

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Dawson**

H.C.R.

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7 **HOUSE CONCURRENT RESOLUTION**

8 REQUESTING THE ARKANSAS CONGRESSIONAL DELEGATION AND
9 CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO DEAL
10 WITH THE PROBLEM OF PAYMENT COLLECTION FOR UNDERCHARGED
11 AND DISCONTINUED FREIGHT RATES BY BANKRUPT TRUCKING
12 COMPANIES.

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14 **Subtitle**

15 REQUESTING THE ARKANSAS CONGRESSIONAL DELEGATION TO DEAL
16 WITH COLLECTION OF UNDERCHARGED OR DISCONTINUED FREIGHT
17 RATES BY BANKRUPT TRUCKING COMPANIES.

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19 WHEREAS, during the 1980_s in the era of de-regulation of the interstate
20 transportation industry, many trucking companies and trucklines discounted and
21 undercharged freight rates to their customers and did not file the discounted
22 freight rates with the Interstate Commerce Commission (ICC); and

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24 WHEREAS, the U. S. Supreme Court in a 1990 decision held that discounted
25 freight rates not filed with the Interstate Commerce Commission were illegal
26 and that bankruptcy trustees for bankrupt trucking companies could charge past
27 customers for the difference between the tariff rates filed with the ICC and
28 the discounted paid rate; and

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30 WHEREAS, the customers of these bankrupt truck companies have paid their
31 freight bills in full and are now being asked to repay undercharges for
32 freight bills for goods delivered many months or years ago; and

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34 WHEREAS, during the 102nd Congress, Senator Jim Exon of Nebraska
35 sponsored Senate Bill 1675 (S. 1675) which would have allowed small businesses

1 to settle these claims for discounted freight rates by paying up to ten
2 percent (10%) of the undercharge amount and avoid extensive legal battles,

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4 NOW THEREFORE,

5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-NINTH GENERAL
6 ASSEMBLY OF THE STATE OF ARKANSAS, THE SENATE CONCURRING THEREIN:

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8 THAT the General Assembly of the State of Arkansas respectfully requests
9 the Arkansas Congressional Delegation and the U. S. Congress to re-introduce
10 and enact Senator Exon_s S.1675 from the 102nd Congress or similar legislation
11 to deal with the problem of the collection of undercharged and discounted
12 freight rates by bankrupt trucking companies; and

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14 FURTHER RESOLVED THAT a copy of this resolution, after its concurrence
15 by the Senate, be sent by the Chief Clerk of the House to each member of the
16 Arkansas Congressional Delegation and to the Senate and House of
17 Representatives of the 103rd U. S. Congress.

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