



Owner-Operator Independent Drivers Association

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The Honorable Mike Johnson
Speaker
United States House of Representatives
H-232, The Capitol
Washington, D.C. 20515

Dear Speaker Johnson:

The Owner-Operator Independent Drivers Association (OOIDA) represents approximately 150,000 owner-operators leased to motor carriers, small-business motor carriers with their own operating authority, and employee truck drivers that collectively operate more than 240,000 individual heavy-duty trucks. In short, we represent the independent American truckers that you and your conference have rightfully said you want to protect as the Department of Labor (DOL) issued its recent final rule on worker classification.

As the House of Representatives considers a CRA Resolution of Disapproval (CRA) to overturn the Biden Administration's worker classification rule, we are writing to express our concerns about a provision in the Trump Administration's worker classification rule that would be imposed on owner-operators. While we generally supported the 2021 Trump rule and believe it should allow for owner-operators to continue working as independent contractors, we strenuously objected to a provision slipped into the final rule that effectively enables large carriers to mandate that the independent truckers they contract with use dangerous speed limiters. This level of micromanagement flies in the face of independence!

Thankfully, there is legislation introduced in the House (H.R. 3039, the DRIVE Act) to help alleviate this concern if it is passed before or along with the CRA. Congress must do this if it really wants to preserve the viability of small-business truckers.

As you may know, speed limiters control a truck's top speed and force truckers to travel below the posted speed on many highways. This makes it more difficult for truckers to move with the flow of traffic, navigate merges, and get away from dangerous situations, and it also forces other drivers to pass slower trucks more frequently. Decades of research has shown that requiring some vehicles to travel slower than others increases the risk of crashes. In other words, speed limiters have the potential to make roads less safe.

While it is bad enough that the federal government endorsed speed limiter technology through the 2021 classification rule, the Federal Motor Carrier Safety Administration (FMCSA) is currently working on a final rule to mandate that **all** heavy-duty trucks use speed limiters, set to a speed possibly as low as 60 mph. FMCSA received over 15,000 comments during the comment period for this rule, and these were overwhelmingly from truckers who opposed a mandate. Furthermore, FMCSA even admitted as part of its rulemaking that this rule would benefit large carriers at the expense of small businesses.

To prevent this, the House must pass H.R. 3039, the DRIVE Act. This straightforward legislation would prevent FMCSA from issuing a speed limiter mandate. While it wouldn't directly repeal the speed limiter provision

contained in the 2021 classification rule, it would send the message to truckers and federal bureaucrats that Congress doesn't endorse unsafe technologies. It would also reinforce that independent contractors should not be subjected to requirements that diminish or eliminate control of their operations.

There is nothing more un-American than the federal government giving large corporations the green light to dictate to small business how they're able to do their job under the guise of "safety," as the 2021 classification rule did. Including this speed limiter provision harms an owner-operator's ability to negotiate their contract terms and working conditions, including whether the trucker has to use speed limiters or comply with other alleged "safety" requirements. As we are sure you can appreciate, small businesses are much different than large corporations. Allowing large companies to dictate a contract's terms under the guise of "safety" won't help small-business truckers thrive. If the House votes to keep the 2021 rule in place without first passing H.R. 3039, independent truckers will have lingering concerns that Congress failed to act on a backdoor speed limiter mandate.

Aside from these specific concerns about speed limiter mandates, we appreciate that both the Biden and Trump FLSA worker classification rules explicitly reject the ABC Test as contained in California's AB5. We also support both rules' directives that no single factor should be determinative. These are requests that we made to both the Trump and Biden administrations as they worked on their classification rule, and appreciate that both rules reflected this concern.

But now that Congress is considering a vote on how employees and independent contractors should be classified, you have the opportunity to address a specific issue that truckers have long been concerned about. Truckers feel like lawmakers and regulators from both parties are ignoring their needs during discussions about worker classification, and instead focusing too much on the "gig economy." By passing H.R. 3039 before moving a CRA, you can send a message that you truly support trucking's independent contractors.

Sincerely,



Todd Spencer
President & CEO
Owner-Operator Independent Drivers Association, Inc.

cc: Members of the House Republican Conference