

**Statement of Joseph R. Sculley
President
Motor Transport Association of Connecticut
Before
The Joint Committee on General Law
February 23, 2016**

**Re: House Bill No. 5323 AN ACT REQUIRING COMMON
CARRIERS TO REPORT THE TRANSPORTATION OF
ALCOHOLIC LIQUOR INTO THE STATE.**

I am Joseph R. Sculley, President of Motor Transport Association of Connecticut (MTAC), a statewide trade association, which represents nearly 800 companies that operate commercial motor vehicles in and through the state of Connecticut. Our membership includes freight haulers, movers of household goods, construction companies, distributors, tank truck operators and hundreds of companies that use trucks in their business and firms that provide goods and services to truck owners.

MTAC OPPOSES THIS BILL

This bill adds additional requirements upon motor carriers that deliver alcoholic liquor to places in Connecticut. It requires that the deliverers submit a monthly report to the Department of Revenue Services indicating the name and address of each consignor and consignee of the alcoholic liquor and the date of shipment or delivery.

This provision unreasonably presumes that the motor carrier is aware of the content of packages at the point when they are picked up and delivered. Every day, large interstate motor carriers such as FedEx, UPS, DSL and many others pick up shipments at millions of locations throughout the United States. Moreover, many motor carriers pick up shipments all around the world for delivery everywhere in the world.



The State of Connecticut cannot impose labeling requirements upon shippers from other states or even other counties. It is possible to envision a circumstance where a shipment of schnapps might be picked up in Germany or sake from Japan or vodka from Russia. The packaging might indicate the contents, however it might be written in a foreign language or it might be in a container which is labeled inconsistent with the contents or, it might not be labeled at all.

That shipment could be picked up by one carrier. It could be transported further by another carrier. It might make its way into an international shipping container which is broken down and distributed by an American motor carrier who has no paperwork accompanying the shipment and who has no idea what is in the shipment. Yet Connecticut is considering imposing a requirement upon the final deliverer that exposes that carrier to a two thousand dollar fine for a violation.

Imagine how complicated it would be if every state imposed similar requirements with separate forms and/or reporting requirements. Every pickup and delivery driver would have to have several forms and take precious time to fill out reports, which may not serve any real purpose.

The US Supreme Court, in *ROWE, ATTORNEY GENERAL OF MAINE v. NEW HAMPSHIRE MOTOR TRANSPORT ASSOCIATION et. al.*, ruled that a state's requirement that a motor carrier provide a recipient-verification service before delivering tobacco is pre-empted. While the case is concerning the delivery of tobacco products rather than alcohol, it is on point with regard to the concerns we have expressed above. The decision states, in part:

“Maine’s deemed-to-know provision applies yet more directly to motor carrier services by creating a conclusive presumption of carrier knowledge that a shipment contains tobacco in the specified circumstances. That presumption means that the law imposes civil liability upon the carrier, not simply for its knowing transport of (unlicensed) tobacco, but for the carrier’s failure sufficiently to examine every package. The provision thus requires the carrier to check each shipment for certain markings and to compare it against the list of proscribed shippers, thereby directly regulating a significant aspect of the motor carrier’s package pick-up and delivery service and creating the kind of state-mandated regulation that the federal Act pre-empts.

www.law.cornell.edu/supct/html/06-457.ZS.html



MICHAEL J. RILEY
PRESIDENT

It is not the motor carrier's responsibility, nor should it be, to know what is in every package that they pick up and deliver. Some shipments are dropped into bins all around the world by unidentifiable persons. Truckers take things from where they are to where they need to be. Making the motor carrier ascertain when alcohol is in a shipment is a major intrusion into their business, a possible violation of the right to privacy, and imposes unnecessary ministerial, law enforcement, tax collection and administrative burdens.

Under current law, shipments of wine are required to be conspicuously labeled "CONTAINS ALCOHOL-SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY". Even that provision can be problematic for the motor carrier who might be required to return the shipment to the warehouse if no adult is available or willing to sign for it. This bill appears to go beyond wine and include all alcoholic liquors and add additional documentation and ministerial responsibilities upon drivers and the companies for which they work.

We are truckers. We are not tax collectors, regulators or detectives. What we do is complicated and highly time sensitive. Please allow us perform our important role without additional extraneous responsibilities.

It appears to us that this bill represents a solution in search of a problem and we respectfully ask the General Law Committee to reject it.

Thank you.

