



New Members

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(417) 491-4134

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725 Coolspring Blvd, Ste 600
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UHY Advisors
15 Sunnen Drive, Ste. 100
St. Louis, MO 63143
Ms. Lynda Lieberman
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“OUT THE DOOR WITH RON BREAU”

First impressions are always very important, none more important to me than my first meeting with George Burruss during a seminar in Springfield, Missouri. After the meeting George asked me to meet with him and the rest is history.

In the past thirty years our industry has seen many changes. Among those changes were Drug and Alcohol Testing, two rounds of changes in Hours of Service, change from chauffeur's license to Commercial Driver License, International Fuel Tax Agreement implementation, Single State Registration, Unified Carrier Registration, SafeStat and now Comprehensive Safety Analysis. All these changes and we are still here delivering the packages America has purchased.

Along the way, I have been blessed with the opportunity to break bread with industry icons of the past, present and the emerging leaders that are the future of this industry. I have worked with some great government agency representatives, both federal and state, around the country. During the past 10 years, I have become friends with many safety icons that have helped me try to understand why some of the changes are necessary.

Someone once said that you become closer to your work family than your blood relatives because you spend so much time together. The MoTA staff, present and past, are champions in every sense of the word and always stand ready to help the members. Most importantly, they have kept me focused and helped me develop ideas, some of which were even successful. (Sis, thanks for all your support and guidance.)

I especially want to thank Dorothy, my partner in life, and children, Michelle and Chris, for supporting me and understanding when dad was away doing his thing. Honey, I promise that I will only be late for dinner if there is a golf game to be played.

As I go out the door on December 30, 2011 for the last time as a full time employee (I have been told that the combination for entry is being changed), I would ask that you support Jason Ahten as he builds a program that will take highway safety into the future.

Thank you for 30 great years. Please remember that you all have left an indelible mark on my heart. God bless you all. (Tom, no more text alerts at 6:00 a.m. regarding snow.)

Ronald O. Breau

**MoTA Office
will be closed
December 26 & January 2
for the Holidays.**

In This Issue



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2011

2011 MoTA Drivers of the Month

January	Robert Miller Transport Distribution Company Joplin, Missouri
February	Henry Grider TCSI-Transland, Inc. Springfield, Missouri
March	Ronald Hoover Prime, Inc. Springfield, Missouri
April	Chester Surface Jack's Truck Rental Holts Summit, Missouri
May	Mark Bramel O & S Trucking, Inc. Springfield, Missouri
June	Glen Horack Prime, Inc. Springfield, Missouri
July	Charles Mason Conlee Prime, Inc. Springfield, Missouri
August	Thomas E. Miller Prime, Inc. Springfield, Missouri
September	Larry Thurman Walmart Transportation St. James, Missouri
October	Gerald Hulse D & D Sexton, Inc. Carthage, Missouri
November	Ralph Conduff D & D Sexton, Inc. Carthage, Missouri

*Nominate a driver . . .
Send in a nomination form today!*

Spring Safety Conference March 21-22, 2012

Make plans to attend the 2012 Spring Safety Conference & Awards Banquet. The conference will be held on March 21-22, 2012, at the Country Club Hotel & Spa, Lake Ozark, Missouri. In 2012, the conference will include an exhibit hall as well as educational seminars. The Safety Awards Banquet will be held on March 21 and is a great opportunity to recognize those in the industry who maintain an excellent safety record.

If you would like to stay at the Country Club Hotel & Spa, call (800) 964-6698 for reservations (ask for the MoTA rate).

Registration materials will be arriving in the mail in the near future.



Faulty TWIC Cards

Drivers having problems using their Transportation Worker Identification Credential (TWIC) with a card reader may hold one of about 26,000 TWIC cards that the Transportation Security Administration (TSA) says were incorrectly embedded with a federal code. TSA says the error was fixed on April 5 but is just now getting around to notifying the industry. If the faulty card was issued prior to April 5, it may not work correctly with some readers and TSA will issue a replacement at no cost. Drivers should check the 8-digit number on the back of the card against a list TSA has posted online. Drivers not currently using their TWICs with a card reader don't need to replace it right away. Drivers can go online to the TSA website at www.tsa.gov and click on the Frequently Asked Questions to get information on requesting a replacement, or can call the TWIC HelpDesk at 866-347-8942. ▲

IRS Issues Mileage Rates for 2012

On December 9, 2011, the federal Internal Revenue Service issued the rates it will allow as income tax deductions for miles driven after December 31, 2011 for business and other purposes. For 2012, the rate stays at 55.5 cents a mile, the same as it has been since last July. A deduction of 23 cents a mile will be allowed for medical or moving travel, and of 14 cents a mile on travel for charitable purposes. ▲

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Member Cancellations December 2011

Name of Company	Class	Dues
Sahan Express LLC	For Hire	\$300



Heavy Use Tax Form 2290

The required filing of the Heavy Use Tax Form 2290 has been a little more difficult this year because of the IRS's delayed printing of the actual form. IRS has been encouraging tax payers to file electronically, but there are still companies that are submitting their 2290's via the US Mail. Consequently, several companies have reported that they have not received confirmation that the tax has been paid, and this in turn has held up their IRP registrations.

According to IRP, as of December 1st, they have been instructed to not complete registrations if the application does not include the proof of 2290 payment. For electronic filers, they were able to print out a watermarked receipt within minutes of submitting their payment electronically and could use the receipt with their IRP application. For companies that mailed the 2290 to the IRS, the IRS reports that the turnaround time on sending a receipt back is four to six weeks. Considering the fact that the 2290 form did not become available until November 1st and IRP has been instructed to hold back registrations without the 2290 receipt after December 1st, there are some companies now awaiting the 2290 receipt and have not been allowed to complete the IRP registration.

For companies that may have their IRP registrations hung up while waiting for the 2290 receipt, the IRS states a company can request an "expedited receipt" provided the IRS is showing payment within their system. The IRS would not provide a direct telephone number, but you can access a representative by navigating their electronic operator system. Call 1-866-699-4096 and press "1" for English. When prompted, press option "4" and then option "2." At option "2" you will be asked for "disclosure" information to identify who the taxpayer is. Eventually, you will be connected to a live operator and you can ask for the expedited receipt that will be sent via fax. Hint: Repeatedly press "O" at each prompt and you will be connected to a representative a little quicker and without having to provide any tax payer disclosure information.

As a matter of background, companies have been advised for years to take their 2290 taxes directly to the local IRS office and have the receipt voucher stamped then and there because the IRS has always been slow in returning a receipt from the mailed in form. Now that the IRS is available electronically, please consider filing over the Internet to avoid the confusion being experienced this year. The only down side to filing electronically is that the IRS uses a third party vendor to complete the transactions and there is a fee. ▲

No CTEP Training for Propane Transporters

The Missouri Propane Gas Commission has amended the Code of State Regulation 2 CSR 90-10.012 requiring the registration and training of persons engaged in the business of handling, storing or transporting propane gas (LPG's). The amended rule no longer requires Class XI-Transporters to be registered or attend Certified Employee Training Program or its equivalent. Although not defined, Class XI Transporters are drivers operating tractor-trailer combinations delivering propane to a bulk plant from the pipeline. This type of driver must complete Hazardous Materials Training that is required by 49 CFR Part 172.700-704. A copy of the rule can be found at <http://www.sos.mo.gov/adrules/moreg/current/v36n23/v36n23.asp> and searching for Department of Agriculture, Weight and Measures.

This rule becomes effective on January 1, 2012. ▲

Hours of Service Update

In a recent Court filing, FMCSA signaled its intention to publish a final rule on hours of service by December 28, 2011 or perhaps sooner. Presently the rule is still being reviewed by the Office of Management and Budget (OMB) and there have been no recent developments to suggest a specific anticipated publication date. In other words despite a story stating the final rule will be released on December 22, ATA has not seen or heard anything from OMB that would confirm the report. Once ATA learns release of the rule is imminent (e.g., receives confirmation that OMB has approved and released the rule for publication), members of the ATA Federation will be notified accordingly.

Upon publication of the rule ATA will highlight the key points and begin developing a more comprehensive summary of its many components. Please note that ATA may not be the first to announce changes to the existing rule as we feel it is far more important to ensure the accuracy of our summary than to get a response published quickly. Furthermore given that the rule will not take effect immediately, carriers are cautioned against taking any immediate actions as the rule will likely provide reasonable lead time for companies to come into compliance. Finally, ATA and other groups may file for an injunction if the rule is significantly objectionable however no definitive decision regarding litigation will be made before a thorough analysis of the rule is completed.

In anticipation of the rule possibly being released over the holidays, ATA is currently preparing a media strategy document to help prepare STA Execs for the subsequent media calls following the rule's release. ▲

FMCSA Grants Industry Petition to Modify Eligibility Requirements for Hazmat Safety Permit

FMCSA announced its intention to revise the eligibility requirements for the federal Hazardous Materials Safety Permit (HMSP). The announcement responds to a multi-industry petition filed by the National Tank Truck Carriers and other industry groups.

The HMSP is required for carriers transporting certain explosives, PIH materials, radioactive materials, and liquefied natural gas (see 49 CFR Part 385). Of particular interest to ATA members is FMCSA's acknowledgement that the periodic adjustments in the out-of-service disqualification rates creates business continuity concerns and its willingness to consider averaging the eligibility criteria over a six-year period to ensure that 70% of the hazardous materials motor carriers would be able to qualify for the HMSP and eliminate the bias against less-than-truckload carriers.

The administrator's response also indicates a willingness to consider using vehicle miles traveled along with number of power units as a normalizing factor used to calculate crash rates and to consider excluding non-preventable crashes in its initial crash rate calculations, rather than forcing the carrier to challenge the inclusion of each crash on a case-by-case basis.

A proposal to implement the decision will be included in the upcoming safety fitness determination rulemaking, which is expected in April 2012. ▲



Cell Phone Ban Update

In a final rule published by the Federal Motor Carrier Safety Administration and the Pipeline and Hazardous Materials Safety Administration December 2, 2011, all commercial motor vehicles operated in interstate commerce with a gross vehicle weight rating of 10,001 pounds or more or a vehicle transporting any amount of hazardous materials requiring a placard are banned from using hand-held mobile phones and push-to-talk cell phones while driving. The ban is being initiated after research indicated drivers distracted by hand-held phones pose a safety risk to themselves and other motorists. The final rule carries an effective date of January 3, 2012.

Also affected are drivers of vehicles operated solely in intrastate commerce with a gross vehicle weight rating of 26,001 pounds or more or a vehicle with a gross vehicle weight rating of 10,001 pounds or more carrying any amount of hazardous materials. The new rule includes all contracted school bus operations and shuttle buses. Intrastate carriers who are currently exempted from the federal regulations by the state of Missouri will remain unaffected by the new rule.

The use of hands-free devices is allowed; however, drivers can only use hands-free phones and headsets if the phone is in their reach while being restrained by a seat belt in the driver's seat. Dialing a hands-free phone while in motion is allowed only if it can be done by striking a single button.

Specifically the rule prohibits drivers from reaching for, holding, or dialing a mobile phone while driving. The ban applies when the vehicle is in operation on the highway, when temporarily stopped on the highway for traffic, or when waiting at a stoplight, stop sign or other traffic control device.

Drivers can use a hand-held cell phone only if the vehicle is stopped in an area safe for parking a commercial vehicle, or to communicate with law enforcement or other emergency services to report emergencies.

The use of CB radios, other two-way radio communication or electronic devices are not included in the ban.

The rule requires that commercial driver's license holders with multiple convictions for violating the restriction could face disqualification, meaning loss of their CDL privilege. Missouri must revise its statutes to come in compliance with this portion of the final rule. In addition, drivers found in violation of the rule can face federal civil penalties of up to \$2,750 for each offense. Companies that allow their commercial truck or bus drivers to use hand-held phones while driving face a fine of up to \$11,000.00. Citations of hand-held mobile phone violation will affect both driver and carrier (company) federal CSC (Compliance, Safety, Accountability) scores.

To review the full federal regulation, visit <http://www.gpo.gov/fdsys/pkg/FR-2011-12-02/html/2011-30749.htm>. ▲

OSHA Revises Tire Servicing Materials

The Occupational Safety and Health Administration (OSHA) has revised its tire servicing materials to address current hazards in the industry and help workers safely perform maintenance on large vehicle tires. The revised materials address OSHA's Materials Handling and Storage standard that protects workers who service single-piece and multi-piece rim wheels. Following recent talks with representatives from tire, rubber, and wheel manufacturers, OSHA determined a need for new materials with updates from sources such as the Tire Industry Association.

The updated information, available in a portable manual or as three poster-sized charts, is easier to access and use. OSHA's revised *Multi-piece Rim Matching Chart* provides an updated list of current and obsolete components, and the old "Demounting and Mounting Procedures for Truck/Bus Tires" chart is now expanded into two charts that deal individually with tubeless and tube-type tires.

To download OSHA's revised tire charts, go to <http://www.osha.gov/pls/publications/publication.athruz?pType=Industry&pID=319>. ▲

No 1099s for Freight Services

IRS regulation, 26 CFR 1.6041-3(c), exempts payment for "freight services" from the general requirement for payers to issue independent contractors and others with which they do business. That is, according to IRS, a trucking company does not have to issue a 1099 to another trucking company to which it has brokered a load. In fact, according to IRS (see the IRS's Trucking Industry Overview at <http://www.irs.gov/businesses/article/0..id=170621.00.html>, under Significant Law and Important Issues), a trucking company need not issue 1099s to owner-operators under lease to the company. However, it might be wise for trucking companies to continue to issue 1099s to their owner-operators. IRS has been highly concerned about misclassification of employees as contractors, and a trucking company that has consistently issued 1099s to its owner-operators may be in a stronger position to defend itself should the need arise. Moreover, some states rely on the issuance of 1099s by payers as an indication that the payees were not employees for purposes of worker's compensation. ▲

FMCSA Rejects OOIDA Claim that EOBRs are Prohibited

The Owner-Operator Independent Drivers Association (OOIDA) has argued that, as a result of an August decision by the United States Court of Appeals for the Seventh Circuit, motor carriers may no longer voluntarily use electronic on-board recorders. In a letter to the Federal Motor Carrier Safety Administration (FMCSA) Chief Counsel, OOIDA sought to enlist FMCSA's help in spreading their message. FMCSA responded that OOIDA had misinterpreted the court's decision and that voluntary use of EOBRs consistent with 49 C.F.R. 395.15 remains authorized. ▲



Is Alabama's Coil Steel Law preempted by Federal Law?

FMCSA is requesting comments on a petition submitted by the American Trucking Associations requesting a determination that the State of Alabama's Metal Coil Steel Act is preempted by Federal Law. FMCSA is requesting comments on what effect, if any, Alabama's metal coil load securement certification requirements may have on commerce. Comments are due on or before January 23, 2012.

A copy of FMCSA's Notice may be found at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR&browsePath=2011&isCollapsed=false&leafLevelBrowse=false&ycord=0>. Search for Federal Motor Carrier Safety Administration on November 23, 2011. ▲

California New Emissions Requirements

If you operate trucks in California and are not aware of the new emissions requirements that become effective January 1, 2012, log on immediately to the California Air Resources Board (CARB) website at www.arb.ca.gov and click on Diesel Exhaust Retrofits for complete information. Trucks with model-year 1996-1999 engines must be retrofitted with diesel particulate filters (DPFs) to operate in California and trucks with model-year 2000-2006 engines must be retrofitted with DPFs over the next two years. Regardless of model year, carriers have the option to phase in the DPFs, with 30% required by January, and an additional 30% each of the following two years. To use the percentage option, carriers must file a compliance report with CARB by January 31, 2012. Carriers may also be able to extend the compliance deadline for model year 2004 reefer engines if they request an extension by December 31, 2011. To qualify for the extension, carriers must have to either have ordered the required equipment or applied for financing for it. ▲

California TRU Requirements for 2012

Transport refrigeration units (TRUs) with 2004 engines will need to be retrofitted, repowered or replaced in order to operate in California in 2012. Last week, the California Air Resources Board (CARB) approved a second retrofit device for these TRUs. CARB is allowing owners of TRUs with 2004 engines to apply for a compliance extension due to delays in delivery, installation, or financing or the unavailability of compliance technology. To qualify for an extension, each TRU must be registered in CARB online TRU reporting system and an extension application must be e-mailed to CARB by December 31, 2011. For more information, visit <http://www.arb.ca.gov/diesel/tru/tru.htm>. ▲



CARB Offers Training on Truck Rule Reporting

The California Air Resources Board (CARB) is offering free training classes for fleets who plan to submit compliance reports under the state's Truck and Bus Regulation. The regulation phases in diesel particulate filter requirements on most Class 7 and 8 trucks operating in California (outside of the state's ports and rail yards). Fleets have the option of annually meeting specific requirements by either engine model years or percentage of California operating fleet beginning January 1, 2012. For fleets electing to meet the percentage requirements or use certain flexibility provisions, compliance reporting using CARB's online reporting system is required by January 31, 2012. A webcast training class is offered on December 29, 2011. In addition, in-person training classes are offered at several California locations over the next three weeks. Go to <http://www.arb.ca.gov/training/courses.php?course=514> for more information about the training classes or to register. Information about the regulation can be found on CARB's Truck and Bus Regulation webpage at <http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>. ▲

Truck Parking Available in Maryland for Winter Emergencies

Truck drivers will soon be able to find safe haven during major winter weather events at specially designated Emergency Truck Parking locations throughout Maryland. These lots will be cleared and available for truck parking when snowfall totals are forecasted to be six inches or greater. A list of sites will soon be available at www.511md.org. ▲

I-70 Missouri River Bridge Project at St. Charles, Missouri to Start Soon

During a meeting of the Missouri River Bridge project at the Missouri Department of Transportation District office in St. Louis, the department indicated that they have selected a contractor for the westbound bridge project. Although they are still putting together the final details and working on getting sub-contractors for the job, the department expects to see some activity on the project early in 2012. The first part of the project will be to move fiber optics cable from the westbound bridge to the eastbound bridge.

The movement of the fiber optics could result in lane closures while the contractor completes that portion of the project. These closures will be done primarily at night when traffic is at its lowest. However, there may be closures during non-peak hours if necessary.

The Association's Staff recommends the members begin routing your trucks onto alternate routes to prepare the drivers for the main closure scheduled to start later in 2012. The westbound bridge will be closed for a maximum of one year for repair and during this time both east and west bound traffic will be reduced to three lanes and going head to head on the eastbound bridge.

Suggested alternate routes are Mo-370; I-64; or Mo 94 to Mo 364 eastbound and I-70 to I-270 North to Hwy 370 West, I-64 westbound, and I-270 to Mo 364 to Hwy 94 westbound. Vehicles transporting hazardous materials are asked to use these alternate routes unless picking up and delivering in the St. Charles area. For more information, visit www.modot.org/blanchettebridge. ▲



NYS Tax & Finance to Require HUT Decals Again

NYSMTA has received word that beginning with the 21st Series Highway Use Tax (HUT) registration, the NYS Department of Tax and Finance will once again require carriers to affix decals to their vehicles. Registration will begin in October 2012 and at this time it appears carriers will have until February 2013 to get their vehicles outfitted with the new decals.

Since the elimination of the decal requirement in 2007, the Tax Department has seen a significant drop in HUT collections. While they acknowledged the recession and drop in vehicle miles traveled of commercial vehicles, they also stated that their research showed over 13,000 motor carriers that had operated in New York, but had not filed HUT returns. They feel this is largely due to the lack of roadside enforcement.

NYSMTA raised a number of concerns regarding returning to the decal system, but the Tax Department believed those concerns were outweighed by the HUT revenue loss the state has experienced.

The Tax Department indicated they would have an advisory notice out to carriers sometime this month. ▲

NYS "Move Over" Law Expands to Include Tow Operators on January 1

Legislation signed into law in September which requires drivers to exercise caution by moving over to the adjacent lane or slowing down when approaching or passing any emergency vehicle displaying its amber lights while assisting a motorist on all New York State roadways goes into effect on January 1, 2012.

The new law requires the Commissioner of Motor Vehicles to include an explanation of the requirements for approaching a stopped vehicle with its hazard lights flashing within the driver's manual provided to those applying for a learner's permit, as well as questions on the driver's exam on such procedures.

While incidents of serious injury to tow truck drivers in New York assisting motorists have been relatively isolated, this law will help provide the added protection needed to eliminate certain risks those drivers face during the course of their inherently dangerous work.

Less than two weeks ago, Todd Young, 53, of Mattydale, New York was killed when he was struck by a tractor trailer on the state Thruway one mile east of Interstate 481 in Manlius as he loaded a disabled vehicle onto his flatbed tow truck. Young had owned Northern Lights Auto Service since 1995.

State police said the tractor trailer drifted onto the right shoulder of the highway, where it struck Young, who was outside his truck. The tractor trailer driver was issued a ticket charging him with moving from a lane unsafely.

The NYSMTA urges all of its members to exercise extreme caution and move from the right lane, as now required, to prevent further tragedies and keep in mind that CMV drivers have a unique vantage point and a proactive lane change can send an important signal to all other drivers. ▲

Pennsylvania Bans Texting While Driving

Pennsylvania Governor Tom Corbett (R) recently signed a bill that prohibits text messaging while driving. Under the legislation, any driver caught using a phone for text communication will be subject to a \$50 fine.

Pennsylvania is the 35th state to ban texting while driving, the Governors Highway Safety Association said. ▲

~Transport Topics

Washington State Employs Electronics to Target HOS Violators

The State of Washington has installed automated license plate readers at key weigh stations and ports of entry. These readers capture the plate number and take a photograph of the truck. A computer program then allows the Washington State Patrol to check the time the truck crossed any of those automated locations and compare that time to what's in a driver's logbook. At the Nisqually scale on Interstate 5 in August, officers using the new program cited 98 drivers over a four-day period for serious logbook violations. ▲

***Best Wishes for a
Safe and Merry Christmas
&
Good Health & Prosperity
in the New Year!***



***MoTA office will be closed
December 26 & January 2.***