

Calendar No. 546

107TH CONGRESS
2^D SESSION**H. R. 2546****[Report No. 107-237]**

IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2001

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AUGUST 1, 2002

Reported by Mr. HOLLINGS, with amendments

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AN ACT

To amend title 49, United States Code, to prohibit States from requiring a license or fee on account of the fact that a motor vehicle is providing interstate pre-arranged ground transportation service, 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 “Real Interstate Driver
5 Equity Act of 2001”.

1 **SEC. 2. REGULATION OF INTERSTATE PRE-ARRANGED**
2 **GROUND TRANSPORTATION SERVICE.**

3 Section 14501 of title 49, United States Code, is
4 amended by adding at the end the following:

5 “(d) PRE-ARRANGED GROUND TRANSPORTATION.—

6 “(1) IN GENERAL.—No State or political sub-
7 division thereof and no interstate agency or other
8 political agency of 2 or more States shall enact or
9 enforce any law, rule, regulation, standard or other
10 provision having the force and effect of law requiring
11 a license or fee on account of the fact that a motor
12 vehicle is providing pre-arranged ground transpor-
13 tation service if the motor carrier providing such
14 service—

15 “(A) meets all applicable registration re-
16 quirements under chapter 139 for the interstate
17 transportation of passengers;

18 “(B) meets all applicable vehicle and intra-
19 state passenger licensing requirements of the
20 State or States in which the motor carrier is
21 domiciled or registered to do business; and

22 “(C) is providing such service pursuant to
23 a contract for—

24 “(i) ~~travel from one State, including~~
25 ~~intermediate stops, to a destination in an-~~
26 ~~other State; or~~

1 ~~“(ii) travel from one State, including~~
2 ~~one or more intermediate stops in another~~
3 ~~State, to a destination in the original~~
4 ~~State.~~

5 “(i) transportation by the motor car-
6 rier from one State, including intermediate
7 stops, to a destination in another State; or

8 “(ii) transportation by the motor car-
9 rier from one State, including intermediate
10 stops in another State, to a destination in
11 the original State.

12 “(2) *INTERMEDIATE STOP DEFINED.*—*In this*
13 *section, the term ‘intermediate stop’, with respect to*
14 *transportation by a motor carrier, means a pause in*
15 *the transportation in order for one or more passengers*
16 *to engage in personal or business activity, but only if*
17 *the driver providing the transportation to such pas-*
18 *senger or passengers does not, before resuming the*
19 *transportation of such passenger (or at least 1 of such*
20 *passengers), provide transportation to any other per-*
21 *son not included among the passengers being trans-*
22 *ported when the pause began.*

23 ~~“(2) (3) MATTERS NOT COVERED.~~—Nothing in
24 this subsection shall be construed—

1 “(A) as subjecting taxicab service to regu-
2 lation under chapter 135 or section 31138;

3 “(B) as prohibiting or restricting an air-
4 port, train, or bus terminal operator from con-
5 tracting to provide preferential access or facili-
6 ties to one or more providers of pre-arranged
7 ground transportation service; and

8 “(C) as restricting the right of any State
9 or political subdivision of a State to ~~require re-~~
10 ~~quire,~~ *in a nondiscriminatory manner*, that any
11 individual operating a vehicle providing pre-
12 arranged ground transportation service origi-
13 nating in the State or political subdivision have
14 submitted to *pre-licensing drug testing or a*
15 criminal background investigation of the
16 records of the State in which the operator is
17 domiciled, ~~by the motor carrier providing such~~
18 ~~service or~~ by the State or political subdivision
19 by which the operator is licensed to provide
20 such service, *or by the motor carrier providing*
21 *such service*, as a condition of providing such
22 service.”.

23 **SEC. 3. DEFINITIONS.**

24 (a) IN GENERAL.—Section 13102 of title 49, United
25 States Code, is amended—

1 (1) by redesignating paragraphs (17), (18),
2 (19), (20), (21), and (22) as paragraphs (18), (19),
3 (21), (22), (23), and (24), respectively;

4 (2) by inserting after paragraph (16) the fol-
5 lowing:

6 “(17) PRE-ARRANGED GROUND TRANSPOR-
7 TATION SERVICE.—The term ‘pre-arranged ground
8 transportation service’ means transportation for a
9 passenger (or a group of passengers) that is ar-
10 ranged in advance (or is operated on a regular route
11 or between specified points) and is provided in a
12 motor vehicle with a seating capacity not exceeding
13 15 passengers (including the driver).”;

14 (3) by inserting after paragraph (19) (as so re-
15 designated) the following:

16 “(20) TAXICAB SERVICE.—The term ‘taxicab
17 service’ means passenger transportation in a motor
18 vehicle having a capacity of not more than 8 pas-
19 sengers (including the driver), not operated on a
20 regular route or between specified places, and that—

21 “(A) is licensed as a taxicab by a State or
22 a local jurisdiction; or

23 “(B) is offered by a person that—

24 “(i) provides local transportation for a
25 fare determined (except with respect to

1 transportation to or from airports) pri-
2 marily on the basis of the distance trav-
3 eled; and

4 “(ii) does not primarily provide trans-
5 portation to or from airports.”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) MOTOR CARRIER TRANSPORTATION.—Sec-
8 tion 13506(a)(2) of title 49, United States Code, is
9 amended to read as follows:

10 “(2) a motor vehicle providing taxicab service;”.

11 (2) MINIMUM FINANCIAL RESPONSIBILITY.—
12 Section 31138(e)(2) of such title is amended to read
13 as follows:

14 “(2) providing taxicab service (as defined in
15 section 13102);”.

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