



New Members

Agility Recovery

11030 Circle Point Road
Westminster, CO 80020
Mr. Lucas Chavez
(720) 315-0651

Gahr Truck & Equipment Inc

206 N Outer Rd
St James, MO 65559
Mr. Wes Gahr
(573) 265-5110

STEMCO

116 Summer Point
Edwardsville, IL 62025
Mr. Keith Fally
(903) 240-1951

*Welcome
New Members!*

**MissouriMemo
April / May 2014**

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President's Message

Thank you to all who attended our Safety & Maintenance Conference, Awards Banquet, Exhibition Hall, and SuperTech Competition! It is exciting to see this combination of events grow together, and we are taking your comments from the survey to heart as we begin the planning for next year's event, to be held March 10-11 in Branson, MO. Final contracts are still to be signed for next year's event, but we are looking to continue to improve and grow the event. If you did not make it to this year's event, please check out the insert of the event with this Mo Memo, our photos online on our Facebook page, and be sure to mark next year's event on your calendar now – you won't want to miss it!

Next up on our calendar is the Truck Driving Championships, returning this year to the St Louis area at the DoubleTree in Chesterfield on June 6-7, 2014. If you have not been to a TDC before, or haven't been to one in the past few years, you need to make plans to attend this incredible event. The driving competition will occur on Friday and Saturday, and if you have any desire to attend the awards banquet for this event, I strongly encourage you to let us know immediately. We are limited to 600 for the Saturday evening banquet, and our early numbers and the past few years historical information is showing that this year is going to be an extreme challenge!

On June 19, the St Louis Area Truckers will be hosting their popular 5th Annual Night at the Ballpark. All of the previous events have sold out, so again, if you want to attend the Cards v. Phillies game with 150 of your closest trucking friends, in the comfort of an all-inclusive suite (food and beverages included), be sure to let us know immediately! Motor carrier member prices are an incredible value for this event, thanks to the support of our Allied Member sponsors. Make your plans to attend today.

If you are part of the Next Generation group, please "save the date" for the day of June 19 in the St Louis area. We are working to finalize a fun event for the group prior to the Night at the Ballpark. You will need to make reservations for the ballgame separately, (hint: Do it now!) and we are looking forward to being able to announce the event in the near future!

On June 25, the Board of Directors will meet in the morning at Old Kinderhook in Camdenton. The Board meeting will conclude in time for lunch and the afternoon tee times for the Sitton-Babcock Golf Tournament in support of the MoTruckPAC. This event is one of the main fundraisers for the MoTruckPAC, and is vitally important for the support of legislators and issues of importance to the trucking industry.

Speaking of supporting your industry and profession, please note this month's Legislative Bulletin by Ross Nichols. Ross details several end of session items, and mentions the need for our industry to support the effort on the ballot later this year for infrastructure funding in Missouri. Please be giving serious thought to your level of support to the effort. We will be contacting members in the near future as we work to improve infrastructure funding in Missouri.

I try not to hype things that don't really need to be hyped, but this effort to use the sales tax in support of highways, in Missouri, is one of those "once in a lifetime" opportunities that will be before the voters later this year. The effort to get to this point has taken at least five years, depending on when you want to start the count. Many in the highway funding crowd began the count in 1993, the date of the last increase in funding for highways. Since that time, we have rearranged the proverbial chairs on the Titanic with the vote in 2004, but without new additional funding for infrastructure needs; we are doomed to the same fate as that fabled ship.

* * *

Trucking Moves America Forward

The industry-wide image movement continues to gain momentum and support from all areas of the trucking industry. Click here to view the new TMAF video: <https://www.youtube.com/watch?v=MvX-g1fM34> and go to <http://www.trucking.org/article.aspx?uid=4285d39e-c2cd-4457-8bd0-2063dd629fbc> to see the latest news. Join the movement at <http://truckingmovesamerica.com/> and be part of improving the image of our vital industry! For more information, please contact Elisabeth Barna at ebarna@trucking.org. ▲

ROAD CHECK 2014



Are you ready for the annual "Road Check" enforcement sweep: June 3-5, 2014? Are you an interstate carrier in compliance with UCR? Have you submitted your USDOT MCS-150 Biennial Report within the last two years? Did you renew your Hazmat Registration and SCAC code yet? You may have INTERstate authority, but do you have INTRAsate authority from those states that require it? If not, now is the time! If you need help filing your...

...UCR (INTERstate carriers only) - <http://www.ucrfilings.com>
 ...USDOT Biennial Report - <http://www.mcs150update.com>
 ...HAZMAT Renewal due June 30 - <http://www.dotauthority.com>
 ...SCAC Renewal due June 30 - <http://www.SCACOnline.com>
 ...INTRAsate Authority - <http://www.intrastateauthority.com>

If you have already complied, please disregard this notice. For more information on the annual nationwide "Road Check" compliance program, see the CVSA's site: http://www.cvsa.org/programs/int_roadcheck.php ▲

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Driving to Perfection

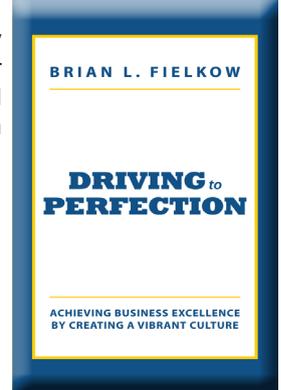
by: Brian L. Fielkow

Brian Fielkow is president of Houston-based Jetco Delivery and author of *Driving to Perfection*. He was a keynote speaker at the recent MoTA Safety & Maintenance Conference in Branson, Missouri. In his book, Brian provides concrete advice for managers and executives looking to take their companies to new heights. The book is packed with "hands on" ideas you can readily adapt to your organization.

If you would like to order a copy of *Driving to Perfection*, send your request to the MoTA office. We will ship the book to you along with an invoice for \$5.00 + shipping.

Send your request to:

Missouri Trucking Association
 P.O. Box 1247
 Jefferson City, MO 65102
 Call: (573) 634-3388
 Email: mota@motrucking.org



ATA Requests Delay of Medical Examiner Registry Implementation Date

American Trucking Associations (ATA) has formally requested a six month delay of the impending National Registry of Certified Medical Examiners (NRCME) implementation date. In the hand delivered letter, ATA highlighted serious concerns over the total number and availability of qualified medical examiners, especially in rural areas. Unless FMCSA grants ATA's request, after May 21 all drivers requiring medical certification or recertification must do so using a medical examiner listed on the NRCME. ▲

ATRI Seeks For-Hire Motor Carriers to Participate in Operational Costs Data Collection

The American Transportation Research Institute has launched a data collection initiative to update the 2013 Operational Costs of Trucking report. Through a brief online survey, ATRI seeks to capture basic cost information from for-hire carriers such as driver pay, fuel costs, insurance premiums and lease or purchase payments. Carriers are asked to provide full year 2013 cost per mile and cost per hour data. This research provides carriers with an important high-level benchmarking tool and government agencies with real world data for future infrastructure improvement analyses. For-hire motor carriers are encouraged to provide confidential operational cost data through ATRI's survey, available online at www.atri-online.org. The results of this study will be available later this year. ▲

Member Cancellations April / May 2014

Name of Company	Class	Dues
67 Express LLC	For Hire	\$300
Eurotrans LLC	For Hire	\$825
McDowell Wrecker Service	For Hire	\$300



IRS Holds Litigation Costs Deductible

In a private letter ruling the federal Internal Revenue Service has held that costs of litigation, including settlement payments, arising out of the merger of two companies, were deductible as ordinary and necessary business expenses by the acquiring company in the merger, and did not have to be capitalized. The transaction here, characterized by IRS as a business reorganization, involved the acquisition by one publicly traded C corporation of all of the stock of another such company. After the deal was agreed to by both parties, shareholders of the acquiring company sued, alleging that the company had made misrepresentations about the acquired company that affected the stock price of the acquiring company following the merger. The suit was settled, and the acquiring company asked IRS for advice. The Service first noted that expenses incurred in acquiring a capital asset, including intangibles such as an ownership interest in a corporation, are commonly required to be capitalized. However, it continued, the expenses here, the occasion of which arose after the actual acquisition deal, were not expenses of that nature. Following prior court cases, IRS looked to “the origin of the claim” involved in the litigation, and found it to be in the acquiring company’s ordinary and necessary business activities rather than in the capital transaction. *IRS Private Letter Ruling* no. 201412002, released March 21, 2014 ▲

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PHMSA Taking Comments on Two City Hazmat Registrations Challenged by ATA

On April 17, 2014, the Pipeline & Hazardous Materials Safety Administration published notices of two preemption petitions filed by American Trucking Associations (ATA) in late 2013 that challenge two city hazardous materials registration programs. ATA filed petitions about Pittsburgh, PA and New York City, NY’s programs. ATA is challenging both programs because they are not applied equitably across all modes of transportation and because neither city has published required reports demonstrating that all fees collected go towards hazmat enforcement or emergency response. ATA is also challenging the Pittsburgh registration requirement because it is based on a Pennsylvania law no longer in effect. Finally, ATA is challenging New York’s requirement because its \$210 fee per tractor or trailer inspected is excessive. The New York City notice - <https://www.federalregister.gov/articles/2014/04/17/2014-08691/new-york-city-permit-requirements-for-transportation-of-certain-hazardous-materials> and the Pittsburgh notice - <https://www.federalregister.gov/articles/2014/04/17/2014-08690/pittsburgh-pennsylvania-permit-requirements-for-transportation-of-hazardous-material> are both available online. PHMSA will accept comments on challenges through June 2, 2014. After that, PHMSA will accept rebuttal comments responding to issues raised in the first round of comments until July 16, 2014. ▲

Proposed Amendments to IRP Out for Comment

This year there are only two proposed ballots to amend the International Registration Plan. These are now out for public comment through the IRP website at www.irponline.org, under IRP Ballots. Both measures will be discussed at the IRP annual meeting next month. The first ballot, denominated **2014.01**, sponsored by the IRP Board, would require charter buses operated interstate to be registered under the IRP. Ever since the Plan was established, those registering charter buses have been allowed by IRP either to apportion fees under the Plan or to operate under registration reciprocity. That option was put into the Plan because such operators don’t know from one year to the next what states they may be traveling in, and there’s been no way under IRP to handle that situation equitably. The amendment would remove the option. On the one hand, this seems reasonable, since, under the Full Reciprocity Plan, which takes effect with IRP next year (the bus amendment would take effect the first of 2016), an IRP registrant will automatically be registered for all states. On the other hand, some bus operators who have depended on reciprocity for decades may be unprepared for the higher registration fees some would have to pay under IRP. The charter-bus industry has not yet taken a position on the proposal.

The second ballot, **2014.02**, sponsored by Nebraska, concerns audit. Under IRP’s recently rewritten rules on audit and record keeping, which went into effect less than twelve months ago, a base state preparing to audit an IRP registrant must first determine whether the registrant’s records are adequate – in both quantity and quality – to permit an audit to be done at all. If they are adequate, the audit proceeds, but if they’re not, the state imposes a penalty of 20 percent of the IRP fees the registrant originally paid for the year at issue. The ballot suggests that this is not appropriate when, despite the inadequacy of the registrant’s records, the state can tell that the registrant actually traveled in one or more states for which he paid no fees. The proposal would allow the state to take account of such a situation when it calculated the 20 percent penalty. While the point of the ballot is clear, the proposal seems to be misguided. The penalty provision was added to the Plan specifically to deal with those instances where records are too poor for an audit to be done, or where they are missing altogether. The 20 percent assessment was not intended even approximately to compensate any given state, but rather to penalize the registrant for failing to live up to his responsibilities. In the nature of the circumstances, there would be no way to tell what fees might actually have been owed. The proposal disregards this, and in doing so, it’s very open-ended language would allow the auditing state to make whatever adjustments – which would, in effect, have to be guesses – it wanted. This is fair to no one. ▲

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ATA asks FMCSA to Incent and Reward Voluntary Adopters of Electronic Logging Devices

In a meeting with FMCSA Administrator Ferro on May 8, American Trucking Associations (ATA) presented a written proposal for the agency to incent and reward voluntary adoption of electronic logging devices. ATA noted that early adopters can be at a competitive disadvantage to fleets using paper records of duty status, are held to a higher standard of compliance (e.g., recording of required 30-minute rest breaks) and more likely to be cited for minor hours of service violations due to the precision of ELD recording. ATA offered a number of suggestions developed by its members, including changes to the scoring of minor hours of service violations in the CSA Safety Measurement System and moderate relief from the rest break requirement. ▲



Clearinghouse Comment Period Extended

On April 18, the Federal Motor Carrier Safety Administration announced a 30-day extension of the public comment period for the Proposed Rule to establish a Commercial Driver's License Drug and Alcohol Clearinghouse. The request for an extension came from the Owner-Operator Independent Drivers Association, Inc., who petitioned the Agency for a 60-day extension. American Trucking Associations (ATA) supports the Clearinghouse proposal but has some significant concerns with some proposed details of its design and operation. In order to stress the importance of these issues, ATA is requesting ATA members and other interested parties to also file comments discussing them. To help do so, ATA's document outlining key discussion points and concerns on FMCSA's proposal including an executive summary of the NPRM (available at <http://www.trucking.org/article.aspx?uid=ea9323e2-d590-46de-a367-7a44d91ab391>). Comments on the proposed rule will be accepted till Wednesday, May 21, 2014 and can be electronically submitted to <http://www.regulations.gov/#!documentDetail:D=FMCSA-2011-0031-0001>. ▲

Obama Administration Transmits Transportation Bill to Congress

On Tuesday, April 29, the Obama Administration sent its first ever transportation bill to the U.S. Congress for consideration. This bill proposes to change the Highway Trust Fund to a Transportation Trust Fund that adds new rail and multimodal accounts. Additionally, while all modes would get an increase in funding, highway funding levels would be substantially lower than the increase in other modes. While the bill would grow the program and increase overall highway funding, ATA is concerned with the political feasibility and long term sustainability of the revenue raising methods. The bill would also create a new \$10 billion multi-modal freight program for highway, rail, air, water and pipeline projects. ATA believes the American public must see a return on their investment. The majority of users paying for our infrastructure drive on our nation's roads and bridges. This is their top priority and they deserve proportional funding.

Furthermore, the bill would eliminate all remaining federal restrictions on tolling of existing Interstate highways. Lastly, the Administration's bill includes a motor carrier section that, among other things, would mandate hourly driver pay for all detention time. ATA is concerned with many provisions in this proposed bill, and will work with Congress to prevent their inclusion in any future surface transportation reauthorization bill. ▲

FMCSA Issues Proposed Rule on Driver Coercion

In the Federal Register on May 13, FMCSA issued a Notice of Proposed Rulemaking to prohibit motor carriers, shippers, receivers, or intermediaries (i.e., brokers) from coercing a driver to violate many but not all of the Federal Motor Carrier Safety Regulations, CDL and drug and alcohol regulations, and/or the hazmat regulations. The proposed rule added a provision prohibiting entities that operate commercial motor vehicles from coercing drivers to violate the commercial regulations. The agency would define coercion as a threat to withhold, or the actual withholding

of, current or future business, employment (i.e., termination) or work opportunities from a driver objecting to operate in violation of the covered regulations, such as the hours of service limits or vehicle maintenance requirements. The proposal adopts a "knows, or should have known" standard, noting that a carrier has an affirmative duty when assigning a trip to ensure it can be completed in compliance with the HOS rules. That standard is extended to shippers, receivers, and transportation intermediaries when they direct the completion of a run within a certain time. ▲

FMCSA Issues Electronic Logging Device Guidance to Resolve Enforcement Issues

On Monday, May 12, FMCSA issued a regulatory guidance to clarify requirements of devices used to electronically track hours of service compliance under the existing standard in 395.15. Specifically, FMCSA made clear what information must be displayed on the devices in contrast to the information that must be recorded by the devices. Some enforcement officials had erroneously issued citations to drivers if their devices did not reflect the vehicle's trailer number. Also, FMCSA clarified that the current standards do not require devices or drivers to provide hardcopies of their electronic records of duty status (e.g., printouts, faxes) to enforcement officials during roadside inspections, as some officials had required. However, an enforcement official may request that additional information be provided by email, fax or similar means within 48 hours of the inspection. ▲

Senate Highway Reauthorization Bill Approved by Committee

On May 15, the Senate Environment & Public Works Committee passed its highway reauthorization bill. Dubbed the "MAP-21 Reauthorization Act," the bill (S. 2322) authorizes \$265 billion in funding over six years for Federal Highway Administration programs, effectively maintaining funding levels authorized by the previous highway bill, with slight increases to account for inflation. In order to fully fund the program Congress will have to identify approximately \$100 billion in revenue above what is projected to be raised by highway user fees. The bill keeps the basic structure of its predecessor, MAP-21, while adding two new major programs. The National Freight Program provides \$6 billion over five years to states for projects on the National Highway Freight Network, a network of highways identified by USDOT and the states as critical to the movement of freight. Up to 10% of the funding can be used by states for non-highway freight projects. The bill did not increase state flexibility to toll existing Interstates, as proposed by the Obama Administration. Nor did it make any changes to truck size and weight limits. A schedule for consideration on the Senate Floor has not yet been announced. Note that motor carrier, transit and rail programs fall under the jurisdiction of different Senate committees and were not included in this legislation. Neither the other committees with jurisdiction over the surface transportation bill in the Senate, nor the House committees of jurisdiction, have released their portions of the legislation or announced when they will release their bills. The current bill – MAP-21 – expires on October 1. To see an ATA summary of the bill, go to <http://www.trucking.org/article.aspx?uid=09a74ab5-01fb-489f-8c78-b92138024aff>. ▲

Can They See You? Don't Bet Your Life On It.

Motorists reminded to drive safely around big trucks.

Commercial motor vehicles are an important part of our nation's economy. They carry goods from coast to coast, and make up 20 percent of all traffic on Missouri's interstates.

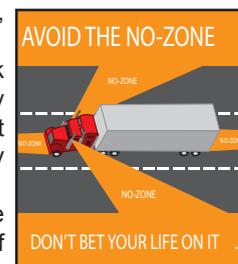
Crashes involving tractor trailers don't happen very often, but when they do, the disproportionate size of truck versus car means those crashes can often involve serious injuries or worse. Research shows that in the majority of these crashes, drivers of passenger cars, especially young people, unnecessarily endanger themselves by not paying attention and driving recklessly around big rigs. That's why it's so important for all motorists to drive safely around big trucks.

There's no room for taking chances around big rigs – they require big room. "We don't want you to bet your life on it when it comes to safely moving around big trucks," said Leanna Depue, chair of the executive committee of the Missouri Coalition for Roadway Safety. "Please pay attention."

- Don't cut off large trucks or busses. Make sure you can see the top of the truck or bus in your rearview mirror before moving back into your original lane.
- Stay out of the "No Zone." Big rigs have large blind spots on either side and up to 200 feet behind a vehicle. Pass only on the left side.
- Watch your following distance. Keep a safety cushion around trucks. Can you see the truck's side mirrors? If not, the driver cannot see you.

"Commercial motor vehicle drivers are required by federal law to follow strict safety guidelines, including mandatory seat belt usage and hands-free cell phone devices," said Colonel Ron Replogle, Superintendent of the Missouri State Highway Patrol. "Failure to do so can result in citations and can affect both the driver and company's safety score."

For additional information regarding roadway safety, or other transportation-related topics, contact the MoDOT Customer Service Center toll free, at 1-888-ASK-MoDOT (275-6636). For more information on the Big Trucks Campaign, visit <http://www.savemolives.com/>. ▲



U.S. Chamber Publishes Report on Escheat

The Institute for Legal Reform of the U.S. Chamber of Commerce has issued a report recommending best practices for states in administering their abandoned-property (escheat) programs, especially in their use of private auditors. Although not a tax program, a state's escheat laws can bring in a lot of revenue, which is derived in large part from businesses that fail to report to the state in a timely manner the abandoned property they may hold. State rules vary on what this may include, but for motor carriers it can involve freight claims and other intangibles still, at least notionally, in play. The whole area is full of pitfalls for business, and making it worse is the use by many states of private firms that audit on a contingency-fee basis. The Institute's report provides a handy guide on what to look out for if your company is audited – and motor carriers are, every so often! – as well as strong recommendations to some states to clean up their act. ILR, *Unclaimed Property: Best Practices for State Administrators and the Use of Private Audit Firms*, Washington, D.C., April 2014, available here: www.instituteforlegalreform.com. ▲

~ State Laws Newsletter ~

ATRI Study Shows Trucking Industry Sees \$9.2 Billion in Congestion Costs for 2013

Congestion on the nation's Interstate highways added over \$9.2 billion in operational costs to the trucking industry in 2013, according to research released yesterday by the American Transportation Research Institute. ATRI utilized motor carrier financial data along with billions of anonymous truck GPS data points to calculate congestion delays and costs on each mile of Interstate roadway. Delay totaled over 141 million hours of lost productivity, which equated to over 51,000 truck drivers sitting idle for a working year. The analysis established the states, metropolitan areas, and counties with the highest congestion costs, and demonstrated the average impact of congestion costs on a per-truck basis.

"Congestion is an unfortunate byproduct of our just-in-time economy, and it's a significant roadblock to our country's productivity as well as its global competitiveness," said Jack Holmes, President of UPS Freight, the heavy freight division of UPS. "ATRI's analysis quantifies congestion in a way that clearly shows the urgent need for highway investment." A copy of the study results is available from ATRI at www.atri-online.org. ▲

ATA Invites Fleets to Participate in the 2014 Driver Compensation Study

ATA invites all for-hire and private motor carriers to take part in its 2014 Driver Compensation Study. The purpose of this project is to provide accurate information on one of the trucking industry's largest expenses—driver pay.

The 2014 study promises to be better than ever, with compensation analysis presented by driver type at the national and regional levels; more complete examination of performance based compensation practices and other pay trends, such as how fleets address detention time; and better insight into healthcare programs, including costs to the driver and employer.

ATA needs your participation to ensure an accurate representation of today's trucking industry! In return for your time completing the survey, you will be eligible to receive:

- An exclusive executive summary, free of charge, prior to the official release of the report;
- A 50% discount on the published report (\$150 for ATA member participants and \$300 for non-member participants); and
- An invitation to a participant-only, free of charge webinar hosted by ATA Chief Economist Bob Costello to discuss the results of the study and answer your questions.

To participate: download the survey at <http://drivercompstudy.trucking.org> and return the completed form to Laurel Leitner, Economics Research Assistant, at LLeitner@trucking.org, no later than June 12, 2014. ▲

ATA Hosts Freight Infrastructure Forum

On May 13, ATA, along with the Association of American Railroads, hosted a forum entitled "Moving America's Freight: A Multimodal Perspective on Infrastructure Challenges and Future Needs." The forum featured remarks from Sens. Blumenthal, Blunt and Carper – all key players in the transportation reauthorization – and two panels discussing the nation's freight transportation needs.

The first panel featured ATA leaders Phil Byrd, Bulldog Hiway Express; Pat Thomas, UPS and Bill Logue, FedEx Freight, while the second featured ATA President Bill Graves, AAR President Ed Hamberger, Kurt Nagle, president of the American Association of Port Authorities and Joni Casey, president of the Intermodal Association of North America. Video of the event can be seen at <https://www.youtube.com/watch?v=16OvnDKE2-s&feature=youtu.be>. ▲

ATRI Identifies Problems with FMCSA Hours-Of-Service Field Study Report

The American Transportation Research Institute today released the findings of its independent evaluation of the Federal Motor Carrier Safety Administration's field study report on the new Hours-of-Service rules. FMCSA was directed by Congress as part of MAP-21 to study the efficacy of the restart provisions which went into effect July 1, 2013. FMCSA's field study collected fatigue measurements from 106 truck drivers during two duty cycles that included two restart breaks, and stated that their field study results supported the efficacy of the new restart rule. Following a detailed evaluation of the field study report, ATRI identified a variety of technical issues related to research design flaws, validity of measurement techniques and interpretations and data conflicts within and across the study.

"FMCSA has heard loud and clear from carriers and drivers that the new rules are not advancing safety and are creating additional stress and fatigue on the part of truck drivers," commented Steve Rush, President of Carbon Express, Inc. in Wharton, N.J. "ATRI's analysis raises enough questions about FMCSA's own study that should compel a comprehensive review of the entire rule." A copy of this report is available from ATRI at www.atri-online.org. ▲

Seat Belt Use among CMV Drivers Increases

In early May, FMCSA released a new report entitled, "Seat Belt Usage by Commercial Motor Vehicle Drivers (SBUCMVD) 2013 Survey." The survey found that seat belt usage rates among drivers of medium and heavy duty trucks and buses rose from 78% in 2010 to 84% in 2013. Since FMCSA began tracking seatbelt usage in 2007, there has been a 19% increase. Seat belt use was higher in states governed by primary belt use laws (85%) than secondary belt use laws (78%), with western states reaching the largest percentage of seat belt use at 91%. The northeast saw the lowest usage at 76%. ATA supports the adoption of primary seat belt laws for all motor vehicles by all states. Go to <http://www.fmcsa.dot.gov/safety/safety-belt/safety-belt-usage-commercial-motor-vehicle-drivers-sbucmvd-survey-executive> for the executive summary of the report. ▲

Truck Driving Championships

June 6 - 7, 2014

DoubleTree

16625 Swingley Ridge Rd
Chesterfield, MO 63017

Make plans to attend the
47th Annual Truck Driving Championships
at the DoubleTree in Chesterfield, MO.
Over 170 drivers will compete
for the coveted trophies.

***So come out, enjoy the day and
cheer them on!***





Amendments to CARB Truck Engine Regulation Available

Fleets and owner-operators should be aware that while the California Air Resources Board (CARB) recently voted to amend their existing diesel truck engine regulation, most trucks with pre-2007 engines still need to meet the state's more stringent requirements. Among the recent amendments, fleets with three or fewer trucks will have an additional two years to bring their second and third trucks into compliance. In addition, fleets may delay compliance for up to three trucks if they cannot obtain financing. Other amendments affecting low-use and specialty vehicles, replacement trucks, trucks retrofitted with PM filters, and operations in rural counties were also adopted. Regulatory guidance explaining how to qualify for these amendments is expected to be released in the coming months. For more information, see CARB's Approved Amendments webpage at <http://www.arb.ca.gov/msprog/truckstop/tb/approved.htm>. A Compliance Requirements Summary is also available at <http://www.arb.ca.gov/msprog/onrdiesel/documents/FSRegSum.pdf>. ▲

CA AG Opinion OK's Videotaping Drivers

An opinion issued by the California Attorney General has held that in-cab video surveillance of commercial drivers for potential disciplinary action does not violate state law. The opinion starts with the provision of the California Labor Code (sec. 1051) that prohibits an employer from requiring an employee to be photographed or fingerprinted for the purpose of giving the images to a third party. The opinion reviews the history of this statute, and finds it originated in 1913 as a part of the state's effort to stop blacklisting by employers. It remarks that such provisions have not been much used since the passage of the federal National Labor Relations Act. Here, although the taping was done by a third party, it was solely for the use of the employer in assessing a driver's performance. This is quite different from the activity aimed at by the labor code, and in fact more recent California laws specifically recognize practices such as that under discussion here. *Opinion No. 12-1101*, issued February 13, 2014 ▲

~ State Laws Newsletter ~

CO Clean Truck Bill Passes

By legislation (H.B. 14-1326) passed by both houses of the legislature and expected to be signed by Governor Hickenlooper, who provided testimony for it, Colorado has enacted a number of tax breaks for trucks over 10,000 pounds using natural gas, propane, or certain other alternative fuels. The breaks include income tax credits and a full sales tax exemption for the purchase of a qualifying vehicle. More broadly still, the bill allows a full sales tax exemption for any diesel truck over 26,000 pounds whose engine meets the 2014 national standard for greenhouse gases. Colorado is one of the relatively few states that still levies a sales tax on purchases by interstate carriers of rolling stock. This will exempt many of those sales. There are lots more details in this beneficial piece of legislation, on which the Colorado Motor Carriers Association worked hard for a long time. ▲

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MN Delays Next Biodiesel Mandate

By legislation (H.F. 2746) signed into law by Governor Dayton on April 30, 2014, Minnesota has moved back from 2015 to 2018 the effective date of its 20 percent biodiesel requirement for motor carriers. The bill also limits the months of the year for which the B20 requirement will be in effect to April through September, removing October from the list. Finally, the bill also makes permanent the exemption from the biodiesel requirement for railroads and mining operations. The Minnesota Trucking Association believes this change will make it more difficult to reopen the issue again in future legislative sessions. ▲

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NH First State to Raise Fuel Tax This Year

New Hampshire appears to be on the way to raising its fuel tax from 18 to 22.2 cents a gallon, effective July 1 this year. The increase applies to both gasoline and diesel fuel, with the revenues (some \$33 million additional per year) dedicated to roads and bridges. The legislation, S.B. 367, is apparently still on Governor Hassan's desk, although she is expected to sign it. New Hampshire is the first state this year to raise its fuel tax by legislation; six states did so last year. ▲

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NY Tax Processing Contractor Late

The press reports that the company engaged by the New York State Department of Taxation & Finance to process paper income tax returns filed last year performed so slowly that the state had to finish the job at considerable extra cost. The contract evidently called for the company to complete some 90 percent of the 1.8 million returns in a week, but it took them a month to do it. Moreover, nearly a quarter of those it processed appeared to have errors in transcribed numbers and the like. The news reports indicate the contractor was liable for the additional state costs. ▲

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OH Provides Better Refund Policy

In a recent state laws newsletter they wrote about the Ohio Department of Taxation, which had, evidently for decades, been pocketing refunds owed to business taxpayers if the taxpayers never claimed them. Now both houses of the state legislature have unanimously passed legislation to require the department to notify businesses that they have overpaid well before any deadline for them to file refund claims. The bills passed by the two chambers differ slightly and will need to be conferenced, but Governor Kasich recommended the legislation and is expected to sign it readily. In the meantime, the department is busy giving back the \$30 million in business tax refunds they knew about and hadn't refunded before they were caught holding them, and is about two-thirds of the way there. The department has a hot-line to call if you're owed money. It's 800-304-3211. ▲

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