



## Motor Carrier Rights Under SB45

---

### BACKGROUND

The intent of Senate Bill 45 (Chapter 28.5 of Division 8 of the California Business and Professions Code) was to establish protections for motor carriers by prohibiting imposing certain charges during work stoppages and congested conditions.

### YOUR RIGHTS UNDER SB45

California law prohibits intermodal marine equipment providers and marine terminal operators from imposing per diem, detention, and demurrage charges on a motor carrier when:

- The marine or truck terminal is closed during posted normal working hours, weekend or holidays, or during a labor disruption period, or during any other period involving an act of God or any other planned or unplanned action that closes the truck gate.
  - Includes gate closures due to work stoppages and protests.
- The marine terminal is too congested to accept containers and motor carriers are turned away.
  - For instance, California law requires free time to be extended when empties cannot be returned due to congestion
- A loaded container is not available for pickup when the motor carrier arrives at the terminal.
- The marine terminal diverts equipment without 48 hours written or electronic notice.
- The marine terminal is assessed a fine for violation related to truck idling.
- The marine terminal is out of compliance with the Intermodal Roadability Inspection Program.

A marine terminal cannot unilaterally terminate, suspend, or restrict equipment interchanges rights of a motor carrier when a driver utilizes the dispute resolution process described in the Uniform Intermodal Interchange and Facilities Agreement or if there are unpaid invoices or parking tickets that are less than 60 days late.

Additionally, an intermodal marine equipment provider cannot back charge, deduct, or offset per diem charges, maintenance costs or peak hour pricing from the motor carrier freight bill.

Questions? Contact Chris Shimoda at [cshimoda@caltrux.org](mailto:cshimoda@caltrux.org)