,
6 is amended—

7 (1) in subsection (b)—

8 (A) in paragraph (2), by striking “or” at
9 the end;

10 (B) in paragraph (3), by striking the pe-
11 riod at the end and inserting “; or”; and

12 (C) by adding at the end the following:

13 “(4) the employer or person seeking registra-
14 tion has designated a principal place of business, as
15 defined in section 13102.”; and

16 (2) in subsection (c)(2), by striking “subsection
17 (b)(1)” and inserting “subsection (b)”.

Amend the title so as to read: “A bill to amend title 49, United States Code, to clarify the authority of the Administrator of the Federal Motor Carrier Safety Administration relating to the shipping of household goods, and for other purposes.”.

