

Oppose Modern Worker Empowerment Act



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To ○ Bryce Mongeon

Cc ○ Collin Long

Thu 5/8/2025 11:59 AM

Good Morning,

On behalf of the Owner-Operator Independent Drivers Association (OOIDA), representing 150,000 small-business truckers, independent contractor owner-operators, and employee drivers, we are contacting you to share our opposition to H.R. 1319, the Modern Worker Empowerment Act. This legislation would restrict independent truckers' ability to negotiate their working conditions and would allow for carriers to exert greater control over their independent contractors. As Congress and the U.S. Department of Labor have shown interest in worker classification rules, it is absolutely critical that the voices of actual independent truckers, not the mega carriers looking to control them, are prioritized.

While OOIDA generally supported the 2021 independent contractor classification rule issued by the Trump Administration, it included a carve-out that allows motor carriers to micromanage their independent contractors. Under this provision, if a carrier claims that they're doing virtually anything for "safety," then they can require whatever they'd like of their contractors, regardless of whether the driver agrees that it will actually improve safety.

H.R. 1319 contains this policy by specifying that if a business requires something for "health or safety," then they aren't controlling their workers for the purposes of classification.

For example, H.R. 1319 would allow a trucking company to require that their independent contractors meet the provisions below, but not a single one would be considered a indication of control:

- Requiring a trucker to install and use **a speed limiter** that limits a driver's top speed, even if they need to avoid an unsafe situation.
- Requiring **inward and outward facing cameras** to record the driver's activity. Some technology goes as far as monitoring a driver's eyelid and head movements.
- Requiring a trucker to install an **onboard monitoring system** to monitor sensor and engine data *in real time*. This will let a carrier know how quickly a driver is accelerating, if they're using turn signals, or other behaviors. The carrier can use this info as a reason for mandatory coaching.
- Requiring mandatory **monthly safety meetings** and **quarterly reviews**, and requiring the driver to complete **quarterly safe-driving courses.**

Does this sound like true independence for truckers? And this is only scratching the surface of potential requirements that would be greenlit by H.R. 1319.

Don't believe us? DOL specifically used these examples in an opinion letter issued at motor carriers' request (WHD Opinion Letter FLSA2021-9, discussing application of the 2021 rule). If H.R. 1319 were enacted, carriers could mandate all these requirements for their independent contractors, and drivers would have little recourse to refuse. To be clear, we aren't saying that having one or more of these requirements in a contract should make a driver an employee. We're just saying that H.R. 1319 goes too far by categorically exempting these requirements and any others big carriers want from any consideration.

OOIDA is the largest association representing the interest of independent contractors in trucking and we are the only trucking group still fighting against California's disastrous worker classification law, AB5. If you want to support the interests of true independent contractors, we are asking that you refrain from cosponsoring H.R. 1319 and oppose it if it is brought for a vote.

Please let me know if you have any questions or would like to discuss this issue further.

Best Regards,
Bryce

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