



New Members

Bartens Media

501 North Meadow Lane
Steelville, IL 62288
Ms. Joyce Bartens
(618) 965-9505

Cissell Transportation Co, LLC

609 Big Spring Blvd
Perryville, MO 63775
Ms. Katherine L. Cissell
(573) 547-7413

Grellner Sales & Service, Inc

3705 Hwy V
Rolla, MO 65401
Mr. Robert H. Edwards
(573) 426-5600

Healthy Lifestyles, LLC

212 East Third Street
West Plains, MO 65775
Ms. Jennifer Poor
(417) 256-4592

Legacy, Inc.

2505 Livingston
Springfield, MO 65803
Mr. Scott Girth
(417) 866-0200

Michelin North America

2209 Condolea Terrace
Shawnee Mission, KS 66209
Mr. Chuck Anderson
(541) 554-6833

Midwest Transport, Inc

11385 North Trimble Road
Robinson, IL 62454
Mr. Bruce Aden
(618) 544-3399

Mutual of America

7777 Bonhomme Ave, Ste 1710
St Louis, MO 63105
Mr. Kurt A. Schenk, CRPS, CEBS
(314) 721-3123

President's Message

Perspective.

Regardless of how much thought you have given it, we all have one. Many successful companies base their strategic plans on several different perspectives – long term, short term, optimistic, pessimistic, conservative, risky. Whatever one chooses to call it, it is based on the practice of gathering input from many different sources. In other words, bringing in a lot of different perspectives to make the final product better.

Your association works much the same way. We work best when we have the input from many different perspectives. Missouri Trucking Association is continually looking for ways to provide the different tools and forums for its members to participate and provide input.

For all of the technological advances, sometimes a personal meeting is best. For those times, if at all possible, we conduct multiple seminars in locations around the state to make it as easy as possible for members from all regions to get the needed information.

In mid April we will hold our Board of Directors meeting in conjunction with our Annual Safety Conference & Expo and our SuperTech Competition at the Holiday Inn Executive Center in Columbia, Missouri. This is a new location for this meeting and hopefully one that will allow for better participation by our members.

If you can not make it to one of our meetings, or make it to Jefferson City for a 24 Hour Visit, do not hesitate to call us or drop us a note to give us your perspective on what we can do to make you and your business more profitable.

If we have not seen you in awhile, what are you waiting for?!

Seriously, we need your perspective.

2016 MoTA Events

Safety Conference & Expo SuperTech Competition & Safety Awards Banquet

April 13-14, 2016

Holiday Inn Executive Center
Columbia, MO

Truck Driving Championships

June 3-5, 2016

Ramada Oasis
Springfield, MO

Sitton-Babcock PAC Golf Tournament

June 28, 2016

Old Kinderhook Golf Club
Camdenton, MO

Annual Convention

September 21-23, 2016

Chateau on the Lake
Branson, MO

ATA Working to Address HOS Issue

Recently, ATA became aware of a problem with the legislative language in last year's omnibus appropriations bill intended to address concerns about restrictions placed on the 34-hour restart, a portion of the hours-of-service rule that provides an extended rest period for professional truck drivers.

An issue in the legislative language signed into law last December has the potential to put this safety rule at risk. ATA is both disappointed and troubled by this development, and is working with key members of Congress to address the problem to ensure that the trucking industry can continue to deliver America's goods safely and efficiently. For more information, contact Dave Osiecki at dosiecki@trucking.org or Rob Abbott at rabbott@trucking.org. ▲

~ ATA Dispatch ~

ATA Responds to NTSB on Synthetic Drug Recommendations

On Feb. 16, ATA responded to the National Transportation Safety Board's recommendation that ATA "inform [our] members about the dangers of driver use of synthetic drugs and encourage them to take steps to prevent drivers from using these substances." ATA strongly supported the recommendation and has been working since last November to increase awareness within the industry. This month, the ATA Safety Management Council will be distributing a driver letter and safety poster to members discussing the dangers of synthetic marijuana. The Board's recommendation stemmed from a fatal truck crash in which it was discovered that the driver had used a substance that was sold over the counter and would not be revealed by a standard drug test. [Click here](#) for the link to ATA's letter to NTSB. ▲

~ ATA Dispatch ~

Congress Passes Residue Reimportation Fix & Customs Modernization

On February 11, 2016, the US Senate passed H.R. 644, the Trade Facilitation and Trade Enforcement Act of 2015, also known as the customs reauthorization bill. In addition to several provisions modernizing customs operations, the customs reauthorization bill contains language that exempts residue reimported into the US in tank truck trailers from CBP entry requirements. The Senate and House of Representatives had agreed on conference language that was quickly passed by the House in December, but a provision exempting products sold over the Internet from state and local taxation stalled consideration in the Senate. Some industries opposed the bill due to concerns about unfair treatment for products sold in brick and mortar stores vis-à-vis ecommerce sales. On Feb. 9, the Senate ended debate on the bill and it passed two days later. The President is expected to sign the bill. ▲

~ ATA Dispatch ~

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PC 113016

Member Cancellations February 2016

Name of Company	Class	Dues
Uz Trans, Inc	For Hire	\$480
Vessell Bridges Murphy Law Offices	Allied	\$350

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FMCSA Proposes to Use CSA Data for Motor Carrier Safety Fitness Determinations

On Friday, Jan. 15, FMCSA released a proposal to change the agency's method for assigning motor carriers' safety fitness determinations, commonly called safety ratings. Currently, ratings are issued after completion of an on-site compliance review conducted at the carrier's place of business. FMCSA now proposes to use data from its Compliance Safety, Accountability Safety Measurement System, in addition to information gathered during on-site compliance reviews, to make SFDs on a monthly basis. As proposed, SFDs could be assigned to carriers with failing performance in any two measurement categories, called Behavioral Analysis Safety Improvement Categories, based solely on roadside inspection data, CR data, or a combination of the two. Rather than using SMS percentile ranks, i.e., CSA scores, to assign SFDs, as some had anticipated, FMCSA plans to use SMS "measures" – best described as a ratio of violations to inspections or some other measure of exposure – to assess each carrier's safety fitness. Carriers' measures would be compared monthly against a "failure standard," a high threshold measure, e.g., 96th to 99th percentile of all carriers, established in each BASIC. A summary of the proposal is [available here](#). ▲

~ ATA Dispatch ~

FMCSA Sends HOS Restart Study for Review

A comprehensive study on the suspended hours-of-service restart rule for truckers has been completed and sent to Transportation Secretary Anthony Foxx's office for review, the trucking industry's top regulator told U.S. senators.

"As soon as that review is completed, the study will have to go to the department's Office of Inspector General and then the Inspector General has up to 60 days to provide a review." Federal Motor Carrier Safety Administration Acting Administrator Scott Darling told members of the Senate Commerce Committee on Jan. 20.

Democrats on the panel called on Darling to help advance the study's review, claiming the restart rule was critical to highway safety.

"I will work with the secretary's office to move the study," Darling said.

However, he did not offer an exact date for when the agency would send Congress a final report.

By law, the restart rules are required to remain suspended until the final report is presented to Congress. Lawmakers will then review the report and determine any policy changes to pursue.

For the study, FMCSA tapped the Virginia Tech Transportation Institute to examine the restart rule's effect on fatigue, health and work schedules.

The Senate panel is expected to vote this spring on Darling's nomination to become FMCSA's permanent administrator.

The agency had indicated it was on track to delivering Congress a final review of the restart rule in February. But a fiscal 2016 funding law added myriad requirements to the study, prolonging the department's review. The HOS restart was suspended upon enactment of a fiscal 2015 funding law in December 2014.

Under the rule, truck drivers were mandated to take off two consecutive periods of 1 a.m. to 5 a.m. during a 34-hour restart. ▲

~ Transport Topics ~

FMCSA Reactivates CSA Public Display with Modifications

FMCSA has restored the public facing CSA Safety Measurement System website with limited information. The Fixing America's Surface Transportation Act required FMCSA to remove carriers' BASIC percentile scores, alerts and analysis, but allowed continue public display of out of service rates, inspection and violation information while the agency makes improvements to the SMS scoring system. In late December, FMCSA turned off the public-facing website to make the necessary technical corrections to comply with FAST. The revamped website looks identical to the previous version except all mention of percentile scores, measures, and indications of whether or not a carrier's BASICs are in alert status, have all been removed. The public now has access to carriers' out of service rates, licensing and insurance information, registration information, crash history and inspection and violation information through the CSA website. This information can be obtained at <http://csa.fmcsa.dot.gov>. ▲

~ ATA Dispatch ~

FMCSA Driver Coercion Rule Goes into Effect

FMCSA's final rule, published on November 30, 2015, prohibiting motor carriers, shippers, receivers, and transportation intermediaries from coercing drivers to violate certain FMCSA regulations takes effect tomorrow, Jan. 29. The rule broadly defines coercion to include threats of or actually withholding business, employment, or work opportunities, or taking or permitting any adverse employment action. The final rule clarifies that the driver must give notice that he or she cannot provide the requested service without violating the applicable rules, and that a receiver who simply forces a driver to leave its premises is not threatening the driver with an adverse employment action. The rule requires drivers to file complaints within 90 days of the alleged coercion, and allows for civil penalties up to \$16,000 per violation, with willful violations potentially a ground for revocation of operating authority. The final rule is available [here](#), and ATA's summary is available [here](#). ▲

~ ATA Dispatch ~

FMCSA Makes Changes to Commercial Zones Surrounding 3 Border Crossings

On February 24, 2016, the Federal Motor Carrier Safety Administration [issued](#) a Federal Register notice affecting the commercial zones surrounding three crossings on the U.S.-Mexico border. Commercial zones are areas in which some, but not all, FMCSA regulations are waived for cargo that does not leave the zone for other points in the U.S. This allows Mexican carriers to transport goods within the commercial zone. In its first change, FMCSA established a commercial zone comprised of Dona Ana and Luna County, N.M. Second, FMCSA confirmed that the San Luis, Ariz. commercial zone also includes the City of Yuma, Ariz. Finally, FMCSA expanded the El Paso, Texas commercial zone to include all areas within 15 miles of the City of San Elizario, Texas, which encompasses the new bridge connecting the new Tornillo-Guadalupe International Bridge crossing into Mexico and routes connecting it back to the City of El Paso. Finally, FMCSA asks if it should further extend the commercial zone beyond San Elizario to the eastern edge of El Paso County.

~ ATA Dispatch ~

IRS Says Some Dollies Might Be Taxable

The Office of the Chief Counsel of the Internal Revenue Service has issued a memorandum to the effect that truck dollies (converter gear) are subject to the 12 percent federal excise tax on new trucks and trailers, but only if a dolly's gross weight exceeds 26,000 pounds. The memo says that IRS has determined that a dolly is a "truck chassis" under the tax law, and taxable if its weight is greater than that threshold. This is a change in position on IRS's part, which has previously considered dollies exempt from the FET, whatever their weight. The effective date of the change will be later this year, perhaps July 1, according to personal communication from the IRS, which also says that it believes few if any dollies actually exceed 26,000 pounds gross weight. To the extent dollies do become subject to the FET, the memo says that a dolly's manufacturer will be primarily liable for the tax, but may still sell a dolly tax-exempt if the buyer furnishes it with proper certification that the sale is a sale for resale. For more information, contact IRS's Celia Gabrysh at 202.317.6855. *IRS OCC Memo POSTN-138178-15*, issued December 18, 2015 ▲

~ State Laws Newsletter ~

IRS on Dollies, Part II

Recently, it was reported that IRS has changed its position on the taxability of trailer dollies (converter gear) under the 12 percent federal excise tax, but that IRS believed there were few if any dollies that exceeded the threshold for taxability under the FET – that is, 26,000 pounds. We have a few more details now. First, there apparently are at least a few dollies that weigh up to as much as 40,000 pounds. These are used in triple-trailer combinations in the U.S. and Canada, and would be subject to the FET if they sold new in this country. Second, the IRS's new position will be effective on July 1 this year for sales of *new* dollies over the weight threshold of 26,000 pounds. ▲

~ State Laws Newsletter ~

PHMSA Adopts 96 Special Permits into the Hazmat Regulations

In January, the Pipeline and Hazardous Materials Safety Administration published a final rule adopting 96 of the most commonly used special permits into the Hazardous Materials Regulations. PHMSA issues a special permit to allow transportation of a hazardous material that does not comply with the HMRs, but that has been demonstrated to be safe. To use a special permit, a carrier or shipper must either demonstrate that the proposed deviation from the regulations is safe. Today's rulemaking means that anyone registered to transport hazmat will be able to transport the goods previously covered by the special permits. Carriers that currently transport goods under these special permits will see no operational changes, but will no longer be required to carry copies of the special permits with their loads. Other carriers may be asked to begin carrying these loads. Under the 2012 highway bill, PHMSA is now required to perform a rulemaking incorporating special permits into the HMRs annually. For more information or to nominate a special permit for inclusion in the HMRs, contact Boyd Stephenson at bstephenson@trucking.org. ▲

~ ATA Dispatch ~

IRS Issues Guidance for 2015 Tax Credit Claims For CNG, LNG, LPG and Biodiesel

On Jan. 14, the IRS issued Notice 2016-05 establishing the procedures for claiming the \$0.50 tax credit for CNG, LNG, and LPG, as well as a \$1.00 per gallon biodiesel blenders credit, for alternative fuels sold or used in calendar year 2015. The tax credits were part of a larger tax extenders package passed by Congress in December that contains a two-year extension of the credits that had expired at the end of 2014. The notice requires that a single one-time claim for all alternative fuels should be made no later than August 8, 2016. Claims should be made using Form 8849-Claim for Refund of Excise Taxes accompanied by Schedule 3-Certain Fuel Mixtures and the Alternative Fuel Credit.

The notice indicates that taxpayers who filed protective or anticipatory claims in 2015 must refile their claims; the IRS will not consider the previous claims perfected by the extension of the tax credits. Claims for 2015 may be submitted as early as January 15, 2016 but February 8, 2016 is the official start date for filing such claims and the date that will be used for determining whether the IRS owes interest on late payments to taxpayers.

To file a claim, a person must be a registered alternative fueler. If you previously submitted claims to the IRS then you are likely registered. First time claimants who are not registered must file Form 637-Application for Registration prior to making claims for credits. Persons intending to file the claim should seek advice from tax counsel or an accountant to ensure that claims are properly submitted. To view Notice 2016-05 [click here](#). ▲

~ ATA Dispatch ~

IRS Issues Guidance on Fuel Tax Credits

Congress recently extended several dozen tax provisions that expired at the end of 2014. Among these are the 50-cent-a gallon fuel tax credit for the use of alternative fuels (natural gas and propane – including propane used in forklifts), which has been extended from the beginning of calendar 2015 through the end of calendar 2016. The credit for biodiesel blenders was extended for the same period. Taxpayers eligible for these credits may now file claims for last year's use, to offset the federal fuel tax they paid. Those making the claims should use Form 8849, the multi-purpose quarterly excise-tax refund form, and must be registered with IRS by filing Form 637. (Those already registered do not need to refile a 637.) IRS adds that taxpayers who filed anticipatory or protective claims for the credit during 2015 will have to refile their 8849s now to get a credit. The filing deadline to claim the 2015 credits is August 8, 2016. *IRS Notice 2016-05*, issued January 14, 2016, and available on-line here: <https://www.irs.gov/pub/irs-drop/n-16-05.pdf> ▲

~ State Laws Newsletter ~

A Little More on Federal Fuel Tax Credits

In the *State Laws Newsletter* of 2/5/2016, they reported on how to claim the federal tax credits for alternative fuels that Congress recently extended. They noted that the deadline for applying for credits on fuel used last year is August 8 this year if the credits are applied for on the Internal Revenue Service's excise tax Form 8849. A reader points out that the credits may also be claimed on IRS Form 4136, filed with the taxpayer's federal corporate income tax return for 2015. ▲

~ State Laws Newsletter ~



Canadian Trucking Industry Seeks Truck Greenhouse Gas and Fuel Efficiency Approach Different from that of U.S.

The Canadian Trucking Alliance released a whitepaper recommending a Made-in-Canada, SMART approach toward implementing the next round of greenhouse gas and fuel-efficiency standards for medium and heavy-duty trucks, engines, and trailers commonly referred to as “Phase 2”.

CTA said that Environment Canada cannot – as it has done in the past and which it has indicated it is planning to do again – just adopt whatever USEPA decides to require from U.S. manufacturers. The whitepaper argues that U.S. fleets are largely standardized around one configuration whereas in Canada, a vast array of much more productive, efficient, and innovative multi-axle configurations, trailer body styles, and higher gross weights are allowed. CTA states that taking the U.S. rule and transposing it on Canadian fleets would be at odds with the goal of reducing GHG emissions from the trucking sector and would undercut Canada’s productivity and environmental advantages developed over the past 40 years. Furthermore, simply adopting the U.S. Phase 2 standards would force equipment on Canadian carriers that would be either unsuitable or untested for Canadian conditions which could expose Canadian drivers to unsafe situations. A copy of CTA’s whitepaper can be [viewed here](#). ▲

~ ATA Dispatch ~

CO Rules Maintenance Agreement Exempt

The Colorado Department of Revenue has issued a letter ruling stating that the lessee of a motor vehicle was not responsible for state sales tax on the payments it made to its lessor for an agreement for periodic vehicle maintenance. Payments made under long-term leases (more than three years) of vehicles are taxable in Colorado, and tax is imposed as well on maintenance or service agreements that are entered into *as a part of the lease*. In this instance, however, the payments for the maintenance agreement were separately stated, and the agreement was optional rather than a part of the lease. The agreement was therefore accounted a nontaxable service (although the parts used in performing the service were taxable to the service provider). Colorado Dept. of Revenue, *PLR-15-008*, November 16, 2015, available on-line here: <https://www.colorado.gov/pacific/tax/sales-and-use-tax-rulings-exemptions>. ▲

~ State Laws Newsletter ~

Watch Out for Dallas Property Taxes!

Texas is one of the declining number of states that still impose a local personal property tax on motor carrier rolling stock. From time to time, some Texas counties have been fairly aggressive about collecting this tax from trucking companies. Now, however, Dallas County is going after interstate motor carriers with a terminal or other location in Dallas in a Big Way, with many proposed assessments in the MILLIONS. Carriers with Dallas locations must watch out carefully for any communications from the Dallas County Central Assessment District, and take the necessary steps to protect themselves. For details, see the very helpful piece on the website of the Texas law firm Strasburger & Price at www.strasburger.com, entitled *Texas Business Personal Property Tax Alert*. ATA is working with the Texas Trucking Association for a broader solution to this issue, but that may be some time off. ▲

~ State Laws Newsletter ~

MI Offers Guidance on Motor Carrier Exemption

The Michigan Department of Treasury has issued guidance on the sales and use tax treatment of interstate motor carriers. The bulletin reveals no large changes. Rolling stock remains exempt from Michigan’s sales and use tax when it is sold to or used by an interstate motor carrier whose fleet traveled at least 10 percent outside the state in the preceding tax year. (There’s a catch in this: because a *new* motor carrier didn’t travel at all in the preceding tax year, it doesn’t qualify for the exemption!) Besides the mileage threshold, individual pieces of rolling stock must also be used in interstate commerce to get the exemption; that is, must either cross state lines or, if they do not, at least haul interstate freight within Michigan. Parts for such equipment are also tax-exempt, but again, the rules are tricky. To be exempt, a part must be “affixed” to the rolling stock. Therefore, a tarpaulin used to cover a load is exempt if it is attached directly to the truck, but if it is attached by means of bungee cords, the tarp won’t be exempt – but the cords will be. *Revenue Administrative Bulletin 2016-2*, approved January 8, 2016, and available on-line here: http://www.michigan.gov/taxes/0,4676,7-238-44087_44090-372485--,00.html. ▲

~ State Laws Newsletter ~

Update on NYS HUT Credentials

Recently, a judge in a New York State trial court ruled that the fees the state charged for the highway use (weight-distance) tax decals and permits were unconstitutional. Carriers are, however, still required to obtain both a sticker and a permit for each vehicle subject to the tax before it enters the state. The state no longer charges a fee for them, but penalties are significant if a vehicle goes into New York without these credentials. To complicate matters considerably, the state has taken down its on-line system (called OSCAR) through which carriers have been able to get their credentials. Now, says the state, you’ll have to get them either by regular mail – which can take weeks – or through one of several permit agencies with which the state has contracts. It is considered likely that this situation may continue for several months. There have been some reports that the state was still asking carriers who ordered by mail to enclose a check – “just in case” – but that should no longer be happening. For more information, see the information posted by the state Department of Taxation & Finance: www.tax.ny.gov/bus/hut/huidx.htm. ▲

~ State Laws Newsletter ~



RI Enacts Toll Legislation

On February 4, 2016, Governor Raimondo of Rhode Island signed legislation (S. 2246) to establish a widespread system of toll bridges in that state, with the tolls to be levied *solely* on tractor-trailer combinations. The scheme, which was opposed fiercely by the Rhode Island Trucking Association for the better part of a year, sets a terrible precedent for other states. Although the bill is silent on just which bridges the tolls would be imposed, how steep the tolls will be, or just where the state plans to use the money, it allows the state to borrow against anticipated toll revenues for bridge construction and maintenance – presumably very broadly defined. The state hopes to begin construction with its new funding in as little as a year and a half. Before that can happen, however, the financing has to be settled, and the bond underwriters somehow assured that there will be enough truck traffic to yield tolls to pay them off. Since interstate carriers without business in Rhode Island can easily avoid the state altogether, this may be problematic. Moreover, the Federal Highway Administration will have to sign off if the state is to use tolls for at least some of the purposes it intends. Finally, both the Rhode Island association and ATA are looking into legal options available to the industry. ▲

~ State Laws Newsletter ~

Safety Conference & Expo, SuperTech & Awards Banquet

Holiday Inn Executive Center
2200 I-70 Drive, SW ♦ Columbia, MO 65203

Make plans to attend!
Go to www.motrucking.org
for registration forms, sponsor forms & expo hall contracts.

Wednesday, April 13, 2016

9:30 am SuperTech Competition Registration
10:00 am SuperTech Orientation & Competition

TRACK #101 – Blue Text ~ Designed specifically for a new safety professional or a small to mid-size trucking company who would like a refresher on best practices and the rules and regulations governing our industry.

TRACK #202 – Red Text ~ Designed for mid-size to large fleets.

1:00 – 2:00 pm Surviving a DOT audit. A discussion on what is required for DQ files, accident files, maintenance files, and insurance.

1:00 – 2:00 pm **CSA & Monitoring compliance; it's no surprise that CSA is changing once again. This program will discuss the new changes, how it will affect you as a carrier and how to appeal if there is an issue.**

2:00 – 3:00 pm Surviving a DOT audit continued. A discussion on record retention for hours of service, safety manual, drug and alcohol testing and more.

2:00 – 3:00 pm **Recruiting and retention for mid-size to large fleets; a group of recruiters and retention specialists will discuss strategies to not only recruit top talent but how to keep them in your company once they are recruited.**

3:00 – 3:15 pm Break

3:15 – 4:00 pm CSA Intro – The 7 Basics – how to monitor CSA and what to do if one of the basics climb into the intervention threshold as well as how to file a DATA Q challenge.

3:15 – 4:00 pm **Social media; a discussion on mastering social media to more effectively “recruit and retain” drivers.**

4:00 – 5:00 pm Recruiting and retention strategies for smaller trucking companies. A group of safety directors and recruiters from trucking companies under 30 trucks will discuss what works best for a fleet of their size and budget.

4:00 – 5:00 pm **OSHA vs. DOT; OSHA related items we often overlook in our focus on DOT regulations.**

5:30 – 9:00 pm Reception & Expo

Thursday - April 14, 2016

8:00 am Breakfast

9:00 – 10:00 am Regulatory and Legislative update by ATA and state agencies

10:00 – 11:00 am DOT physical update

11:00 am – Noon A Safety Director's role during an accident and getting to the root cause of the incident.

Noon – 2:00 pm Luncheon and SuperTech Awards Program

2:00 – 3:00 pm Truckers on Trial - Roberts Perryman, PC will give a presentation on giving depositions and preparation for the courtroom.

3:00 – 3:15 pm Break

3:15 – 4:00 pm Training's role in the courtroom by Dean Huth, Vertical Alliance Group

4:00 – 5:00 pm Breakouts / Round Table discussions

5:30 pm Reception

6:00 pm Annual Safety Awards Banquet



MoTA Photo Album

*Check back . . .
you could be in
our next album!*

