



Issue Paper: FAIR Trucking Act (H.R. 5268) – Protecting Truckers from Lawsuit Abuse

This legislation seeks to address growing concerns within the trucking industry about **lawsuit abuse and forum shopping** in civil litigation involving commercial motor vehicle accidents.

Purpose of the Legislation

The FAIR Trucking Act aims to:

- **Restore fairness and balance** in litigation involving truck crashes.
- **Prevent forum shopping**, where plaintiffs choose court venues perceived to be more favorable to their case.
- **Ensure cases of national scope** are heard in **federal courts**, rather than being confined to state courts with potentially biased local jurisdictions.

Key Provisions

The bill proposes amendments to **Section 1332 of Title 28, U.S. Code**, granting **federal district courts original jurisdiction** over certain civil actions involving commercial motor vehicles. Jurisdiction would apply when:

1. **Interstate Commerce:** The incident involves one or more commercial motor vehicles operating on public roads in **interstate commerce**.
2. **High-Value Claims:** The **amount in controversy exceeds \$5 million**, exclusive of interest and costs.
3. **Diverse Parties:** There is **diversity of citizenship** between at least one plaintiff and one defendant, including:
 - Plaintiff and defendant are citizens of different U.S. states.
 - Plaintiff is a foreign citizen or state and defendant is a U.S. citizen.
 - Plaintiff is a U.S. citizen and defendant is a foreign citizen or state^[1].

Implications for Wisconsin Motor Carriers

- **Legal Protection:** Wisconsin-based carriers engaged in interstate commerce could benefit from more predictable and impartial legal proceedings.
 - **Reduced Litigation Costs:** Federal courts may offer more consistent rulings, potentially reducing prolonged litigation and associated costs.
 - **Industry Advocacy:** WMCA members may wish to support this bill as part of broader efforts to reform legal practices that disproportionately target trucking companies.
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