



2013 MoTA Convention
Chateau on the Lake ~ Branson, Missouri

New Members

A-Always Towing Co LLC
5801 Manchester Avenue
St. Louis, MO 63110
Mr. Steve Simon
(314) 729-9992

KO Manufacturing Inc.
2720 E Division
Springfield, MO 65803
Mr. Travis Marshall
(417) 866-8000

TruckMovers
2310 Redwood Avenue
Independence, MO 64057
Ms. Tracy Rompf
(816) 878-6240

Welcome
New Members!

Convention
Registration Materials
are on their way
to your mailbox.
Also available on
MoTA's website -
www.motrucking.org



Wednesday - September 25

- | | |
|---------|--|
| Noon | Executive Committee Meeting (Working Lunch) |
| 1:00 pm | Technology & Maintenance Council Meeting |
| 2:00 pm | Registration Opens |
| 3:00 pm | Safety Council Meeting |
| 5:00 pm | Next Generation Meeting |
| 5:00 pm | Allied Industry Meeting |
| 6:00 pm | Welcome Reception |
| 8:00 pm | Opportunity for Allied Members to Dine Customers |

Thursday - September 26

*** Speaker Library from 9:00 am to 2:45 pm. A select group of industry professionals will be available for 15 minutes of one-on-one time. See attached sheet to reserve your time. First registration reserves the time slot.*

- | | |
|----------|---|
| 7:30 am | Breakfast Buffet |
| 8:00 am | Guest Speaker:
Jonathan Edison, Edison Speaks International |
| 9:00 am | MoTA Membership Meeting |
| 10:00 am | Alternative Fuel Forum
<i>What Else is Out There? Alternatives to Diesel ~</i> <ul style="list-style-type: none"> • BioDiesel - Tom Verry, National Biodiesel Board • Natural Gas - Dave Glendinning, Clean Energy • Propane - Steve Ahrens, Exec. Director, MO Propane Gas Assn. <i>Successes and Challenges in the Natural Gas Supply Chain ~</i> <ul style="list-style-type: none"> • From the Producers Perspective - Chesapeake Energy • From the Providers Perspective - Dave Glendinning, Clean Energy • From the Trucking Perspective |
| Noon | Lunch ~ <i>What is on the Horizon? - Ed Hassinger, MoDOT Chief Engineer</i> |
| 1:00 pm | The Federal Regulatory Environment
<i>Regulatory Perspective ~ Jack Van Steenburg, Chief Safety Officer & Assistant Administrator, FMCSA</i>
<i>Trucking Perspective ~ Chris Burruss, President, Truckload Carriers Assn.</i> |
| 2:00 pm | Learning Lounge:
<i>CSA Scores in the Courtroom: How to Answer the Hard Questions</i>
Jason Guerra, Roberts Perryman PC
<i>Economic Outlook: Crossing the Threshold . . . And What it May Mean</i>
Rob Podorefsky, Managing Director & Interest Rate Strategist, GE Capital
<i>Tax Issues Impacting the Transportation Industry: An Overview of the Affordable Care Act (Obama Care), 2013 Tax Law Changes and the New IRS Repair Regulations</i>
Jamie McDonald, BKD (Springfield)
Kurt Berry, BKD (St. Louis) |
| 2:30 pm | Spouses' Program ~ Legends in Concert - \$25 fee (VIP seating) |
| 3:00 pm | Meet the Pros ~ <i>Opportunity to informally meet and drive discussion with transportation professionals</i> |
| 6:15 pm | Chairman's Reception |
| 7:00 pm | Candlelight Banquet
Entertainment - Jonathan Edison, Edison Speaks International |
- Friday - September 27**
- | | |
|---------|--|
| 7:00 am | Buffet Breakfast ~
Speaker: Philip Byrd, Sr.,
<i>ATA First Vice Chairman & President & CEO of Bulldog Highway Express, Charleston, SC</i> |
| 9:00 am | Golf Tournament ~ Payne Stewart Golf Course
Lunch at the Golf Course |



**2013
National Truck Driving Championships
August 20 - 24, 2013
Salt Lake City, Utah**

Good luck to all our Champions who will be representing Missouri in Utah:

- Straight Truck Class - **Michael Millaway**, UPS Freight
- 3-Axle Class - **Michael Meyer**, FedEx Express
- 4-axle Class - **Jerome Lobo**, Prime
- 5-Axle Class - **William Stanford**, Prime
- Tank Truck Class - **Harold Augustine**, Solar Transport
- Flatbed Class - **Duane Grimme**, Prime
- Sleeper Berth Class - **Torrie McCosh**, Con-way Truckload
- Twin Trailers Class - **Jason Budd**, FedEx Freight
- Step Van Class - **Steven Campbell**, FedEx Ground

National Truck Driver Appreciation Week

National Truck Driver Appreciation Week is September 15-21. During this week, America takes the time to honor all professional truck drivers for their hard work and commitment in tackling one of our economy's most demanding and important jobs.



Join us in celebrating the men and women across the country who work hard every day to deliver Life's Essentials.

Please forward the details for any Driver Appreciation activities your company held to Jason Ahten - jason@motrucking.org. ▲

Beware of Fraudulent DOT Letters

Recently, many carriers have received a faxed letter that is part of a recurring identity theft scheme asking recipients to provide bank account information on an "Authorization to Release Financial Information" form. The letter is typically signed by someone claiming to be a "Senior Procurement Officer" at DOT and appears on U.S. Department of Transportation (DOT) letterhead containing a Washington, D.C. address, but little other identifying information. Information on this recurring scam and an example of these fraudulent letters can be seen below.

For more information go to: <http://www.oig.dot.gov/fraud-alert>. ▲

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**21st Annual
Springfield Area Motor Carrier Club
Golf Tournament**



Thursday, August 15, 2013
12:30 pm Shot Gun Shot
Island Green Golf Club
Republic, MO
\$130 per person

The Springfield Area Motor Carrier Club Golf Tournament is a fundraiser for the Political Action Committee of Missouri Trucking Association. Proceeds help with the legislative cost of keeping all Missouri truckers' voices heard in Jefferson City.

To register:
Contact Sundry Muse-Morton
smusemorton@steelmantransport.com
To contribute as a Sponsor,
contact James Towery at (417) 831-6300



Hours of Service Training Materials



**Hours of Service Driver Training Program -
DVD Training
Item # 30045 - \$330.00 each**

The most current program available for new and veteran driver training.

- Covers the new Hours-of-Service rules of February 27, 2012 and July 1, 2013
- Teaches the hours of service (HOS) rules, how to properly log changes in duty status, more important than ever under FMCSA's CSA initiative
- Explain the "whys" and "hows" of HOS, including: 11-hour driving rule, 14 consecutive hours duty rule, Mandatory break provision, 60-hour/7-day and 70-hour/8 day-limits, 34-hour restart



**Hours of Service Driver Handbook
Item # 751H**
1-24 \$3.60 ea 25-49 \$3.75 ea
50-99 \$2.75 ea 100+ \$2.25 ea

- Designed for use with Hours of Service driver training program (above)
- Explains federal requirements of 11 Hours Driving Rule, 14 Consecutive Hours Duty Rule and 60/70 Hours of Service Rule, the 34-Hour Restart Rule and various exceptions
- Explains the eleven entries to be included on all log book pages
- Contains perforated driver receipt as proof of training for the driver's file
- Includes a perforated 10-question quiz



HOS Rule Enforcement Begins

The Federal Motor Carrier Safety Administration started enforcing the new house-of-service rule for truck drivers on July 1st and reiterated its position that the rule will save money and lives by decreasing driver fatigue.

Drivers can now use the optional 34-hour restart to reset their weekly clocks only once a week, and the restart must include two periods from 1 a.m. to 5 a.m. Drivers also must take a half-hour rest break before driving more than eight straight hours in a shift.

“These fatigue-fighting rules for truck drivers were carefully crafted based on years of scientific research and unprecedented stakeholder outreach,” FMCSA Administrator Anne Ferro said in a July 1 statement. “The result is a fair and balanced approach that will result in an estimated \$280 million in savings from fewer large truck crashes and \$470 million in savings from improved driver health.”

The American Transportation Research Institute has challenged that estimate and concluded that the changes will cost the industry \$189 million annually (6-24, p.3).

Dave Osiecki, senior vice president of safety policy and regulatory affairs at American Trucking Associations, said the federation continued answering questions from carriers about how to comply with the new rule.

“We’re optimistic that the states and the federal government are going to do the right thing and provide a soft enforcement period,” Osiecki said. FMCSA and the Commercial Vehicle Safety Alliance have said they have no such plans.

ATA has sued to stop the new rule. The federal court hearing the challenge had not decided on it as of July 2. ▲

~ *Transport Topics* ~

ATA Submits HOS Rest Break Interpretation Request to FMCSA on Hazmat Constant Attendance

On Friday, July 12, FMCSA released revised guidance regarding the new 30-minute rest break. The new guidance raised certain questions about the legality of drivers exercising constant attendance over hazmat loads, especially security-sensitive hazardous materials that require a security plan.

In response, on July 17, ATA submitted a letter to FMCSA requesting an interpretation allowing a driver to exercise constant attendance over a hazmat load but log that time as off duty, provided the driver does not perform any other actions that would place him on duty. MoTA will keep members apprised of any guidance which is issued. ▲

FMCSA Announces New Policy on Wireless Mobile Data Devices for Electronic Screening and Bypass Systems

On Friday, July 19, FMCSA announced a new policy allowing smart phones, tablets, GPS units and other on-board telematics devices [called Wireless Mobile Data Devices by FMCSA] to be used as transponders for purposes of commercial vehicle information systems and network (CVISN) electronic screening truck inspection and weigh station bypass systems. According to FMCSA, these wireless devices have the capability of transmitting and receiving the same information between the driver and the inspection station as Dedicated Short Range Communications (DSRC) enabled transponders. ▲

FMCSA Grants Limited, 90 Day Waiver to HOS Rest Break Requirement for Livestock Haulers

The Federal Motor Carrier Safety Administration (FMCSA) issued a limited, 90-day waiver from the 30-minute rest break provision of the Federal hours-of-service (HOS) regulations for the transportation of livestock, as defined in 7 U.S.C. 1471(2). Several associations representing various segments of the livestock industry raised concerns about the risks to the health of animals from rising temperatures inside livestock trucks during drivers’ mandatory 30-minute break, especially in light of long-range weather forecasts for above-normal temperatures for July, August and September 2013. The industry requested relief, and the Agency has determined that it is appropriate to grant a limited 90-day waiver for this period to ensure the well-being of the Nation’s livestock during interstate transportation. The Agency has determined that the waiver, based on the terms and conditions imposed, would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. This waiver preempts inconsistent State and local requirements. A link to the waiver notice is below:

http://www.fmcsa.dot.gov/rules-regulations/administration/rulemakings/rule-programs/rule_making_details.aspx?ruleid=431. ▲

NTSB Urges Small-Truck Safety Features that Match Tractor-Trailer Requirements

The federal agency responsible for investigating transportation accidents is pushing to have some of the same safety standards required for tractor-trailer established for smaller trucks.

In a June 5 report on single-unit trucks, the National Transportation Safety Board asked the National Highway Traffic Safety Administration to require reflective tape on exterior corners, rear under-ride guards and improved mirrors or other devices that would improve visibility for drivers.

NTSB defines single-unit trucks as vehicles with a weight rating of more than 10,000 pounds but do not carry trailers – such as delivery, walk-in and beverage trucks – and may not be subject to all heavy-duty truck regulations.

NTSB’s recommendation to NHTSA focused on three features required on tractor-trailers but not lighter trucks: reflective material to improve the vehicles’ visibility on dark roads, rear under-ride guards designed to mitigate collisions with smaller vehicles and technology for improved visibility by drivers, including curved mirrors that reduce blind spots.

NTSB also asked NHTSA to require under-ride guards on all other sides of single-unit trucks, and lane departure and collision avoidance warning systems. It has previously asked that NHTSA mandate those systems for all trucks, though the agency has not done so yet.

NTSB records show that NHTSA told the board last year that it was researching under-ride risks on all sides of heavy vehicles. The agency also is researching lane-departure warning systems for passenger vehicles, with a plan to see how that research would apply to trucks.

An NHTSA spokesman said only that the agency is aware of the recommendations and will respond to the board. ▲

~ *Transport Topics* ~



Officials Object to FMCSA Medical Data Proposal

Medical professionals and state driver licensing agencies objected to a proposal to require daily updates of commercial drivers' physical exam information, telling federal regulators the system would be burdensome and costly.

The comments came in response to a May proposal from the Federal Motor Carrier Safety Administration that would have medical examiners submit the results of their physicals on drivers at the end of each day. FMCSA would forward that data to states' licensing agencies the next day, and the states would have to post it to a database the day after that.

Drivers are currently responsible for providing their medical certificates to states, but FMCSA said it sought to reduce fraud by quickly letting law enforcement officers know if drivers have failed physicals.

The American Medical Association asked that FMCSA allow "significantly" more time to submit data, and allow examiners to do so through a variety of means, such as fax or mail, rather than only in an electronic format.

"We are concerned that this proposal will prove administratively burdensome for physicians, who will need to modify and augment their office processes to accommodate these requirements," AMA wrote.

Currently, doctors, nurse practitioners, chiropractors and other professionals who are on FMCSA's National Registry of Certified Medical Examiners must submit physical data monthly. By May 2014, all truck driver physicals will have to be completed by certified examiners, who must be trained and tested on federal rules. ▲

~Transport Topics

IRS Taxpayer Advocate Issues Reports

The Taxpayer Advocate Service of the Federal Internal Revenue Service has released a report detailing to Congress its objectives for fiscal year 2014, along with a special report on IRS' improper targeting of certain applications for tax-exempt status. Both these reports may be found on-line at: <http://www.taxpayeradvocate.irs.gov>. The special report, *Political Activity and the Rights of Applicants for Tax-Exempt Status*, details the relevant workings

of the IRS division responsible for reviewing applications for exemption, and suggests – without excusing – how the wrongdoing might have followed more or less of course. The report reaches no conclusions about how widespread within the administration knowledge of the wrongdoing might have been. The focus of the objectives report is also disturbing. Its major conclusion is that, "The real crisis facing the IRS – and therefore taxpayers – is a radically transformed mission coupled with inadequate funding to accomplish that mission. As a consequence of this crisis, the IRS gives limited consideration to taxpayer rights or fundamental tax administration principles as it struggles to get its job done." This refers in large part to the IRS's comprehensive responsibilities in the administration of the system of federal health-care now being established. Considering the nature of those responsibilities, and IRS's admitted mishandling of tax information, this warning seems dire. The Taxpayer Advocate Service is largely independent of IRS management, and its views are worth considering. ▲

E-Logging Proposal Sent to DOT; Rule Could be Issued in November

A proposed supplemental rule for electronic logging devices has been sent to the transportation secretary's office and is expected to be published as soon as November.

The Federal Motor Carrier Safety Administration's proposal, rewritten to address a federal appeals court's concerns about potential driver harassment, is expected to be sent to the White House Office of Management and Budget for further review in August, according to a Department of Transportation regulatory report.

The original proposal would have required that nearly all motor carriers install electronic logging devices (ELDs) as a measure to help enforce hours-of-service regulations and reduce fatigue-related crashes.

Last month, FMCSA said it planned to survey 1,000 drivers on ways carriers could use ELDs to harass drivers. The survey results could be used to assist the agency in writing a final rule, FMCSA officials said. ▲

~ Transport Topics ~

Report Issued on States' Finances

The National Governors' Association (NGA) and the National Association of State Budget Officers (NASBO) have issued a joint report on current state finances, using information collected from all the states during February through April this year and reflecting final numbers on state spending from fiscal 2012 as well. Although the study is working from more complete information, its conclusions are much the same as similar studies of the subject that have appeared recently. That is, the states are in general recovering from the recession, but individual states vary in the degree to which this is true of them; and, when adjusted for inflation, aggregate state spending in neither 2013 nor 2014 will reach the level prevailing in 2008. Although states have fairly successfully balanced their budgets with a combination of restraint in spending and some tax increases, they can all expect significant continuing pressures for the future. These include the effects of federal sequestration, unfunded pension and other retirement benefits, and, probably most of all, increased spending on Medicaid and other health care required by federal law. State spending on Medicaid accounted for nearly 24 percent of all state spending in FY2012, and the proportion is expected to grow. In subsequent surveys in this series, NGA and NASBO will ask states for budget projections farther into the future to help the organizations predict the course of trends like these. The report, which is lengthy and detailed, is *The Fiscal Survey of the States, Spring 2013*, NASBO, Wash., DC, June 13, 2013. It may be found on-line at: <http://www.nasbo.org/publications-data/fiscal-survey-of-the-states>. ▲

It's Time to File the 2013 - 2014 HVUT - IRS Form 2290

The Heavy Highway Vehicle Use Tax (HVUT) may now be filed for the 2013-2014 tax year, using IRS form 2290. Anyone filing a 2290 for 25 or more vehicles must file electronically.

MoTA is again partnering with Express Truck Tax to offer a discount on filing services to members filing electronically. Express Truck Tax offers an inexpensive and simple way to file your IRS Form 2290 in just four easy steps. Express Truck Tax guides you through the entire process and offers the information you need to accurately complete your form. The deadline to file is August 31. ▲

Affordable Care Act "PCORI Fee" Due this Month

Businesses must pay the Affordable Care Act's "PCORI Fee" for the first time this July.

This fee is assessed on self-insured and fully insured health

plans to fund PCORI, the Patient-Centered Outcomes Research Institute, which was established to conduct and promote clinical effectiveness research. The fee for fully insured plans is paid by the health insurance carrier.

The fee for self-insured health plans is paid by the plan sponsor (typically employers). The fee is \$1 for each covered life for plan years ending on or after Oct. 1, 2012, and before Oct. 1, 2013; \$2 for each covered life for plan years ending on or after Oct. 1, 2013, and before Oct. 1, 2014; and an increased amount each year thereafter through plan years ending before Oct. 1, 2019. Covered lives include employees, spouses and dependents.

The tax-deductible fee must be reported on IRS Form 720, Quarterly Federal Excise Tax Return, and paid no later than July 31, 2013, for plan years ending during the last quarter of 2012.

This fee was not delayed in the Administration's recent healthcare announcement and there are severe penalties under the ACA for failures to comply. ▲

AL Decision Upholds Dyed Fuel Penalty

The chief administrative law judge of the Alabama Department of Revenue has upheld a penalty of \$1,000 applied in the case of a truck driver found to have dyed (off-highway) diesel fuel in his truck's fuel tank. To exonerate himself, the driver gave several explanations of how the dye could have come into his tank. The ALJ believed him, but found that the penalty for this offense was absolute – there was no acceptable defense to it. Many states' laws are similar to Alabama's in this respect; carriers must be very careful about dyed fuel. *Mellon v. State of Alabama*, docket no. Misc. 13-344, decided June 13, 2013. ▲

Arizona: Route 89

The state's Department of Transportation is preparing to pave a road that will serve as an alternate route to a buckled highway.

A 150-foot section of pavement on U.S. Route 89 south of Page buckled earlier this year in a landslide.

A stretch of Navajo Route 20 between the Gap and Page will be used as an alternate route, but it must be paved first.

ADOT spokesman Dustin Krugel said the paving project is expected to begin within the next month and be complete later this summer.

No timetable has been set for reopening U.S. 89. ▲

~ *Transport Topics* ~

FMCSA Shuts Down Colorado Scrap Hauler

The Federal Motor Carrier Safety Administration has shut down E&K Trucking of Commerce City, Colo., declaring the company a hazard to public safety because it does not maintain its vehicles in good working order.

In its June 13 out-of-service order, FMCSA also said that E&K has failed to conduct background checks on drivers to ensure that they possessed commercial driver licenses or were medically qualified.

E&K declined comment.

"The carrier's current vehicle out-of-service rate is 81%; of the last 21 inspections conducted of the carrier's vehicles in operation, 17 of those inspections revealed serious safety violations requiring the vehicles to be ordered out-of-service," the cease order said. ▲

~ *Transport Topics* ~

Carriers Overpaying CO?

A couple of months ago it was reported that many interstate motor carriers registered under the International Registration Plan may have overpaid Colorado registration fees over the past several years, owing to the state having supplied instructions on the calculation of those fees that were somewhat less than clear. In particular, carriers and their base states may have employed the manufacturer's suggested retail price as the basis for figuring the Colorado specific ownership tax, instead of the actual purchase price of a vehicle, which is the correct basis for the tax, and which is almost always significantly lower. Carriers are urged to check the amounts they have paid to CO through IRP, to see if this error may have cost them money. If you find you have overpaid, or for more information, please contact Greg Fulton at the Colorado Motor Carriers' Association at 303-433-3375 or greg@cmca.com. ▲

KS Denies Fuel Tax Refund for Regen

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 on-line at: <http://rvpolicy.kdor.ks.gov/Pilots/Ntrtpii/IPILv1x0.NSF/Web.Frameset?OpenFrameSet> ▲



I-90 Workzone in Illinois and Alternate Route Options

Ongoing construction will have an impact on travel this summer on the Jane Addams Memorial Tollway (I-90). As part of the \$2.2 billion I-90 Rebuilding and Widening Project, work is underway on the eastbound lanes between Rockford and Elgin and all traffic is traveling on the westbound side of the road. Two lanes are being maintained in both directions during peak hours. However, westbound traffic between Irene Road near Belvidere and I-39 is currently reduced to one lane and an alternate route is posted. Traffic is expected to remain in this configuration through this fall. Depending on the destination, traffic travelling west to Rockford and Wisconsin can use the Reagan Memorial Tollway (I-88) to I-39 as an alternate route. Likewise, traffic travelling east toward Chicago and O'Hare International Airport can use the I-39/I-88 alternate route. See alternative options at: <http://www.illinoistollway.com/construction-and-planning/work-zone-safety>. ▲

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. (N.B.: 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. ▲

Ohio: 70 MPH Limit

Drivers on 570 miles of rural interstate highways in Ohio are subject to a 70 mph speed limit that became effective July 1, thanks to a law passed earlier this year that allowed the state to increase speeds beyond 65 mph.

Only rural interstates can have the higher speed under this year's law.

The higher speed will be on Interstate 70 from the Indiana border to Wheeling, W.Va., excluding areas around Dayton, Columbus and Zanesville; I-71 from Oregonia to the Cuyahoga-Medina County line, excluding Columbus; I-75 from south of Toledo to north of Dayton, excluding Findlay and Lima; I-77 from south of Canton to the West Virginia border; and I-90 from east of Cleveland to the Pennsylvania border.

ODOT will install 317 signs for the new speed limits. The Ohio Turnpike has had a maximum 70 mph speed limit since 2011. ▲

~ Transport Topics ~

Ohio: Red-Light Cameras

One of Ohio's largest cities is planning to double the number of red-light cameras it has in service.

The Cleveland City Council approved a contract May 20 with a vendor that will add the cameras to 26 intersections in the city, which already has 23 cameras operating.

Camera-generated tickets are civil infractions that carry \$100 fines.

Council members credited red-light cameras with increasing drivers' awareness of their speed and carelessness at red lights.

More than a dozen Ohio cities use traffic-enforcement cameras. Cleveland collected nearly \$6 million from them last year. ▲

~ Transport Topics ~

OK Lowers Tax on LNG

By legislation (S. 519) effective January 1, 2014, Oklahoma has reduced the rate of its tax on liquefied natural gas from the current 16 cents to 5 cents per diesel gallon equivalent (DGE). This reduction is currently good only for calendar 2014. The legislation also provides for the tax to be collected by an LNG wholesaler, no later than a sale to a retailer or end user. Until this new law goes into effect, Oklahoma will assume that all LNG sold for use in a highway vehicle was used in a vehicle bearing a decal issued by the state. The bill specifies that a DGE of LNG is 6.06 pounds. ▲

OK Provides Credit for Destroyed Vehicles

By legislation (S. 330) effective May 29, 2013, Oklahoma has provided a credit for the registration fee for a vehicle replacing one that was destroyed during 2013 by a tornado for which a certain type of presidential major disaster declaration was issued. The credit is to be prorated for the number of months remaining in the registration year of the destroyed vehicle, and is not refundable. ▲

OR Court Allows Taxpayer to Offset Minimum Tax with Credit

The Oregon Supreme Court has ruled that it was proper for a corporate taxpayer to use a tax credit to offset the state's minimum corporate income tax. Oregon statute imposed a requirement on corporations to "pay annually to the state ... a minimum tax." For this corporation, for the year in question, the amount of that minimum tax was \$75,000. The taxpayer, however, claimed a "business energy tax credit" of \$75,000 on its return, for a net tax of zero. The state denied the use of the credit to offset what it argued was the intent of the statute that the company pay at least the minimum \$75,000 in cash. The lower court had sided with the taxpayer. So did the state Supreme Court, noting that nothing in the statute forbade such an offset, and that the legislature could have included language to that effect – and had in other instances – but did not here. It concluded that the taxpayer could use its accrued credit to "pay" the minimum tax. *Con-way, Inc. & Affiliates v. Dept. of Revenue*, docket no. S060141, decided May 31, 2013. The Oregon Trucking Association reports that the decision will cost the state some \$6 million in revenue per year, in addition to \$20 million in refunds to be paid for prior years. ▲

Wisconsin: Air Patrol

The Wisconsin State Patrol plans to increase its use of air support this summer to crack down on speeders.

It's part of a series of initiatives by the Wisconsin Department of Transportation to improve safety on the roads. WisDOT Secretary Mark Gottlieb said speed is a factor in about 30% of traffic fatalities.

He said the WisDOT will mobilize the State Patrol Air Support Unit on a regular basis this summer. The unit includes four aircraft and 12 pilots who will clock suspected speeders and relay the information to troopers on the ground. ▲

~ Transport Topics ~