

107TH CONGRESS
1ST SESSION

S. 1316

To amend title 49, United States Code, to waive Federal preemption of State law providing for the awarding of punitive damages against motor carriers for engaging in unfair or deceptive trade practices in the processing of claims relating to loss, damage, injury, or delay in connection with transportation of property in interstate commerce.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2001

Mr. KERRY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to waive Federal preemption of State law providing for the awarding of punitive damages against motor carriers for engaging in unfair or deceptive trade practices in the processing of claims relating to loss, damage, injury, or delay in connection with transportation of property in interstate commerce.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. STATE COURT AWARDS OF PUNITIVE DAMAGES**
2 **FOR UNFAIR OR DECEPTIVE PRACTICES OF**
3 **MOTOR CARRIERS IN CONNECTION WITH**
4 **CLAIMS FOR LOSS, DAMAGE, INJURY, OR**
5 **DELAY OF TRANSPORTED PROPERTY.**

6 (a) **PUNITIVE DAMAGES AUTHORIZED.**—Section
7 14706 of title 49, United States Code, is amended by add-
8 ing at the end the following:

9 “(h) **PUNITIVE DAMAGES FOR UNFAIR OR DECEP-**
10 **TIVE PRACTICES.**—Nothing in this section limits the li-
11 ability of a carrier for punitive damages authorized under
12 applicable State law for any act or omission of the carrier
13 in connection with the investigation, settlement, adjudica-
14 tion, or other aspect of the processing of a claim under
15 this section that constitutes an unfair or deceptive trade
16 practice under such State law.”.

17 (b) **RETROACTIVE EFFECTIVE DATE AND APPLICA-**
18 **BILITY.**—Subsection (h) of section 14706 of title 49,
19 United States Code (as added by subsection (a)), shall
20 take effect as of January 1, 1990, and shall apply with
21 respect to receipts and bills of lading referred to in sub-
22 section (a)(1) of such section that are issued on or after
23 that date.

