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Underride Guards Legislation May Soon Become Federal Law

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New legislation recently introduced in Congress would require underride guards on the front and sides of all new trucks, trailers and semi-trailers, including annual inspections of those guards. The proposed legislation would also require the U.S. Department of Transportation to periodically review standards and to update these standards, with an emphasis on technology advancements.

Under current federal law, underride guards are only required on the back of trucks and trailers to prevent vehicles from being driven under trucks or trailers to avoid serious injuries to vehicle occupants. This is especially a concern in the case of smaller vehicles which may render safety features in such vehicles useless due to height differences when the windshield may be the point of impact as to the impacting vehicles.

The new bill, named the Stop Underrides Act (the "SUA"), would require the U.S. Department of Transportation to (a) strengthen the requirements for rear underride guards, including requiring rear underride guards to be part of annual critical maintenance requirements; (b) require all new trailers, semi-trailers and single unit trucks to be equipped with side underride guards; and (c) require all new trailers, semi-trailers and single unit trucks to be equipped with front underride guards.

The SUA would further require the U.S. Department of Transportation to publish data on a quarterly basis of victims of truck underride incidents. Committees would also be established to monitor underride safety protocols for updating. Such committees will include a diverse group of individuals including representatives from truck manufacturers, crash reconstructionist specialists, traffic safety organizations, insurance industry, emergency medical service providers, and even family members of those who have been impacted by underride crashes.

As can be expected, various trucking associations have opposed similar legislation in the past raising issues such as lack of effectiveness and reliability of the underride guards, costs, and safety concerns for the trucks and truckers themselves. Although similar previous legislation have not been voted favorably by Congress, there is much momentum behind SUA with the support of many senators and representatives, and with the proposed legislation under a new Biden administration, many feel that SUA will soon become law.



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