



New Members

Applicant Information

12120 State Line Road #314
Leawood, KS 66209
Mr. Dean Wilson
(925) 551-8118

Handshake Machinery Services LLC

17645 Sharp Station Road
Platte City, MO 64079
Mr. Ben Clark
(816) 813-5033

Laclede Chain Mfg Co

1549 Fenpark Dr
Fenton, MO 63026
Mr. Jeff Doerge
(636) 680-2321

LLL Transport Inc

5799 Broadmoor St, Ste 750
Shawnee Mission, KS 66202
Mr. Dave Renfrew
(913) 777-5405

NationWide Towing & Recovery Group

1115A Falconcrest Court
Nixa, MO 65714
Mr. Timothy Berg
(417) 380-4088

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President's Message

Make plans today to join us for the 76th Annual Convention! While we are back at a member favorite location in Branson, we have a fresh new lineup of speakers and topics that are sure to provide you with the latest information in the trucking industry! If you walk away with any questions unanswered, it will be your own fault! Check out our new lineup and be sure to reserve your own personal one-on-one time with our speakers. Reservation times are first come – first served so send in your request TODAY!

Industry Expert Library

During the MoTA Convention, the following individuals will be available on Thursday for 15 minute time slots of one-on-one:

<u>Jan Skouby</u> Director, MoDOT Motor Carrier Serv	<u>Chuck Gohring</u> Enforcement, MoDOT Motor Carrier Serv	<u>Julie Lane</u> Division Adm. FMCSA	<u>Lt. Kevin Kelley</u> Mo Highway Patrol CMV	<u>Kelly Anderson</u> Impact Training Solutions
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Schedule your time by going to the MoTA website, click on the Convention link and open the Industry Expert Library document. First registration reserves the time slot.

Convention News

- ✓ Registration forms due in MoTA office by August 31st
- ✓ Hotel reservations deadline September 3rd
Call Chateau on the Lake - 888-333-5253
- ✓ Send in Sponsorship Form - to find what is still available, call the MoTA office at 573-634-3388
- ✓ Select an Industry Expert from our Library
- ✓ Sign up for Spouses' Program - Legends in Concert
- ✓ Put together a team for golf on Friday
- ✓ Take advantage of a 10% discount at the Chateau Spa by calling for an appointment - 417-243-1700.



MissouriMemo
August 2013

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See ad on page 9 . . .

Driver Health and Wellness Fair Tuesday, September 17, 2013 TA/Petro Truck Stop – Kingdom City

The Missouri Trucking Association is planning a driver health and wellness fair on Tuesday, Sept. 17, from 3 to 7 p.m. at the TA/Petro truck stop in Kingdom City. The fair will feature health screenings, demonstrations on stretching and relaxation techniques, tips on how to exercise near a parked truck, information on smoking cessation, healthy eating on the road, seatbelt use, games, music, snacks and much more! All events are free, so plan on sending your drivers and join the celebration.

For more information, call (573) 634-3388 or via email at Jason@motrucking.org. ▲

New Members

(continued from page 1)

Premier Fuel Technology LLC

8 South Main Street, Ste 201
Fond Du Lac, WI 54935
Mr. Eric Lucas
(920) 251-5628

Shell Lubricants

204 Dean Hill Drive
Pineville, KY 40977
Mr. Mike Hamilton
(606) 242-7347

SleepWell, LLC

4830 East 32nd Street, Ste 3
Joplin, MO 64804
Mr. Carl Wilson
(866) 692-1761

MoTA is Participating in the New ATA Business Solutions Program

To generate non-dues revenue to support important trucking advocacy and outreach efforts in our state, Missouri Trucking Association (MoTA) has signed on to participate in the new ATA Business Solutions program. Starting immediately, each time a customer purchases a product from ATA Business Solutions and indicates at checkout that MoTA was helpful in the purchasing decision the American Trucking Associations will provide us with a 5% commission.

It's a great way for members to help your company and state association at the same time. Visit www.ATABusinessSolutions.com for information about products. Remember to indicate MoTA at checkout. ▲



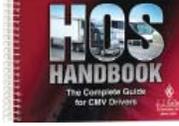
2013 MoTA Drivers of the Month

May	Randall Mullins St. James Transports St. James, MO
June	Glen Horack Prime, Inc. Springfield, MO
July	Dale Passow Con-way Freight Marshfield, MO



for DOT Compliance

HOS Handbook: The Complete Guide for CMV Drivers



Essential resource for new Hours of Service rule with compliance dates of 2/27/12 and 7/1/13

- Includes HOS rules for Property-Carrying Vehicles and Passenger-Carrying Vehicles
- Provides the “who,” “what,” “when,” “where,” “why,” and “how-to” of Hours of Service for drivers
- Helps drivers operate in compliance with HOS regulation, which in turn helps drivers’ CSA BASIC scores
- Offers critical information on the following Hours of Service topics:
 - ✓ Logging
 - ✓ Compliance, Safety, Accountability (CSA)
 - ✓ Roadside Inspections
 - ✓ Industry-and Location-Specific Rules
- Features Hours of Service FAQs
- Includes logging scenarios and examples
- Spiralbound, 7” x 5”, 200+ pages

Item # 493H 17461

1 - 9	\$7.25 each	25 - 49	\$6.30 each
10 - 24	\$6.85 each	50+	\$6.00 each

Member Cancellations August 2013

Name of Company	Class	Dues
Central Missouri Diagnostic Services	Allied	\$200
Joerling Bros Trucking Inc.	For Hire	\$316
McNay Truck Line	For Hire	\$747
Sentry Insurance	Allied	\$350
Stratman Truck Service Inc.	For Hire	\$300
UHY Advisors	Allied	\$350

2013 MoTA Maintenance Technicians of the Month

May	Mark Williamson American Central Transport, Inc. Kansas City, MO
June	Landon Barton Steelman Transportation Springfield, MO
July	Tommy Bates Kansas City Freightliner Kansas City, MO

Congratulations to the Drivers of the Month and the Maintenance Technicians of the Month!

If you'd like to nominate one of your drivers or technicians, complete an application today and send it in.



FMCSA Proposes to Scale Back DVIR Requirement

On Tuesday, Aug. 6, FMCSA published a proposal to eliminate the completion of Driver-Vehicle Inspection Reports (DVIRs) when the driver does not find, or is unaware of, any vehicle defects or deficiencies at the completion of the workday. FMCSA believes this action will remove a significant burden on drivers and fleets without adversely impacting safety. The Agency estimates the industry will save more than \$1 billion per year and 47.2 million hours if this requirement is ultimately eliminated. The NPRM also proposed harmonizing the Pre-Trip and Post-Trip inspection lists. ATA will be filing written comments on this proposal. ▲

Update on Key FMCSA Rulemakings

In mid-July, the Department of Transportation (DOT) published its July Report on Significant Rulemakings. The report included updates on several rulemakings of interest to the MoTA membership. According to the report, FMCSA is due to publish its Final Rule on the Unified Registration System in early August, followed by a Notice of Proposed Rulemaking on the Commercial Driver's License Drug and Alcohol Clearinghouse, which was mandated in MAP-21.

The agency's Supplemental Notice of Proposed Rulemaking on electronic logging devices (previously referred to as EOBRs), which will incorporate additional requirements from MAP-21, is expected to be published in November of this year. Meanwhile, FMCSA's Safety Fitness Determination rulemaking has been delayed yet again, and is now scheduled for publication in May of 2014. ▲

Foxx Signs Off on SNPRM on Electronic Logging Devices, HOS Support Documents

Transportation Secretary Anthony Foxx has signed off on the Supplemental Notice of Proposed Rulemaking on Electronic Logging Devices and Hours of Service Support Documents and sent the SNPRM to the Office of Management and Budget. The Federal Motor Carrier Safety Administration said when published, the proposed rulemaking would establish (1) minimum performance standards for electronic logging devices (ELDs), (2) requirements for the mandatory use of the devices by drivers required to prepare handwritten records-of-duty status (RODS), (3) requirements concerning HOS supporting documents, and (4) measures to ensure that the mandatory use of ELDs will not result in harassment of drivers by motor carriers and enforcement officials. ▲

EPA, NHTSA Drop Emissions, Efficiency Rules

Federal regulators withdrew some portions of a rule they tried to finalize in June that would have made minor technical amendments to the upcoming greenhouse-gas emissions and fuel-efficiency standards for heavy trucks.

The changes from the Environmental Protection Agency and the National Highway Traffic Safety Administration would have concerned engine and truck testing, certification and credit specifications, the agencies said.

The agencies proposed them in June as a "direct final rule," and since they received negative comments about them, they have to withdraw them and go through a formal rulemaking process.

EPA and NHTSA now must respond to the comments they received before making the changes final.

The emissions and efficiency rules take effect with trucks produced from 2014 to 2017. ▲

~ Transport Topics ~

FMCSA Clarifies that Both Types of Short Haul Drivers are not Subject to Rest Break Requirement

Following an American Trucking Associations (ATA) meeting with Administrator Ferro on Tuesday, August 6, FMCSA released a new enforcement policy (found at <http://www.trucking.org/ATA%20Docs/What%20We%20Do/Trucking%20Issues/Documents/Safety/30-Minute%20Guidance%20final.pdf>) clarifying that, effective August 2, 2013, the hours of service 30-minute rest break requirement does NOT apply to either of the two categories of short haul drivers. The recent U.S. Court of Appeals decision which vacated the rest break requirements for short-haul drivers created some confusion by only speaking specifically to one of the two categories of short haul drivers – non-CDL holders who operate within a 150 mile radius of their work reporting location. FMCSA's new enforcement policy states that the Agency and its state enforcement partners will immediately cease enforcement of the 30-minute rest break provision of the HOS rule against all short-haul operations. This includes the aforementioned non-CDL holders using the exemption under 395.1(e)(2) AND drivers of any CMV (both CDL and non-CDL) operating within a 100 air-mile radius and using the exemption under or 395.1(e)(1). Also, FMCSA will also be initiating a rulemaking to include text in the HOS regulations specifically noting that the 30 minute break provisions do not apply to short haul drivers. ▲

FMCSA Issues Final Rule on URS

On Thursday, August 22, FMCSA released a final rule establishing a new electronic on-line Unified Registration System (URS), with the goal of streamlining and simplifying the registration process and serving as an accurate depository of information on all FMCSA-regulated entities, including motor carriers, brokers, freight forwarders, intermodal equipment providers, hazmat permit holders, and cargo tank manufacturing/repair facilities. The new system will rely solely on USDOT numbers for identification, rendering MC, FF, and MX numbers obsolete. Beginning November 1, 2013, the new rule will impose civil penalties for non-compliance with the biennial update requirements of 49 C.F.R. § 390.19(b)(2). As of October 23, 2015, FMCSA will require registration and updates via the online URS system. The rule also establishes registration fees; requires hazmat carriers and brokers to electronically file evidence of financial responsibility; and requires electronic designation of agents for service of process as a condition of registration. The new rule is available at <http://www.fmcsa.dot.gov/rules-regulations/administration/rulemakings/final/URS-Final-Rule.pdf> and FMCSA's frequently asked questions are available at <http://www.fmcsa.dot.gov/registration-licensing/urs-Faqs.aspx>. ▲



DOT Inspector General Announces Audit of FHWA's Bridge-Safety Programs

The U.S. Department of Transportation's Office of Inspector General announced it will audit the efforts the Federal Highway Administration has made to improve the safety of the nation's bridges.

Between 2009 and 2012, the number of bridges labeled deficient has dropped from 159,862 to 151,497, according to data FHWA is required to collect on more than 607,000 bridges nationwide.

When a bridge is labeled deficient under federal inspection rules, it means the span is still safe but needs repairs or that its design is inadequate for current traffic loads.

Since 2006, the Inspector General has published three reports containing recommendations to FHWA for its bridge programs. FHWA is a DOT agency.

The transportation reauthorization bill passed last year known as MAP-21 requires states to develop performance standards on how effectively they use their federal money for highways and bridges. ▲

~ *Transport Topics* ~

Appeals Court Sets Date to Hear CSA Challenge

A federal appeals court will hear arguments next month concerning whether the U.S. government followed the law when it implemented the Compliance, Safety, Accountability ratings program.

The Alliance for Safe, Efficient and Competitive Truck Transportation filed a lawsuit last year because it said the Federal Motor Carrier Safety Administration did not follow the formal rulemaking process before it publicized CSA scores and instructed shippers and brokers to consider them when hiring carriers.

The Alliance, made up mostly of brokers, shippers and carriers, is asking the court to force FMCSA to hide the Safety Measurement System scores from the public and to submit the shipper and broker guidance for public comment before making it final.

A three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit will hear the case Sept. 10.

In previously filed briefs, the Alliance and FMCSA argued over whether the shipper and broker guidance, including a May 2012 digital presentation, constituted a regulation from the agency. If considered a regulation, the Alliance contends FMCSA violated the law by failing to study the regulation, propose it and seek comment before finalizing it.

The guidance shifted the burden of safety determination away from the government and onto shippers and brokers, making them the new arbiters, the Alliance said.

FMCSA said in its brief that the presentation came as a response to confusion over CSA's role in representing carriers' safety.

With a similar goal in mind, FMCSA has said that it will introduce a redesigned public SMS site later this year that will make it clearer to visitors that scores are not safety judgments (6-17, p.3). ▲

~ *Transport Topics* ~

Obama Reappoints Hersman to NTSB

Deborah Hersman has been tapped for a third term as chairman of the National Transportation Safety Board.

The White House announced Aug. 1 that President Obama sent Hersman's name to the Senate for confirmation to head the board for another two years. ▲

~ *Transport Topics* ~

MAP-21 Broker/Carrier Provisions

MAP-21, signed into law on July 6, 2012 as Public Law No. 112-141, contained several provisions intended to better regulate freight brokers, freight forwarders and the companies that provide the financial security for authorized brokers (and now freight forwarders).

Some of these provisions may have an impact on existing carrier practices, including, as noted below, applying to some motor carriers who heretofore did not consider themselves brokers.

Minimum financial security— Beginning on October 1, 2013, brokers and freight forwarders will be required to provide financial security (in the form of surety bond or trust fund agreement) in the amount of \$75,000. This represents an increase from the \$10,000 amount currently required.

Distinction between motor carrier and broker activities— Under MAP-21, a motor carrier will only be authorized to provide transportation services where it transports the freight some portion of the way using self-propelled vehicles it owns, rents or leases. Where a motor carrier is simply arranging for transportation without providing any portion of the movement, the motor carrier will have to register for broker authority. It is anticipated that this new requirement will be further distilled in a FMCSA rulemaking process, which is not expected to commence until December 2013, but it is possible that the provision may be included in direct final rule and thus be effective October 1. MAP-21 makes it unlawful to engage in brokerage activities without authority and without the proper financial security, subject to civil penalties.

Registration of brokers and freight forwarders— Brokers today are required to register for authority with FMCSA. MAP-21 requires that, to qualify for registration, the registering entity must employ as an officer an individual with: 1) at least 3 years relevant experience; or 2) provides the Secretary with satisfactory evidence of the individual's knowledge of related rules, regulations and industry practices. It is anticipated that this new requirement will be further distilled in a FMCSA rulemaking process, which is not expected to commence until December 2013. Therefore, the effective date of this requirement is unknown. MAP-21 further establishes a maximum 5-year duration for registration renewals.

Registration generally (for motor carriers, brokers and freight forwarders)— MAP-21 directs the Secretary of Transportation to issue a distinctive registration number for each type of authority (motor carrier, broker, or freight forwarder) that an entity is registered for. This registration number shall include an indicator of the type of authority for which it is issued.

Specification of authority— For each agreement to provide transportation or service for which registration is required, the registered entity must specify in writing the authority under which it is providing the service. It is anticipated that this new requirement will be further distilled in a FMCSA rulemaking process, which is not expected to commence until December 2013.

What it does not do— While attorney may advise an entity with motor carrier and brokerage operations to separate the two entities for liability limitation purposes, nothing in the MAP-21 provisions requires separate incorporation. That decision remains a business decision left to the entity with multiple authorities.

<http://www.fmcsa.dot.gov/documents/MAP-21/Broker-Rule-Questions.pdf> ▲

Industry Asked to Rank Top Concerns

The American Transportation Research Institute (ATRI), the trucking industry's not-for-profit research organization, launched the 2013 Top Industry Issues Survey. The annual survey, commissioned by the American Trucking Associations (ATA), asks trucking industry stakeholders to rank the top issues of concern for the industry along with appropriate strategies for addressing each issue. The survey is in its 9th year and participation by trucking stakeholders has grown each year.

"In complex times like this it is critical that we do our part to help ensure a thriving future for the trucking industry," said ATA Chairman Mike Card, President, Combined Transport, Inc. "With your participation, we can speak with a collective industry voice on what's most important to us." The results of the 2013 survey will be released at the ATA Annual Management Conference and Exhibition, to be held October 19-22, 2013 in Orlando.

Industry stakeholders are encouraged to complete the survey online at <http://atri-online.org/2013/08/05/critical-issues-in-the-trucking-industry-2013/>. ▲

UCR Filing Season Coming Up

At its meeting on June 12, 2013, the Board of Directors of the Unified Carrier Registration Agreement recommended to the states that participate in the UCRA program that they begin accepting 2014 UCRA registrations and fees from motor carriers and other covered entities on October 1, 2013, and that states begin roadside enforcement for the payment of the 2014 fees on January 1, 2014.

The 2014 fees are the same as those for 2013. ▲

~ State Laws Newsletter ~

Federal Court Rules in Hot Fuel Cases

The U.S. District Court for Kansas has dismissed claims that arose as part of the "hot fuel" class-action litigation proceeding in that and other federal district courts. The plaintiffs in all those cases, purchasers of motor fuel at retail, had sued a large variety of petroleum marketers and retailers because, the plaintiffs said, the sellers had benefited unjustly from the fact that retail sales of motor fuel in the United States are not adjusted for temperature. Quantities of fuel sold at wholesale are adjusted to 60 degrees F., but fuel sold at retail at warmer temperatures, which prevail in parts of the country, is less dense, and so contains less energy. The claims involved in the cases ruled on here were brought under California law, where the average temperature of fuel sold at retail was said to be nearly 75 degrees. The claims included several arising under consumer protection statutes, as well as several for breach of implied warranty of fair dealing and for unjust enrichment. These particular claims all concerned Chevron. The court reviewed California law concerning measurement, fuel sales, and fuel taxation, and concluded that the state authorized retail sales of gross – that is, unadjusted – gallons, the manner in which fuel had universally been sold in this country for a century. Chevron therefore enjoyed a safe harbor for the practices complained of. *In re Motor Fuel Temperature Sales Practices Litigation*, docket nos. 07-1840-KHV, *et al.*, decided July 19, 2013 ▲

~ State Laws Newsletter ~

IRP Amendments Out for Vote

Recently, IRP, Inc., the repository of the International Registration Plan, posted this year's proposed amendments to the Plan on its site for a vote of the membership. It takes a three-fourths vote of the states and provinces voting on an amendment for it to be adopted. There are four ballots this year to amend the Plan, and three of them are of importance to the trucking industry. (The fourth represents a housekeeping measure.) First in importance, and in fact the most important proposal to amend IRP in many years, is [Ballot 384, the Full Reciprocity Plan](#). But the following two ballots also deserve support. [Ballot 385](#) would allow leasing companies to consolidate their IRP fleets more efficiently. The Truck Renting & Leasing Association supports this ballot, as does American Trucking Associations. And [Ballot 386](#) would allow the states to substitute an electronic device for the IRP cab card (although not for the license plate itself). If this ballot passes, it would permit states to experiment with new credentials for vehicle registration in place of the old-style paper ones. We don't know what form this experimentation would take, but industry would be involved in the planning and design, and this amendment too deserves our support. All the current crop of IRP ballots may be seen here: <http://www.irponline.org/?page=OpenBallots>. Voting ends on all the proposals on October 28, but don't wait – talk to your IRP administrator today. ▲

~ State Laws Newsletter ~

NTSB Calls for Connected Vehicle Technology

The National Transportation Safety Board is calling for all new vehicles to be equipped with connected vehicle technology that could allow them to automatically warn drivers about other vehicles at intersections.

"This technology holds great promise to protect lives and prevent injuries," NTSB Chairman Deborah Hersman said. She spoke at a meeting focused on a crash between a school bus and dump truck last year.

The National Highway Traffic Safety Administration launched a 3,000-vehicle study of connected vehicle technology in August 2012. It includes cars, buses and trucks. ▲

~ Transport Topics ~

OSHA Orders Carrier to Rehire Trucker

The Occupational Safety & Health Administration has ordered a trucking company to reinstate a driver and repay him more than \$131,000 for allegedly firing him for refusing to drive longer than allowed by law.

Brillo Motor Transportation Inc., based in Marlborough, Mass., and owner Chuck Cappello fired the trucker in December 2010 after he refused to drive once reaching the 60-hour limit over seven days, OSHA said.

Cappello denied the allegations and said his company works on a 70-hour week over eight days, which is legal.

"He said it was a 60-hour workweek, and he was out of hours," Cappello told *Transport Topics*. "We actually run a 70-hour workweek, and he had eight more hours left in the day." Cappello said he would "absolutely" appeal OSHA's order. ▲

~ Transport Topics ~

IRP & IFTA Changes Now Effective

Several changes of importance to motor carriers became effective at the beginning of July this year in both the International Registration Plan (IRP) and the International Fuel Tax Agreement (IFTA), as the result of amendments adopted by those organizations a couple of years ago.

In IRP, new rules for audit and record keeping are now in effect. In general, these allow somewhat more flexibility to carriers in the way they maintain IRP records. In particular, states are required to accept for audit those records produced by vehicle-tracking systems, such as those relying on GPS, provided those records contain what an auditor needs to do an audit.

The changes to the plan also provide a new penalty provision for carriers whose records are in-auditable or entirely missing: a 20 percent increase in IRP fees for the fleet.

IFTA's change is in the rate of interest states charge for underpayments, including those discovered on audit. Previously, IFTA's interest rate had been 12 percent a year. Now the rate is 2 percent higher than the rate the Internal Revenue Service charges on underpayments. So, as of July 1, this year, IFTA's rate is only 5 percent rather than 12.

Additional information can be found on the IFTA website at www.iftach.org, under the "Interest Rates" section. (The Canadian provinces adopted a similar method of determining interest for IFTA some years ago.) ▲

~ State Laws Newsletter ~

More Stringent California Requirements on the Way

Fleets that send trucks into California have less than six months to prepare for the next round of more stringent engine emission requirements. By Jan. 1, 2014, trucks with 2005 and 2006 engines will need to be retrofitted with diesel particulate filters (DPFs) or replaced by trucks 2007 or newer engines to legally operate in the state.

Fleets with three or fewer trucks, including owner-operators, will need to have a DPF or a 2007 or newer engine in at least one of their trucks by this date. Some limited exemptions apply, including a one-time per year per fleet "three-day pass" and a "low-use vehicle exemption" for trucks that travel less than 1,000 miles in California per calendar year.

More information about these upcoming requirements, including compliance training opportunities, is available online at: <http://www.arb.ca.gov/msprog/truckstop/truckstop.htm>. ▲

California Approves Truck Funding

Recently, the California Air Resources Board (CARB) awarded \$150 million to six of the state's local air districts to fund truck related projects. Nearly all of the funds will be allocated to truck replacement projects with a small portion directed towards (a) remedying diesel particulate filters that have been recalled due to safety concerns and (b) supplementing an existing state-administered small fleet loan assistance program. Among the requirements, truck replacement projects will need to be California-plated, achieve a minimum 90% California operation and be compliant with CARB truck engine requirements through 2014. Project solicitations will be conducted by each air district in the near future. For more information, including the 2013 Program Guidelines, visit CARB's Goods Movement Emission Reduction Program website at <http://www.arb.ca.gov/bonds/gmbond/gmbond.htm>. ▲

Georgia: Adding Lanes

Transportation officials in Georgia have announced the awarding of a contract to improve a congested interstate corridor south of Atlanta.

The Georgia Department of Transportation said it has awarded a \$176.2 million contract to build variable-rate toll lanes on a stretch of Interstate 75 in Henry and Clayton counties.

Department Commissioner Keith Golden said the 12-mile project will help accommodate growth in the region. Construction will likely begin later this year, and the lanes are expected to open by the end of 2016.

The I-75 express lane project was one of 21 new initiatives announced July 8 by transportation officials. All of the new projects combined represent an investment of \$288 million in transportation infrastructure.

Other projects include reconstructing interchanges, resurfacing roadways and widening some roads. ▲

~ Transport Topics ~

KS Denies Fuel Tax Refund for Regeneration

The Kansas Department of Revenue has issued an opinion that motor carriers were not entitled to a fuel tax refund for diesel fuel consumed in the regeneration of vehicle particulate filters. The carriers stipulated that the fuel for which they sought the refund was not used to propel the vehicles, to warm or cool the cabs, or for any safety purpose. The department noted that fuel tax is not imposed on fuel used for "any purpose other than operating motor vehicles on the public highways," but concluded that fuel used in regeneration operations was being used to operate the vehicles on the highway, since, without regeneration, the vehicle would not continue to operate properly. *Opinion Letter no. O-2013-001*, issued June 20, 2013. You may find it online at: <http://rvpolicy.kdor.ks.gov/Pilots/Ntrntpil/IPILv1x0.NSF>. ▲



Illinois: I-57 Widening

A \$10.6 million effort to widen a stretch of Interstate 57 near the southern city of Marion is underway.

Gov. Pat Quinn (D) joined state and local officials July 15 in breaking ground on the project that includes adding a third traffic lane to the highway between Marion and Johnston City.

Quinn called the stretch of the freeway near Marion among the region's most critical.

The work will be done by Southern Illinois Asphalt Co. of Marion, which submitted the lowest bid. The Illinois Department of Transportation will manage the project, which is scheduled to be completed by December 2014. ▲

~ *Transport Topics* ~

Hand-Held Phone Ban for all Vehicles in Illinois

Last year, truck and bus drivers were mandated to put their hand-held cell phones down while driving. This year, the Illinois House and Senate voted to essentially extend the same ban to automobile drivers.

The Senate voted 34-20 and the House voted 69-48 to send HB 1247 to the Governor. At the request of the Illinois Trucking Association, the legislation was modified to be consistent with the existing federal ban on hand-held cell phone use for truck drivers. HB 1247 allows for cell phones to be used in hands-free mode, including the use of a headset. It also allows the use of one-touch operation to initiate, receive, or terminate a call. If signed by the Governor, the bill would take effect for automobile drivers on January 1, 2014. ▲

Illinois Interstate Speed Limit Raised to 70 MPH

Illinois Gov. Pat Quinn (D) signed into law legislation boosting the states rural interstate speed limit to 70 mph, the Associated Press reported.

The law goes into effect in January and increases the speed limit from 65 mph in less populated areas. Eight counties with urban areas can opt out, according to AP.

"This limited 5 miles-per-hour increase will bring Illinois' rural interstate speed limits in line with our neighbors and the majority of states across America, while preventing an increase in excessive speeding," Quinn said in a statement.

The law applies to four-lane divided highways and allows state officials discretion, such as if a roadway can't handle high speeds, AP reported.

"I encourage all motorists to continue to respect our traffic laws, avoid distractions and exercise common sense behind the wheel to protect the safety of themselves and others," he said. ▲

~ *Transport Topics* ~

IN Amends Sales Tax on Fuel

By legislation (S.B. 479) effective July 1, 2013, Indiana has altered the collection point of its sales tax on motor fuel. (For-hire motor carriers, both inter- and intrastate, are exempt from Indiana sales tax, but private carriers are not.) In the past, fuel retailers were responsible for calculating and collecting sales tax on the pump price of the fuel they sold. In the future, the state department of revenue is to determine by the 20th day of each month the average price of fuel sold in the state (excluding state and federal taxes) during the previous four weeks, and set the tax at 7 percent of that price. The tax will then be prepaid to the state by fuel distributors, who will pass the tax on down the chain of distribution. The new system is expected both to simplify the process for fuel retailers and to significantly reduce fuel tax evasion. ▲

Split IFTA Rate for MA

It was previously reported that while the recent fuel tax increase in Massachusetts, from 21 to 24 cents a gallon, was generally effective July 31, 2013, the increase would be effective for reporting under the International Fuel Tax Agreement on July 1. IFTA reporting is on a calendar-quarterly basis, and the earlier effective date would have relieved carriers, states, and provinces alike from dealing with two rates for Massachusetts for the third quarter.

However, Massachusetts has changed its mind, and the increase will be effective for IFTA as well on July 31. There will be a split rate for Massachusetts for the third quarter of 2013.

For more information, call the Massachusetts Department of Revenue at (617) 887-5080. ▲

~ *State Laws Newsletter* ~

MI: Another Bad IFTA Audit

In the *State Laws Newsletter* of 9/21/2012, they discussed briefly the appeal of a fuel use tax audit conducted by the Michigan Department of Treasury. In that instance, the audited carrier found an administrative law judge (ALJ) at the Michigan Tax Tribunal who was willing to listen and to understand what was going on. The carrier won its appeal in that case, but suppose it had had another ALJ, or had been less well represented – what would have happened then? Well, here's what amounts to a companion case, which had a different ALJ, and where the carrier seems to have had poorer representation. It lost at the administrative level, and now it's also lost at the state court of appeals, which upheld the state's assessment of tax, penalty, and interest of more than \$500,000. Time and again, carriers have been cautioned to keep decent fuel use tax records, lest they be audited. If a state can show that required records were not kept, the state is apt to be home free in a court of law. Here, however, and although you won't find anything about this in the court's opinion, the carrier seems to have maintained GPS records that detailed its travels adequately. The state refused to look at those, however, and the carrier was left to prove its case with secondary records that were necessarily fragmentary, inadequate, and subject to serious distortion by the state. *KC Transportation, Inc. v. Dept. of Treasury*, docket no. 310428, decided July 9, 2013 ▲

~ *State Laws Newsletter* ~



New IRP System Necessitates Temporary Closure

The New York State International Registration Bureau (IRB) is transitioning to a new and improved International Registration Plan (IRP) processing system. The scheduled change over to the new system will begin at 8:00 a.m. on Friday, September 6, and will run through 6:00 p.m. on Monday, September 9, 2013.

To accommodate the transition period, the Albany IRB office will have limited processing capabilities on Friday, September 6 and will be closed on Monday, September 9.

While the IRP process will remain the same, the format and view of some documents will look different, including those listed below:

- Registration Credentials
- Invoices
- Temporary Authorities
- Renewal Applications

Due to the transition period, the following processing limitations are in effect:

- Payments for Supplements and Renewals mailed into IRB will need to be received no later than August 29 in order to be processed and mailed by September 5, 2013.
- Requests for Temporary Authorities to be effective on September 9 will need to be received in the IRB office no later than 2:00 p.m., September 5.
- On Friday, September 6, IRP applications can be dropped off at the office for processing on the next business day: Tuesday, September 10.

IRB cannot accept any payments or produce any registration documents on Friday, September 6. ▲

NYS Divisible Load Permit Changes

Legislation passed in 2004, which made significant changes to the New York State (NYS) divisible load permit law, is due to become effective for vehicles with a model year older than 2006 on January 1, 2015. New York State Motor Truck Association (NYSMTA) has recently received several calls specifically regarding the Infrastructure Friendly Vehicle (IFV) requirements.

In order to be in compliance with the IFV requirement, vehicles equipped with a lift axle must be retrofitted so that the lift axle is steerable or trackable, must have the air pressure controls for the lift axle located on the outside of the cab, and all axles, other than the steerable or trackable axle, must be equipped with two tires on each side of the axle.

NYSMTA understands that due to economic conditions over the last several years many carriers have been unable to retrofit their vehicles in order to comply with the IFV requirements. NYSMTA is attempting to delay the compliance date of the IFV requirements to 2020, which requires a legislative change. While this will be a priority issue for NYSMTA during the 2014 legislative session, carriers should be prepared for the chance that a delay will not occur and begin preparing for the January 2015 deadline now.

The NYS Department of Transportation recently issued a memo stating that if an existing permit renews during the 2014 calendar year that the vehicle will not be required to meet the IFV requirements until the permit renews in the 2015 calendar year. The memo may be reviewed at <https://www.dot.ny.gov/portal/page/portal/nypermits/repository/DLN13-02.pdf>. The memo also provides information on the IFV requirements as well as changes to the downstate Type 2 and Type 6a permits. ▲

PA Turnpike Tolls to Rise in January

The Pennsylvania Turnpike Commission voted recently to increase its tolls by 12% for cash users and 2% for E-ZPass transponder users, effective in January.

The cash increase would boost a 5-axle, 80,000-pound truck's toll for the entire main line of the system to \$228.59, from the current \$204.10.

Comparable E-ZPass users' toll will rise to \$164.15, from the current \$160.96. The E-ZPass toll and increases are less because it costs five to 10 times less for the agency to collect tolls through transponders than cash.

The increase is necessary for the Turnpike Commission to fulfill its duty to pay \$450 million to the Pennsylvania Department of Transportation each year, and to pay for repaving the entire highway, the commission said.

"We understand that these recurrent annual increases can create an economic hardship for some, and for this reason we ardently support a measure in the General Assembly that would modify the funding requirements in Act 44," Turnpike Commission CEO Mark Compton said in a statement. "If passed, this measure would mean that the PTC could eventually reduce the magnitude of future toll increases." ▲

~ Transport Topics ~

Vermont: Speed Limit

After years of efforts to improve safety at a main north-south route in Shaftsbury, VT, the state Agency of Transportation has agreed to lower the speed limit to 25 mph from 35 mph.

The new speed limit will be in effect on Route 7A between Cleveland Avenue and Route 67.

The Bennington Banner recently reported that, for years, concerned parents and school and town officials have been trying to get a three-color traffic light at a central intersection to allow pedestrians, particularly school children, to cross safely. The effort was focused where Route 7A divides Church Street and Buck Hill Road.

The light was denied several times. Local safety advocates then came up with the reduced speed limit. ▲

~ Transport Topics ~

ATA Files Comments on VA SPE Exemption Application

American Trucking Associations (ATA) submitted written comments to FMCSA supporting streamlining government process by devolving Skills Performance Evaluation (SPE) authority to the Commonwealth of Virginia. Under the exemption proposal submitted by Virginia, truck drivers with an impairment or loss of limb requesting exemption under 49 CFR 391.49 would apply for their SPE to the Commonwealth of Virginia, rather than to FMCSA. Virginia's process and procedures would mirror those currently utilized by FMCSA and State-issued SPE certificates would be recognized nationwide. ATA's comments were conceptually supportive of efforts to streamline this cumbersome federal process, but raised concerns over its applicability to other States, encouraging FMCSA to first establish standards and requirements to which States must adhere and to establish clear protocols to ensure the interoperability of State and Federal SPE programs. ▲

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