



President's Message

It Is Your Business

Regular readers of this column know what is coming in January. This is the month that I urge you to make plans to come to Jefferson City and spend 24 Hours working on behalf of your company, your industry, your state and your livelihood.

Last year I made the statement that I get encouraging you to get involved in the process because IT WORKS! This year, I want to reiterate that statement by giving an executive summary of this column beginning in January 2010.

January 2010 – We just emerged from one of the toughest years ever for trucking. In 2009, the launch of the 24 Hour program went well and we were able to pass legislation, now a national model, for limiting the use of PPPs for infrastructure construction.

January 2011 – We had severe blizzard conditions. Our view of the industry is they are safe and make good decisions on when to go and when to shut it down. The general public perception is different as news reports discuss speeding truckers passing cars going 50 mph because of unsafe conditions. State officials and law enforcement ask me to “get your truckers off the road.” We have work to do in educating the 2nd largest class of freshmen legislators in the state’s history with limited knowledge of trucking issues.

January 2012 – Highway funding debate crescendos to an effort to toll I-70 through the use of a PPP. Thanks to MoTA’s efforts in 2009, that debate must go through the legislature, and to a vote of the people. Without the statutory changes instituted in 2009, at best we would be locked in a court battle to stop the tolling of I-70. At worst, we would be nearing the halfway point of construction for an I-70 that requires tolls.

January 2013 – Because of your efforts in 2012, I-70 will not be tolled! The funding debate shifts to an effort to increase the sales tax to pay for infrastructure needs. SPOILER alert – the resolution fails in the last week of the 2013 session.

As we begin the 2014 Legislative Session, the effort to put the sales tax increase on the November 2014 ballot begins again. Unlike in the federal system, we do not get to pick up where we left off. Instead a new bill must be filed, and the process begins again. Suffice it to say, WE NEED YOUR ASSISTANCE!

For those of you that have been to Jefferson City as a part of the 24 Hour Program – THANK YOU! We need you again. Please give Ross or I a call and let us help schedule your time in Jefferson City.

For the rest of you, we are making it even easier for you to participate this year. **You are invited to participate with the Executive Committee and Next Generation Group at their event on February 11th, and then visit the Capitol with us on February 12th.**

On February 11th, plan to join us at Revel (formerly G² Gallery), second floor of the MoTA building, at 6:00 pm for a reception and dinner with members of the Senate and House Transportation committees and leadership of both bodies. On February 12th, the Next Generation Group will have a professional development presentation and will be making calls on legislators in the Capitol. You are welcome and encouraged to attend both events.

Please RSVP your plans to MoTA at (573) 634-3388 so we will have enough food for all, and we will also be able to guide you to special hotel rates for those who will be staying for all events.

Thank You in advance for your support, and we look forward to seeing you in Jefferson City!!

New Members

Midwest Bank Centre

2299 Technology Drive, Ste 100
O’Fallon, MO 63368
Mr. Kurt Anderson
(314) 633-1306

Unimark Truck Transport LLC

P O Box 581027
Pleasant Prairie, WI 53158
Mr. Mahlon Gragen
(262) 564-7270

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Portland, OR 97209
Mr. Drew Anderson
(503) 688-5100

*Welcome
New Members!*

MissouriMemo

January 2014

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**A Better Snow Rake, Multi-Use Snow Tool –
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Driving with snow on your trailer is unsafe and it's illegal in some states! This Snow Rake is designed by a truck driver for truck drivers! The rake is sturdy, easy to assemble for use and disassemble for storage.



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to use helping to keep your truck legal and safe.

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**2013 MoTA
Drivers of the Month**

November **Roy Wakefield**
Transport Distribution Company
Joplin, MO

December **Allan Raffay**
Prime, Inc.
Springfield, MO

**2013 MoTA
Maintenance Technicians of the Month**

November **Neal Putney**
Joplin Freightliner Sales
Joplin, MO

December **Ryan Pennell**
Steelman Transportation
Springfield, MO

*Congratulations to the Drivers and
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.**

Member Cancellations January 2014

Name of Company	Class	Dues
B & Z Logistics Inc.	For Hire	\$300
K C Bobcat Inc.	Private	\$300
Long Run Express LLC	For Hire	\$1,107
Martin Rider LLC	For Hire	\$300
Midwest Fuels/WW Petroleum Co.	For Hire	\$440
Schibi Transportation LLC	For Hire	\$300
TAB Bank	Allied	\$350



FMCSA Announces One-Year Extension of Paper Medical Certificate Requirement for Commercial Bus and Truck Drivers

The Federal Motor Carrier Administration (FMCSA) recently announced that it is extending by one year, until Jan. 30, 2015, a requirement that interstate commercial driver's license (CDL) holders retain paper copies of their medical examiner's certificate and continue to make the document available for review upon request at the roadside by federal and state commercial motor vehicle inspectors. In Dec. 2008, FMCSA issued a Final Rule modernizing, streamlining, and simplifying recordkeeping obligations for drivers, carriers and state governments by requiring that a driver's medical certification record be merged with state-issued CDLs. States received support from FMCSA to implement the necessary IT system upgrades and merge the records into one, online database – the Commercial Driver's License Information System (CDLIS). FMCSA announced the one-year extension today to protect commercial drivers from being cited for violations because some states are not yet in full compliance with the new system. For a copy of the Federal Register announcement, see: http://www.fmcsa.dot.gov/rules-regulations/administration/rulemakings/rule-programs/rule_making_details.aspx?ruleid=468 ▲

FMCSA Eliminates Quarterly Financial Reporting Requirements

Effective January 16, 2014, FMCSA will no longer require Class I and Class II for-hire motor carriers to file quarterly financial reports (Form QFR). ATA supported the elimination of this requirement and has also asked FMCSA to end the annual financial reporting requirement. Unfortunately, the annual reporting requirement remains in effect for now. FMCSA currently has no staff compiling or analyzing the for-hire motor carrier financial reports (quarterly or annual), nor has it for many years. ▲

Bonus Depreciation Tax Credit Expired

Congress went home for the year without extending a tax deduction that is credited with helping boost truck sales during choppy economic times. Bonus depreciation, as the provision is known, allowed fleet owners and operators to write off 50% percent of the cost of new trucks and equipment purchases during the first year of ownership in 2013. That benefit expired Dec. 31. ▲

~ Transport Topics ~

White House Reviews FMCSA Rule to Prevent Driver Coercion

A proposed rule that would prohibit carriers, shippers and brokers from coercing truck drivers to violate safety regulations was forwarded Jan. 10 to the White House Office of Management and Budget for review.

The proposal was issued in response to a requirement contained in the current transportation law, known as MAP-21, to "ensure ... an operator of a commercial motor vehicle is not coerced by a motor carrier, shipper, receiver, or transportation intermediary to operate a commercial vehicle in violation of a regulation..." according to the Federal Motor Carrier Safety Administration.

The congressional mandate requires that FMCSA weigh whether coercion of drivers is a concern when developing a new rule.

FMCSA said the proposed rule is scheduled to be issued in late April.

FMCSA Administrator Anne Ferro has said that coercion includes pressure, "either by threat of economic damages or threat of physical harm, to violate a core safety rule, whether it's hours of service or something else." ▲

~ Transport Topics ~

FMCSA Clarification on Short-Haul Driver Rest Break Requirements

Shortly before the holiday, FMCSA published a notice, that can be found at <http://www.trucking.org/article.aspx?uid=de1e2271-5050-44e8-be3e-7eaec2ae2123>, clarifying the rest break requirements for short-haul drivers who occasionally exceed the distance or time limits to use one of the short-haul exemptions in 395.1(e).

Though usually exempt from the rest break requirements, short-haul drivers who find themselves unable to meet the required distance or time limits for unforeseen reasons (e.g., during the course of the workday) will not be considered in violation if they have been on-duty for 8 or more consecutive hours at the time. However, a driver in this case must take a 30-minute break at the earliest safe opportunity to do so and note in the remarks section of his/her record of duty status why the rest break was not taken earlier. ▲

TSA Enforcing Hazardous Materials Endorsement Citizenship/Residency Requirements during Screening Application Process

Transportation Security Administration (TSA) is bringing its citizenship requirements in line with FMCSA's rule at 49 CFR 383.71 regarding hazardous materials endorsement (HME) holders. TSA is enforcing the citizenship/permanent residency and photo ID requirement at Unified Enrollment Service (UES) centers for applicants licensed in the 41 States and District of Columbia that use TSA's contractor's enrollment provider. The nine States that submit applicant information to TSA directly are presumably already following FMCSA's guidelines.

Though many drivers have been through the TSA security threat assessment process previously, they may not be aware of this requirement. The common combination of (1) driver's license and (2) Social Security card or DOT medical card is NOT a valid combination of items that applicants may bring for enrollment.

Additionally, the name the applicant provides at enrollment must match what is on his or her documents unless there is a court-ordered document that links the different names (e.g., marriage license).

To see the list of acceptable identification and immigration documents please go <http://www.tsa.gov/stakeholders/acceptable-enrollment-documents>. ▲



Same Sex Workplace Harassment Claims on the Rise

When they enacted Title VII of the Civil Rights Act in 1964, it is unlikely that the Members of Congress gave much consideration to it applying to an all-male or all-female work environment. "Traditionally", sexual harassment in the workplace has been viewed in terms of a male supervisor harassing a female subordinate - (picture Dabney Coleman chasing Dolly Parton around his desk in the movie "9 to 5"). Later on, the concept of a female supervisor harassing a male subordinate gained attention and spawned litigation under Title VII. Now, harassment claims by employees against supervisors of the same sex have begun receiving more attention and lawsuits have followed.

Continue reading at <http://www.carterconboy.com/news/nysmta-whitepaper/>. ▲

IRS Issues Mileage Rates, Starts Filing Season Late

The federal Internal Revenue Service has issued the mileage rates it will allow as a business deduction for 2014. For miles driven in a car or panel truck, the rate is 56 cents a mile. Lesser amounts are allowed for mileage accrued in association with allowable medical expenses (23.5 cents), in moving for a business-related purpose (23.5 cents), or in the service of a charity (14 cents). There are more details in IRS Notice 2013-80, issued December 6, 2013, available at <http://www.irs.gov/pub/irs-drop/n-13-80.pdf>. IRS has also announced that it will begin the filing season for 2013 personal income tax on January 31, 2014, a little late, due to the partial closing of the federal government in October. The season opened late in 2013 too, because Congress made changes to the tax code at the very end of 2012.

IRS notes that the April 15 filing deadline will not be changed, although individuals can request an automatic six-month extension to file (though they must still pay on time). ▲

~ State Laws Newsletter ~

Many States Cut Taxes in 2013

A report by the American Legislative Exchange Council, the association of conservative state legislators, says that eighteen states – more than a third – cut at least some taxes last year. In some cases, the cuts were minor, but not in most, says ALEC. The changes were due not only to the relatively greater security the states are feeling about their budgets these days, but also to the strong feelings in the legislatures of some states that government has grown too large. It may be worth noting that none of the tax-cutting states is in the Northeast. It may also be worth noting that a cut in tax rates does not necessarily mean less revenue for the state, provided the state's economy is growing. ALEC reports that more states cut the personal income tax than any other major tax, and that fewer lowered the sales tax. The report includes a summary of each state's actions, a list of ALEC's principles of sound tax policy, and a discussion of links between lower taxation and economic growth. The report is ALEC, *State Tax Cut Roundup*, Wash., DC, November 2013, and may be found here: www.alec.org. ▲

~ State Laws Newsletter ~

Truck Makers Issue Recall for Defective Seat Belts

Several truck makers have recalled thousands of heavy-duty trucks because of possible seat belt defects that may make the devices difficult to unlatch.

The recall notices, issued by the National Highway Traffic Safety Administration, affect more than 26,000 trucks made by Daimler Trucks North America, more than 5,000 made by Volvo Trucks and 39 Mack units.

All were 2014 model year units and were manufactured from August through November. DTNA's recalled trucks include Freightliner and Western Star models.

The seat belts were L9 models manufactured by Westfield, Ind.-based IMMI, NHTSA said.

The manufacturer estimated that less than 1% of its recalled belts exhibited a potential partial engagement, making it harder to unbuckle, said James Johnson, IMMI's vice president of sales and business development.

"We'll work with the [truck makers] to provide replacement parts free of charge," he told Transport Topics.

"The suspect component is supplied to DTNA with a defect resulting from the supplier's manufacturing process, and the supplier has recalled a population of seat belt buckles affecting certain DTNA vehicles," Daimler said in a statement. "There have been no accidents or injuries relating to the issue addressed in this recall."

Mack said it will contact the owners of the affected vehicles and inspect and replace, if required, the seat belt buckle according to instructions provided by the supplier. Mack's sister company, Volvo, said it initiated a voluntary owner notification and recall of the affected units. ▲

~ Transport Topics ~

Speed, Seat Belt Violations Fall in CVSA's Operation Safe Driver

The percentage of truck and bus drivers cited or warned for speeding and seat belt use declined during the Commercial Vehicle Safety Alliance's Operation Safe Driver, the group said.

Officers pulled over 29,048 commercial drivers during the one-week enforcement blitz in October, of which 7.3% were cited or warned for speeding and 2.9% for seat belt use. That compares with a 10.8% warning or citation rate for speeding in 2012 and 3.8% for seat belt use, CVSA said.

Speeding and seat belt enforcement also fell for passenger car drivers, though they were the top violations for both classes of drivers. Operation Safe Driver focuses on enforcing laws for trucks and buses as well as passenger cars that drive near them.

In total, officers pulled over 74,765 drivers as part of the operation, nearly three times the 2012 figure. While only 7.3% of commercial drivers were pulled over for speeding, 56% of passenger car drivers were warned or cited for speeding.

"Operation Safe Driver continues to increase its impact each year in targeting problem behaviors by all drivers, whether they drive a passenger car or a CMV, and by taking action on those who need it," CVSA's president, Sgt. Thomas Fuller from the New York State Police, said in a statement. "We will continue to grow our enforcement and outreach efforts until we can eliminate those driving behaviors that have been shown to cause or contribute to crashes involving large trucks and buses." ▲

~ Transport Topics ~



More Stringent Engine Requirements Take Effect in California

Trucks traveling in California face more stringent engine emissions requirements in 2014. Some limited exemptions are available but otherwise the following requirements are in effect.

- Owner-operators with trucks having 1996-2006 engines are subject to new requirements which mandate retrofitting with CARB-approved diesel particulate filters (DPFs) or replacement with trucks having 2007 or newer engines.
- Fleets with three or fewer trucks need to have at least one truck equipped with a DPF and register any unfiltered trucks with the California Air Resources Board (CARB).
- Fleets with more than three trucks need to have trucks with 1996-2006 engines retrofitted with DPFs or replaced with trucks having 2007 or newer engines, unless they previously registered to phase-in compliance.
- Drayage trucks operating in and out of the state's ports or rail yards need to have 2007 or newer engines.
- Transport refrigeration units (TRUs) with 2006 engines need to have these engines or units replaced with newer models or retrofitted with DPFs.

CARB will be conducting compliance training webinars on Jan. 15, 27 and 29 in addition to in-person training at various locations throughout California. For a list of training webinars, go to <https://ssl.arb.ca.gov/training/courses.php?course=521>. For additional information about these requirements, visit CARB's TruckStop website - <http://www.arb.ca.gov/msprog/truckstop/truckstop.htm>. ▲

Connecticut Delays Tickets for Truckers who Violate Snow-Removal Law

Connecticut State Police said they are not yet issuing tickets to truckers who fail to clean snow and ice from their vehicles in order to give the drivers time to adapt to the new law.

The law that took effect Dec. 31 says truckers who cause injury or damage because they failed to remove snow or ice from their vehicles could be fined up to \$1,250. It carries a fine of \$75 for any driver who does not remove snow and ice from his or her car or truck.

As of Jan. 7, the department had issued 18 tickets to car drivers who failed to clean their vehicles, State Police spokesman Lt. Paul Vance said.

For truckers passing through Connecticut, however, the state wants to make sure that they are aware of the new law. "We want to make sure the education process has taken place . . . give them time to make plans that when they come into our state they have the ability to clean the truck off," Vance said. He did not specify a date when officers would begin giving truckers tickets.

Connecticut lawmakers approved the snow-removal bill signed by then-Gov. Jodi Rell (R) in 2010, making the state the second in the country to pass such a law.

In 2009, New Jersey became the first state with such a snow-removal law. Fines in that state for failing to remove snow or ice run from \$25 to \$75. ▲

~ Transport Topics ~

D.C. Diesel-Vehicle Ban Averted

A plan to ban the registration of new diesel vehicles in the District of Columbia has been averted after trucking and automotive stakeholders testified the legislation would violate federal law and harm D.C.'s economy.

After hearing testimony at a Jan. 8 joint council committee meeting, District Councilwoman Mary Cheh, who chairs the Council's Finance and Revenue Committee, said that the language would need to be revised.

"We quite now recognize this is not a provision that will stay as it is," Cheh said. "It just doesn't make any sense."

As an alternative, Cheh suggested that the District could require that diesel fuel sold there be at least 5% biodiesel, an idea that the stakeholders said they would not oppose.

The original language in the bill would have not allowed the registration of any new vehicle beginning in 2018 that operates "exclusively on the combustion of petroleum diesel fuel."

City officials said the proposed Sustainable D.C. Omnibus Act of 2013 was intended to encourage motor carriers to convert their fleets to alternative fuels, and not to block diesel trucks and cars from operating in the District. Cheh asked stakeholders to offer alternative legislative language to make it clear that it would not ban diesel trucks and cars.

Those who testified against the proposal included representatives from Daimler AG, the Alliance of Automobile Manufacturers, the Truck and Engine Manufacturers Association, or EMA and the Diesel Technology Forum. ▲

~ Transport Topics ~

Minnesota to Tax Warehousing & Storage

Legislation was passed in 2013 which will allow Minnesota to start applying its sales and use tax to business storage and warehousing services where the storage or warehouse is in the state, beginning Apr. 1.

If the storage facility is located in a place that levies a local sales tax, that tax applies to the transaction along with the state tax. Charges for logistics services connected with storage or warehousing are also taxable. There is a general exemption for goods in transit through the state in interstate commerce, but judging from experience in other places, the limits of such an exemption can be fuzzy.

The state department of revenue has issued guidance on the new tax that may be found at <http://www.revenue.state.mn.us/businesses/sut/factsheets/FS178.pdf>.

The Minnesota Trucking Association is a member of a coalition to repeal the tax before it becomes effective. For more information, contact John Hausladen at MTA at john@mnrtruck.org. ▲

~ State Laws Newsletter ~



OH Court Rules On Securement

The Ohio Court of Appeals has held that a shipper of hazardous materials was not liable with its motor carrier for failure to secure the load properly. The shipper here had undertaken to load the hazmats at its facility in the presence of the driver who was to haul them. When this was finished, the driver signed off on the bill of lading that the load was properly secured. At a subsequent roadside inspection, state enforcement personnel found that the load was not blocked or braced, and sought to issue a civil penalty to the shipper as well as to the carrier for failure to secure the load in accordance with the Federal Motor Carrier Safety Regulations, which had been adopted into state law. The shipper argued that under the regs it was not responsible for load securement, and distinguished its liability for proper loading of the cargo, which was not in question. The court agreed, finding the state's interpretation of the regulation, 49 C.F.R. sec. 173.30, overly broad. That rule made the shipper responsible only for loading, not securing. The court noted, however, that it could not say that no occasion could arise when a shipper and carrier might not be jointly liable for securement, and that if a shipper were liable under the regs for securement, it could not contract away that responsibility to the carrier. *OPC Polymers v. Public Utilities Comm'n of Ohio*, docket no. 12AP-735, decided Dec. 12, 2013 ▲

~ State Laws Newsletter ~

O-O Hit with Local VA Tax

The Virginia Tax Commissioner has ruled that an owner-operator resident in a county in the state was subject to the county's business, professional and occupational license (gross receipts) tax on the income he derived from the lease of his tractor to a motor carrier. The owner-operator argued that he was exempt from tax because the vehicle never established a situs in the county and did no work there, and because the motor carrier to which it was leased was based elsewhere. He also argued that contracting, as defined in the law, was exempt from the tax. The county, for its part, argued that the owner-operator ran his business from his residence, and that he provided a business service rather than operating as a contractor, at least as defined under the state tax law. The commissioner agreed that the business here did not fit the law's definition of contracting, regardless if it was performed under contract. The commissioner also found that the owner-operator was providing at least one taxable business service – the leasing of his vehicle, and might have been providing another by operating that vehicle. The issue was remanded to the county for a determination whether these were in fact separate businesses. *Ruling of the Tax Commissioner*, no. 13-214, issued November 22, 2013 ▲

~ State Laws Newsletter ~

Annual Safety & Maintenance Conference Awards Banquet & Expo Hall April 22-24, 2014



Make plans to attend the 2014 Safety & Maintenance Conference on April 22-24 at the Hilton Branson Convention Center.

As a Missouri trucking industry professional you've seen firsthand the multitude of changes within the industry; the 2014 Safety and Maintenance Conference will provide you with the opportunity to view and discuss the current and future trends that are affecting our industry.

This conference will provide you the opportunity to stay ahead of the curve of change, as industry experts from governmental agencies, transportation law, transportation consultant firms, OEM's, Vendors and motor carriers speak on a multitude of topics.

The councils will once again be hosting an exhibit of the highest quality products and latest technology offered on Tuesday and Wednesday, April 22 & 23. With significantly more space available this year, greater opportunities exist for more vendors and exhibits.

Summary of Topics at the Safety Conference

- Regulatory and Legislative update
- Preparing for a deposition / you've been served: responding before and at a trial
- The detection of deception
- Mock hiring interview: realizing your next great employee
- Safety culture: newest approaches and tools
- Break out session #1
 - Getting to the truth
 - Anticipation and training to avoid accidents and injuries
 - Managing different generations

- Break out session #2
 - Methods/tools for measuring safety gains
 - Getting support for needed safety tools
 - DataQ's - for better or for worse
- Inside the cab: successfully influencing driver behavior
- Breaking the 90 day window - a discussion on driver retention
- Level 1 inspection by the highway patrol
- Options and rights at an accident scene

Summary of Topics at the Maintenance Conference

- New 6X2 configurations and how they are working for fleets
- Natural gas and dual fuels - can dual fuel work for your fleet?
- New product panel
- Lubricants are rapidly evolving... do you know what you should be using?
- How does CSA affect your shop? Also find out what is changing and how you can stay ahead of the curve.
- Greenhouse gas regulations 2014 & 2017. Requirements and a discussion on the cap on carbon out

With a strong program lined up and a host of nationally recognized speakers we expect to have more fleets in attendance at this year's conference than ever before. There is still a buzz in the industry from last year's meeting and the councils have once again put together a must see conference.

For more information, go to www.motrucking.org and click on our events page.

MoTA Photo Album

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



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