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President's Message

Thank you to all the drivers, volunteers and companies who supported the MoTA 50th Truck Driving Championships in Branson MO. Feedback from the event was nearly universally positive for our first state indoors TDC, and we hope Team Missouri will be able to draw from the experience as they compete at the National TDC in Orlando, FL in August. Please look for the information on the event in this edition and Good Luck at Nationals!

MoTA is pleased to announce that Russ Quinn joined our staff on June 1, 2017 as our Safety and Membership Services Director. Russ comes to MoTA from the Missouri Department of Revenue where he served for 13 years as CDL Coordinator. Prior to his term at Revenue, Russ worked for 8 years at the Missouri State Highway Patrol.

Welcome Russ!

The 2017 Legislative Regular Session ended on May 12. Overall, the session was a good session for trucking and transportation issues, particularly on the business side. Unfortunately, we did not have any serious discussion on infrastructure funding, but a task force was approved to study the issue over the interim to provide recommendations to be debated in the 2018 session.

Speaking of interims, as of this writing, one Extraordinary Session is already complete, and the Second Extraordinary Session is under way. Rumors are already swirling that more Extraordinary Sessions are to be expected this summer and it will be interesting to see if we start to develop a point of diminishing returns with the various issues discussed in the special sessions.



In This Issue



- 3 Governmental & Regulatory News
- 5 News from States & Provinces
- 7 News from the Industry
- 9 Attachment: TDC Wrap-Up
- 9 Attachment: MoTruck Pac Golf Tournament Registration

Member Cancellations June 2017

Name of Company	Class	Dues
D L T S	Allied	\$350
Hunte Delivery System Inc.	Private	\$350
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Entry-Level Driver Training Clears Review, Implementation to Proceed

The Federal Motor Carrier Safety Administration has completed its regulatory review of the Entry-Level Driver Training final rule and has determined the implementation will proceed as planned. The final rule, which spells out new training requirements for drivers seeking a commercial driver's license, has been under review by FMCSA since February 1 under the terms of President Trump's "Regulatory Freeze Pending Review" Memorandum.

Clearance of this rule from review allows implementation of this rule to proceed as planned. When fully implemented, drivers seeking to obtain a CDL for the first time will need to complete a training course from an approved training organization before they are able to take the required CDL skills test. Training courses must adhere to new federal minimum standards which outline required theory (classroom) and behind-the-wheel training. BTW training includes time spent on a driving range as well as road driving.

The new federal rules do not stipulate a minimum number of hours a driver must spend in the classroom setting or in behind-the-wheel training. Instead, drivers will have to demonstrate competence in both areas in order to receive a completion certificate. Drivers seeking a CDL will need to comply with the new rules beginning February 7, 2020.

For a complete summary, [click here](#). For a brief Frequently Asked Questions guide, [click here](#). For more information, contact P. Sean Garney at sgarney@trucking.org.

~ATA Dispatch~

Three More States Raise Fuel Taxes

When California raised its fuel taxes by legislation last month (see the SLN of 4/14/2017), it was the only state to have done so this year. No longer: In short order, Indiana, Montana, and Tennessee have raised their fuel taxes too. In Indiana, the legislation, signed by Governor Holcomb on April 26, is H.B. 1002. It raises the diesel fuel tax by 20 cents a gallon, and indexes the tax for the future, with a two-cent cap per year on increases due to the index. The gasoline tax goes up by 10 cents, and is similarly indexed. The existing 11-cent surtax for motor carriers is retained, but loses its nature as a surtax by being moved to the pump, where it will be paid at time of purchase. This change should improve enforcement considerably. Truck registration fees will increase by 25 percent, but a new \$100 per vehicle fee was dropped from the bill. Finally, all local wheel taxes in Indiana are to be apportioned by fleet mileage. The initial changes under the new law take effect July 1 this year. ATA worked closely with the Indiana Motor Truck Association to help get this bill enacted. The increases may be steep, but there are good things for the industry in this bill, few bad ones, and Indiana should have highway money in plenty for some time. In Montana, Governor Bullock signed the tax increase on May 3, per H.B. 473. The increase there will be phased in over several years, with an initial jump of 4.5 cents a gallon on gasoline on July 1 this year, and an increase of 1.5 cents on diesel. Ultimately, by July 2022, the total increase will be 6 cents on gasoline and 2 cents on diesel. And in Tennessee, where Governor Haslam signed H. 534 on April 27, the increases will also be phased in. On July 1 this year, the tax rate on gasoline will go up by 4 cents a gallon and on diesel by 3 cents, with the eventual increases totaling 6 cents on gasoline and 10 cents on diesel by July 2019. This bill too marks the end of a long, successful campaign by the Tennessee Trucking Association for better highway funding.

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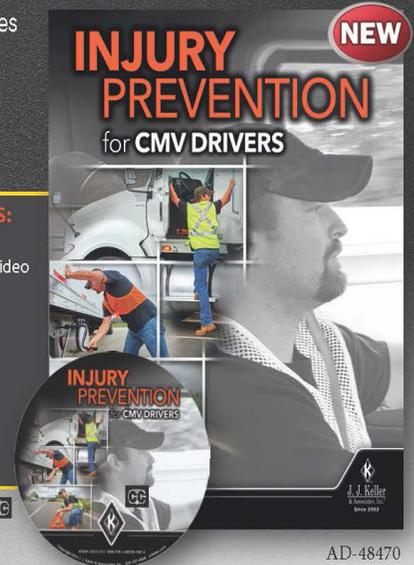
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FMCSA Adds Brake Violation to the SMS

On April 1st, [FMCSA added a brake out-of-service \(OOS\) violation](#), also known as cite 396.3A1BOS, to CSA's Safety Management System (SMS). The brakes OOS violation relates directly to underlying brake violations that are already used in the SMS. When these underlying brake violations indicate that 20% or more of the total brakes are defective, 396.3A1BOS is cited and recorded as an OOS violation. The brakes OOS violation took effect in the SMS as of **April 1, 2017** and has not been implemented retroactively. Impacted carriers will see this change reflected in their Vehicle Maintenance Behavior Analysis and Safety Improvement Category (BASIC) with the May SMS release.

~The Dispatch~

FDA Announces Three Waivers to Sanitary Transportation Rule

When the Sanitary Transportation of Human and Animal Food rule was proposed, the U.S. Food and Drug Administration said it intended to waive the rule's requirements in certain cases in which they would not be needed to further protect foods from becoming unsafe.

This week, the FDA announced the publication of three waivers to the now final Sanitary Transportation rule mandated by the FDA Food Safety Modernization Act (FSMA). The waivers are for businesses whose transportation operations are subject to separate State-Federal controls. They include:

- Businesses holding valid permits that are inspected under the National Conference on Interstate Milk Shipments' Grade "A" Milk Safety Program, only when transporting Grade "A" milk and milk products.
- Food establishments authorized by the regulatory authority to operate when engaged as receivers, or as shippers and carriers in operations in which food is delivered directly to consumers, or to other locations the establishments or affiliates operate that serve or sell food directly to consumers. (Examples include restaurants, supermarkets and home grocery delivery services.)
- Businesses transporting molluscan shellfish (such as oysters, clams, mussels or scallops) that are certified and inspected under the requirements established by the Interstate Shellfish Sanitation Conference's (ISSC) National Shellfish Sanitation Program (NSSP) and that transport the shellfish in vehicles permitted under ISSC authority.

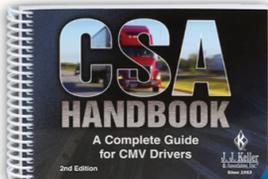
The FSMA rule on Sanitary Transportation of Human and Animal Food is part of the FDA's effort to protect foods from farm to table by keeping them safe from contamination during transportation. The rule establishes requirements for shippers, loaders, carriers by motor or rail vehicle, and receivers involved in transporting human and animal food.

These waivers are being published after being described in the proposed and final rule. FDA considered comments on the waivers and found that the waivers would not result in the transportation of food under conditions that would be unsafe for human or animal health, or contrary to the public interest.

More information regarding the Sanitary Transportation rule (including a discussion of the comments received on these waivers), and any of the FSMA provisions, is available at www.FDA.gov.

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The Federal Motor Carrier Safety Administration (FMCSA) has released two proposed rule makings that will effect new CDL drivers. One addresses military CDL drivers transitioning into the civilian workforce and the other gives state driver license agencies the option to offer a one year commercial learner permit rather than the current 6 month document.

<https://www.fmcsa.dot.gov/newsroom/usdot-proposals-simplifies-reduces-costs-states-and-individuals-obtaining-commercial-driver>

IRP Amendments Proposed

This year's crop of proposals to amend the International Registration Plan are out, and there are three of them, one good, one bad, one indifferent. All - unless one or more is withdrawn by its sponsors beforehand - will be discussed at IRP's annual meeting the third week in May.

Proposed Ballot 2017.01 has to do with uncollectable accounts, that is, amounts in registration fees that a state has transmitted through the IRP clearinghouse to the other IRP member jurisdictions and then has been unable to collect from the registrant that's supposed to pay them. We can't see that the industry has an opinion on this one.

Ballot 2017.02 would require all the states and provinces to accept IRP cab cards in electronic format, either as issued by a registrant's base state or when presented by a registrant. Clearly, this is a move industry can applaud. The only problem is that the effective date of the amendment, presumably through an overabundance of caution, has been put at January 2020. Since some carriers are already displaying their cab cards electronically, without problem, as far as we've ever heard, let's move that date up by a year!

Ballot 2017.03 would impose a new kind of penalty in IRP. On occasion, a state auditing an IRP registrant's account will find evidence - a fuel receipt, perhaps - that the registrant actually operated in a jurisdiction which was not reported on the registrant's application. This may happen when the registrant's records, taken as a whole, are in such a sorry state that they can't be audited. Under IRP's new audit rules, in such a case the auditor is to impose an assessment of 20 percent, in the nature of a penalty, of the fees the registrant paid on its application for the year under review. The registrant is penalized for its negligence in not keeping records, and the auditor can go on to other things. The 20 percent is arbitrary, but presumed to be enough to get the registrant's attention. It is shared out pro rata among the states on the application. But, say the sponsors of this Ballot #3, how about a state where the registrant actually went, but which it didn't report? They get nothing in this scheme. Let's give them \$50 each -- which is what the ballot proposes. What's wrong with that? First, the amount looks just like a minimum fee, which IRP specifically forbids - and for good reason. Second, the 20 percent is a penalty on the registrant; it's not designed to make any jurisdiction whole. After all, the carrier's records have already been declared so bad that no one knows where it went, or what fees it should have paid to any state, those it reported, and those it may not have. Third, the current rule is supposed to keep auditors from wasting time on a set of records that are inadequate. The proposal would instead encourage them to look through what little they have to find \$50 discrepancies. Finally, there are some problems with the language of the proposal. We think it's just a bad idea.

~State Laws Newsletter~

New Research Quantifies Impacts of National Registry of Certified Medical Examiners

The American Transportation Research Institute (ATRI), the trucking industry's not-for-profit research organization, today released the results of its analysis of the Federal Motor Carrier Safety Administration's National Registry of Certified Medical Examiners (NRCME), conducted in collaboration with Mayo Clinic.

ATRI and Mayo Clinic jointly surveyed over 900 commercial drivers, 300 motor carriers and 1,200 certified medical examiners (CMEs) to better understand the impacts that the NRCME has had on the trucking industry since its implementation in 2014. The NRCME was designed to improve the DOT physical exam process and ensure that medical examiners understand FMCSA regulations and guidance for issuing medical certificates. ATRI's research focused on commercial driver and motor carrier impacts and identified the following:

- A majority of drivers (63.3%) reported increased exam costs following implementation of the NRCME, yet were not experiencing commensurate improvements in exam quality; only 6.2 percent of drivers reported improved exam quality post-NRCME implementation.
- 6 percent of drivers reported spending 20 minutes or less with their CME, with 6.5 percent of those drivers spending 10 minutes or less, an insufficient time to complete all required processes of a DOT physical. Drivers certified by chiropractors were more likely to have important medical checks omitted.
- Among the 5.9 percent of drivers who were not issued a medical certificate on the day of their physical exam, 22.6 percent cited having a medical condition that required treatment before certificate issuance as the reason.
- Motor carriers still have significant concerns related to the medical certification process, including requests by CMEs for additional medical documentation causing certification delays, driver confusion of how regulatory changes impact the ability to hold a valid medical certificate, and concerns with the competency of CMEs. Nearly 50 percent of motor carriers reported that they specify which CME their drivers see to ensure medical exam quality.
- Less than one percent of carriers reported no major concerns with the medical certification process.
- The ability of drivers to find a CME close to where they live may be more challenging in the future as 15.3 percent of CMEs reported that they have quit performing DOT physicals or plan to quit performing DOT physicals.

"The data show a polarity in quality of medical examiners," said Clayton T. Cowl, MD, MS, Chair of Mayo Clinic's Division of Preventive, Occupational and Aerospace Medicine. "Those examiners who are performing only minimal examinations may have received substandard training or are not taking their role seriously. The key seems to strike a balance between meeting the regulatory intent of the examinations and communicating with drivers ahead of time to minimize confusion regarding the need to document clinical stability. This is particularly true for drivers with multiple or complex medical conditions from whom medical examiners do need more documentation in order to make a certification decision."

"The inconsistency in quality of exams provided our drivers creates real challenges for us as a fleet. Where in one terminal location a driver may be required to undergo extensive tests and provide additional documentation prior to getting a medical certificate, drivers in other locations are expedited through with cursory exams," said Victor Hart, Director of Safety for DOT Transportation.



TERROR WATCH

[Video: TSA Warns About Use of Large Trucks for Potential Terror Attacks](#)

[NBC Nightly News](#)

A new TSA report says 173 people have been killed in terror attacks using large trucks since 2014, prompting a new advisory encouraging vigilance from the U.S. trucking industry.

~ATA Dispatch~

[New TSA report asks trucking to be 'vigilant' in light of terrorists using CMVs to 'ram' crowds](#)

[Trucker.com](#)

The Transportation Security Administration has issued a new report asking truck owners and truck rental agencies in the U.S. to be "vigilant" to watch out for terrorists who want to use commercial trucks to ram into crowds of people, news sources reported today.

~ATA Dispatch~

[TSA issues security warning about vehicle-ramming threat](#)

[CBS News](#)

The Transportation Security Administration has issued a new security alert warning the nation's trucking companies and their drivers about the use of stolen trucks as low-tech methods of attack.

~ATA Dispatch~



Changes Coming to California's Emissions Inspection Program

A final public [workshop](#) to discuss proposed changes to California's Periodic Smoke Inspection Program will be held on Wednesday, **May 17 at 1:30 p.m. PDT**. PSIP requires fleets to annually smoke test California registered diesel trucks that are more than four years old.

Proposed changes include: 1) lowering the smoke opacity limits to 5 percent for trucks equipped with diesel particulate filters and 20 percent for non-DPF equipped trucks; 2) requiring fleets to report results through a web-based system; and 3) requiring training for all paid opacity testers. Efforts to develop a comprehensive long-term program will also be discussed.

The workshop will be held in Sacramento and available by webcast for those unable to attend in person. ATA members are encouraged to monitor this final workshop to ensure the proposed changes are consistent with operational practices.



Human trafficking prevention training to be required for Arkansas truckers

Current and future Arkansas commercial driver's license holders will soon be required to complete a human trafficking prevention course to renew or obtain a license.

Legislation was passed this month to require drivers wanting to obtain or renew a Class A CDL to take a course aimed at preventing human trafficking. Arkansas State Police Spokesman Bill Sadler said the state will not be administering a course, but drivers applying for a CDL will be required to have documentation that they have passed a course.

[Truckers Against Trafficking](#) offers a free online certification course for truckers and will provide evidence of completion to the state.

[According to a report by the Northwest Arkansas Democrat-Gazette](#), the course is designed to be a one-time course for CDL holders

To meet the new requirement through Truckers Against Trafficking's online course, drivers will need to watch a 26-minute video, then complete a 15-question quiz to become certified. Once the driver is certified, TAT will send evidence of completion to the Arkansas Department of Finance and Administration.

"The course is geared to make commercial drivers to be aware of human trafficking, look for the tell-tale signs of individuals who may be with other drivers or around truck stops who may be victims of human trafficking," Sadler told the newspaper.

The new law is likely to take effect in late July, the report states. Ohio has already adopted this training requirement, and legislation is pending in Kansas and Texas, according to the report.

~ATA Dispatch~

Federal Court Holds Tax Discriminatory

The U.S. Court of Appeals for the Fourth Circuit has ruled that South Carolina's property tax system discriminated against a railroad in violation of the federal Railroad Revitalization & Regulatory Reform (4-R) Act. The Act, passed 40 years ago at the time railroads were partially deregulated, protects them from discriminatory property taxes and "another tax that discriminates against a rail carrier." This case involved a property tax, but neither the rate of the tax nor its assessment, *per se*. Rather, South Carolina law limited the amount by which the appraised value of a taxpayer's property could rise over a period of five years. That cap did not apply to properties valued according to the unit valuation method, as railroad property was. The parties agreed that only the language quoted above might apply here, and that the rest of the Act's prohibitions against state taxation did not. But the state argued that the quoted language couldn't be applied to property taxes at all, but only to "another tax." The district court had so found, but the appeals court reversed, agreeing with the railroad that the language in dispute not only applied to other types of tax, but also to other discriminatory features of a property tax that fell outside the other, more specific prohibitions of the Act. *CSX Transp'n, Inc. v. S.C. Dept. of Revenue*, docket no. 16-1726, decided March 17, 2017

~State Laws Newsletter~

Less is More

When it comes to new regulations, President Trump has made it clear: Less is more.

His "two-for-one" executive order requires two current rules be eliminated for every new one added. He also ordered the appointment of a regulatory reform officer: This person is charged with applying specific standards to proposals before they can go forward. These include whether the proposal eliminates jobs, inhibits job creations, or imposes cost that exceed benefits. New or existing regulations would also be reviewed to determine if it is unnecessary, outdated or ineffective. These and other actions have caused pause in the regulatory pipeline.

So what rules are likely to move forward? Former Federal Motor Carrier Safety Administration (FMCSA) Administrator Annette Sandberg (2002-2006) offered her opinion during a recent Fleet Owner/Omnitracs webinar: Here are her thoughts.

Electronic Logs- "The way most people look at it, we anticipate this will move forward, some way or another, even if the date transfer piece is delayed... What we're hoping is FMCSA will work out some of the logistical problems and make sure federal and state enforcement people are fully trained, and that when fleets begin to implement this on broader basis that everybody is ready and it goes off without any major problems. I don't anticipate a delay but, given the surprises we've already had with this administration there's always the potential for another surprise. I'm telling fleet you need to be preparing."

Heavy Duty Speed Limiters- "This one's going to be held up."

Entry-level driver training- "There has been some consternation about on-road driver training time... I think we're going to have to wait until the DOT's regulatory reform officer looks at this."

Safety Fitness Determination- "The agency will probably have to do some re-works as it related to the CSA system and how they're going use those scores within a safety fitness determination... So I anticipate, particularly under the regulatory reform that's going on in the Trump administration, they're going to have to start with Supplemental Notice of Proposed Rulemaking and take comments-but it looks like that is going to be at least a year or town down the road." (Editor's Note: The rule was withdrawn on March 23, 2017).

Obstructive Sleep Apnea- "Absent significant scientific data, this one's going to take a back burner."

Drug and Alcohol Clearinghouse- "Much more likely to move forward."

Minimum Insurance Levels of Carriers and Brokers- "It never really moved very far... likely on the back burner."

34-Restart Finalized- "On a related note, the 34-hour restart provision of the hours of service rule is finally put to bed. The department of Transportation recently acknowledged that the mandated study on the FMCSA's hours-of-service restart rule did not find any benefit regarding driver operations, safety or fatigue and health. Given the results of the study, the drivers' 34-hour restart OFFICIALLY will not be required to include to 1:00a.m. to 5:00a.m. periods and will not be limited to once per week. This one is finally done, folks. Thanks for all your good work to make it possible.

~John Hausladen "Trucking Minnesota"~

PA Amnesty to Start Soon

The Pennsylvania Department of Revenue will be running a general tax amnesty from April 21 through June 19 this year. Delinquent taxpayers filing and paying taxes overdue since at least the end of 2015 during this period will have applicable penalties waived, along with half the interest they owe. Most of taxes administered by the department are eligible, as are individuals and businesses, as long as they are not under investigation for tax-related issues and as long as they did not participate in Pennsylvania's last amnesty, in 2010. More information is available on the department website at www.revenue.pa.gov/taxamnesty.



Ohio Turnpike Travelers Will See Semi-Autonomous Trucks on the Road This Spring

Peloton Technology will roll out platooning tech on the Ohio Turnpike this spring as the state begins a new phase in its autonomous vehicle exploration.

Platooning involves creating pairs of semi-autonomous commercial trucks. Vehicle-to-vehicle communication allows the vehicles to travel close together, which reduces fuel burn and cuts wind resistance. The trucks communicate on braking and speed.

While the trucks travel closer together than typical on freeways, Ohio Turnpike Executive Director Randy Cole says travelers shouldn't notice much of a difference.

"Peloton tells us that in their operations you won't notice that a truck is following that close," Cole said.

Peloton-operated trucks operate in pairs, follow about 50 feet behind one another, are equipped with forward collision avoidance systems and have a driver in each cab to steer.

And, if a car cuts in between the trucks, they automatically extend their distance until the car clears the area.

The plan is for California-based Peloton to establish hauling agreements with freight companies in Ohio, but the specifics can't yet be released, officials say.

"We look forward to continuing our discussions with Randy Cole and other Ohio officials in order to identify suitable highways for platooning in the state," Geoff Johnson, external affairs strategist for Peloton, said in an e-mail.

The turnpike is ideally positioned because it is "relatively straight and relatively flat," Cole said. And the turnpike already has been used as an autonomous vehicle testing ground.

"Peloton's driver-assistive truck platooning system is used only in appropriate traffic, weather and road conditions on multilane, divided, limited-access highways, such as the Ohio Turnpike, where fleets interested in adopting the technology tend to log most of their miles," Johnson said.

Peloton is interested in working with the Smart Belt Coalition, a collaboration among transportation agencies and academic institutions in Ohio, Michigan and Pennsylvania to advance autonomous and connected vehicle technology, to devise a multistate truck platooning effort.

"We are interested in developing multistate platooning activities with fleet customers, whose routes are often multistate, and with state officials," Johnson said. "We are also working with fleet customers whose use regional-haul operations with routes that stay within given states."

Peloton already has completed tests in the United States, including in Utah and Texas.

The platooning efforts are the next step in the turnpike's foray into autonomous and connected vehicle research. Last fall, Otto - the self-driving truck company owned by Uber - began testing on the turnpike.

The turnpike is one of a handful of roads in the state designated as a smart highway. Interstate 90 in Lake County and the Smart Mobility Corridor - a 35-mile stretch of road outside of Columbus - also have been identified as testing routes.

Cole said testing with Otto is expected to resume this spring and has not been affected by the lawsuit between Uber and Google over Otto's technology.

~Transport Topics~

FL Court Rules on EDR Search

The Florida Court of Appeals, by a two to one decision, has held that a search warrant was required to download information from an impounded vehicle's event data recorder. The car here had been involved in an accident in which a passenger had been killed. Nearly two weeks after the accident, the police downloaded data from the EDR, without getting a search warrant. Some time later, the driver was arrested and charged with involuntary manslaughter and vehicular homicide. He claimed his Fourth Amendment rights to privacy had been violated by the search of the EDR. The court agreed, noting first that Florida was not one of the seventeen states that had legislated on black-box data. It likened the EDR here to a cell phone, that is, a computer that contains an immense amount of personal data, the search of which is very likely to intermingle irrelevant information with whatever might be relevant. The court also held that EDR data was not open to the public, and, since it was difficult both to extract and to interpret, there was a reasonable expectation of privacy on the part of the owner. *State v. Worsham*, docket no. 4D15-2733, decided March 29, 2017

~State Laws Newsletter~

Rhode Island Republican Leader Seeks to Repeal Truck-Only Toll

The Rhode Island General Assembly's top Republican unveiled legislation aimed at undoing a truck-only toll law backed by the governor and opposed by state and national trucking associations. The legislation, sponsored by House Minority Leader Patricia Morgan, would repeal provisions that impose tolls on large commercial trucks under Gov. Gina Raimondo's "RhodeWorks" law. Construction of truck-only tolling facilities are expected to be completed by the end of 2018. Morgan referred to RhodeWorks as an "irresponsible" measure that "should never have passed." "It will add to our already high cost of living, making it more difficult for average Rhode Islanders to keep their head above water. It will undoubtedly hurt our small businesses, who are struggling to remain competitive with rivals in other states not burdened with the extra shipping costs. In other words, it will had more weight to an economy that is already dead last," she said April 11, a day before introducing the legislation. Other state legislators have questioned the truck-only tolling law's constitutionality. Morgan's bill was reported to the House Finance Committee. American Trucking Associations and the Rhode Island Trucking Association strongly endorsed the repeal legislation. ATA President Chris Spear emphasized that interstate tolls lead to more congestion and hinder local commerce. As an alternative to truck-only tolls, he encouraged state leaders to opt for an increase in fuel taxes to generate infrastructure revenue. "The trucking industry will not sit idle while states attempt to turn our trucks into rolling ATMs. The onus is now on the Rhode Island Legislature to correct this ill-conceived plan. ATA will take whatever steps are necessary to prevent these proposed tolls on overpasses, including litigation," Spear said. "Make no mistake about it: RhodeWorks won't work for Rhode Island. It will increase the cost of doing business in our state, divert commerce away from it and actually widen our budget shortfalls," RITA President Christopher Maxwell. said "This is nothing but a veiled tax for Rhode Island citizens and one that places an unnecessary premium on every item sold in the state, thus making Rhode Island less competitive economically."

~ATA Dispatch~

Thank you to everyone who helped make the 2017 Truck Driving Championships a success! We look forward to seeing you next year!

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