

Proposed Federal Trucking Regulation Would Prohibit Shippers and Transportation Intermediaries From Coercing Drivers to Violate FMCSR

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A recently proposed regulation aimed at prohibiting driver coercion could have a significant impact on the way shippers and transportation brokers hire trucking companies to move freight across the U.S. This proposed rule seeks to prohibit motor carriers, shippers, receivers, or transportation intermediaries from coercing drivers to operate commercial motor vehicles in violation of certain ***Federal Motor Carrier Safety Regulations (FMCSR)***, including drivers' hours-of-service limits and drug and alcohol testing rules.

In practice, simply requiring a trucking company to deliver a load within a narrow time window can amount to coercion if the trucking company accepts the job knowing that it will require the violation of federal regulations. It is also possible that contractual language instituting penalties for late delivery could be construed as coercion. The proposed penalties for violation of this rule would be up to \$11,000 per incident with a possible revocation of operating authority.

The transportation industry is understandably concerned that the proposed regulation will require sweeping changes to their supply chain processes. However, there is little doubt that the proposed driver coercion regulation would increase highway safety. Shippers and brokers would be forced to conduct thorough inquiries into a driver's hours of service to ensure that they are not requiring drivers to violate federal regulations to complete a time sensitive delivery. We may even see a reduction in "hot shot" or rush deliveries, which all too often lead to tired drivers and fatal accidents.

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