



## New Members

**B & B Amusements of Illinois**  
1404 Martin Luther King Drive  
Bloomington, IL 61701  
Ms. Candice Lozano  
(614) 370-3551

**McNeilus Truck & Manufacturing Co.**  
County Rd 34E  
Dodge Center, MN 55927  
Mr. Scott

**Robertson-Williams Transport LLC**  
9100 West Liberty Drive, Ste. A  
Pleasant Valley, MO 64068  
Mr. Matt Hanna  
(816) 923-0700

## Welcome New Members!



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## President's Message

I hope you are making plans to attend our 80th Annual Convention on September 27-29, this year at the Chase Park Plaza in St. Louis, Missouri. We hope you will join us for education, information, networking and hopefully a dash of fun as well!

Make your reservations soon, as this lineup is sure to be one you won't want to miss!

### 2017 MoTA Convention "Moving Missouri Forward"

#### Wednesday – September 27<sup>th</sup>

- |          |   |
|----------|---|
| 10:00 am | Golf – Forest Park Golf Course                                    |
| 2:00 pm  | Registration Opens  |
| 5:00 pm  | Allied Conference Meeting   |
| 6:00 pm  | Transportation to Ballpark Village (7:15 pm game – Cards vs Cubs) |

#### Thursday – September 28<sup>th</sup>

- |          |  |
|----------|--|
| 7:00 am  | Registration Opens   |
| 7:30 am  | Buffet Breakfast   |
| 8:15 am  | Keynote Speaker – <i>Piet Van Waarde</i>   |
| 9:00 am  | MoTA Membership Meeting  |
| 10:15 am | Break  |
| 10:30 am | MoTA Membership Meeting Continued  |
| 11:15 am | <i>Chris Spear</i> – ATA President   |
| Noon     | Lunch  |
| 12:30 pm | "Good Dads" – <i>Dr. Jennifer Baker</i>  |
| 1:30 pm  | ELD: Legal and Liability Issues – <i>Ted Perryman, Roberts Perryman</i>  |
| 2:30 pm  | Break  |
| 2:45 pm  | Ask the Experts Panel – <i>Panelist: Scott Marion, Director - MoDOT</i><br><i>Lt. Kevin Kelley, CVE Assistant Director - MO State Hwy Patrol</i><br><i>Gina Wisch, CDL Coordinator - Mo Dept. of Revenue</i><br><i>Tim Chitwood, Director - BKD CPAs &amp; Advisors</i><br><i>Tim Niedbalski, Shareholder - Sandberg Phoenix &amp; Von Gontard PC</i><br>"Easing Transition from Military to Civilian Professional Drivers" –<br><i>Seldon Fritschner, FMCSA Transportation Specialist</i> |
| 3:45 pm  | Chairman's Reception   |
| 6:15 pm  | Candlelight Banquet  |
| 7:00 pm  | Entertainment - <i>Reza   Illusionist</i>  |

See you in  
St. Louis!!!

#### Friday - September 29<sup>th</sup>

- |         |  |
|---------|--|
| 8:00 am | Buffet Breakfast                                   |
| 8:30 am | "Detour" - <i>Steve Gilliland</i>                  |
| 9:30 am | Missouri Independent Waste Haulers Council meeting |
| 9:30 am | Missouri Movers Council meeting                    |



Happy Fall

We would like to thank all the sponsors who have contributed to the MoTA Annual Convention so far. This event could not happen without the generous support of our members. There are more sponsorship opportunities available & there is still time to get registered for the Convention! Call the MoTA office with any questions or click on the attached forms below.

[Agenda](#)

[Sponsorship Form](#)

[Registration Form](#)

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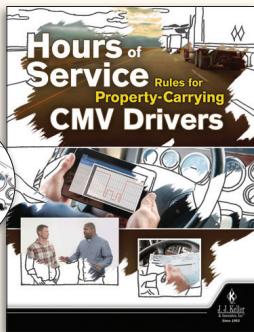
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confusion

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## Congratulations, Drivers!

To nominate your driver(s), go to <http://www.motrucking.org/councils/council-of-safety-supervisors/safety-contests/> fill out the nomination form and send it to the MoTA office.

Missouri Trucking Association  
P.O. Box 1247  
Jefferson City, MO 65102  
fax: 573-634-3388

## 2017 MoTA Drivers of the Month

January .....	<b>Kevin Flick</b> Buchheit Logistics Scott City, MO
February .....	<b>Mike Dunbar</b> Orscheln Farm and Home Moberly, MO
March .....	<b>Phillip Ritchie</b> Wilson Logistics Springfield, MO
April .....	<b>Larry Massey</b> Frontier Leasing Joplin, MO
May .....	<b>Darrell Schmit</b> Orscheln Farm and Home Moberly, MO
June .....	<b>Nora Black</b> Orscheln Farm and Home Moberly, MO

## Member Cancellations September 2017

Name of Company	Class	Dues
Success Logistics Inc.	For Hire	\$350



## CVSA Announces Out of Service Criteria Date for Pending ELD Implementations

While the Federal Motor Carrier Safety Administration's (FMCSA) electronic logging device mandate deadline remains intact for December 18, it comes with a caveat based on an announcement issued by the Commercial Vehicle Safety Alliance earlier this week. Effective December 18, CVSA said that inspectors and roadside personnel will start to document violations on roadside inspection reports and, based on the jurisdiction's discretion, issue citations to commercial motor vehicle drivers operating without a compliant ELD. And effective April 1, 2018, it said inspectors will begin placing commercial motor vehicle drivers out of service based on its out of service criteria (OOSC) if their vehicles are not equipped with an ELD, but motor carriers will be permitted to use a grandfathered automatic onboard recording device until December 16, 2019. The April 1, 2018 date for the ELD OOSC, said CVSA, provides carriers, shippers, and roadside enforcement with needed time to adjust prior to vehicles being placed out of service for ELD violations.

The FMCSA formally announced in late 2016 that the federal mandate for electronic logging devices (ELD) for commercial motor carriers was official and would take effect in December 2017, basically confirming the inevitable in some ways within the freight transportation and logistics sectors. The objective of the rule, according to FMCSA, is to strengthen commercial truck and bus drivers' compliance with hours-of-service (HOS) regulations that combat fatigue. The rule will take full effect on December 10, 2017, two years after the date of the final rule being issued. ELDs automatically record driving time and monitor engine hours, vehicle movement, miles driven, and location information. Many trucking observers maintain that the need for ELDs is obvious, with most explaining that the industry has been reliant on paper logs for far too long. And there could likely be economic benefits through ELD usage, as observers say it could likely reduce the effective number of miles a driver could log, further tightening trucking capacity at a time of ongoing limited truck driver supply, rising pay, and higher overall fleet costs. In a letter sent to the FMCSA Deputy Administrator Daphne Jefferson, CVSA Executive Director Collin Mooney stressed his organization's "opposition to any effort to delay the implementation" of the ELD mandate, noting that carriers have had two full years to prepare for it and obtain device for their vehicles.

"FMCSA's own research has found that the use of ELDs results in a reduction in a motor carrier's crash rate and hours-of-service violations. It is time to move forward with this regulation," Mooney wrote. And he also explained that CVSA member jurisdictions have previously used the aforementioned phased approach when implementing a significant change in regulatory requirements, as CVSA's Board of Directors, coupled with FMCSA and the motor carrier industry all agreed that this phased in OOSC approach "will help promote a smoother transition to the new ELD requirement." In recent months, there have been mixed opinions from various groups regarding ELD implementation. In late July, the House Appropriation's Subcommittee on Transportation, Housing & Urban Development and Related Agencies issued a report directing the FMCSA to consider delaying the implementation of ELD (Electronic Logging Devices). As previously reported by LM, the report, which is part of the House committee's proposed Fiscal Year 2018 budget, focuses on the regulatory compliance burdens on small carriers while directing the FMCSA to consider delaying ELD implementation. "In light of the heavy burden of this mandate, especially on small carriers, the Committee directs the Department to analyze whether a full or targeted delay in ELD implementation and enforcement would be appropriate and, if so, what options DOT has within its statutory authority to provide temporary regulatory relief until all ELD implementation challenges can be resolved," the House committee said. "FMCSA shall provide a report on its findings to the House and Senate Committees on Appropriations within 60 days of enactment of this Act."

Not long after that report was issued, the American Trucking Associations penned a letter to the FMCSA, explaining that it opposes any effort that would delay the implementation of ELD. In its letter to FMCSA's Jefferson, ATA Vice President of Advocacy Bill Sullivan explained that ATA members are vehemently opposed to attempts, like the one by the House committee to delay the ELD roll out. "With the December deadline approaching, opponents of electronic logging are making one last attempt to influence policymakers to reconsider the impending implementation deadline," wrote Sullivan. "These efforts are misguided, are supported by misinformation, and are simply an attempt to evade compliance with the existing laws and regulations governing duty hours and driver fatigue." The ATA executive also pointed out that ELD technology has proven effective in improving safety and increasing compliance many times, citing a 2014 FMCSA report, entitled "Evaluating the Potential Safety Benefits of Electronic Hours-of-Service (HOS) Recorders," which cited that carriers with ELD experienced an 11.7 percent reduction in crash rate and a 50 percent drop in hours-of-service violations compared to carriers using traditional paper logs.

While these represent differing opinions, legislation proposed by Rep. Brian Babin (R-Texas), a member of the House Transportation and Infrastructure Committee and the Highways and Transit Subcommittee, firmly rests with the former, with H.R. 3282, the ELD Extension Act of 2017. This bill calls for the ELD implementation to be delayed for two more years, as opposed to the scheduled 2017 ELD mandate takes effect on December 18.

"While technology like ELD's have great promise, I didn't come to Washington to force those ideas on small businesses – and neither did President Trump," said Rep. Babin in a statement. "If trucking companies want to continue implementing and using ELD's, they should go right ahead. But for those who don't want the burden, expense and uncertainty of putting one of these devices into every truck they own by the end of the year, we can and should offer relief." Babin added that even though the ELD mandate was crafted with the good intention of modernizing America's freight truck network, as well as helping truckers comply with Hours-of-Service and other regulations, it is "abundantly clear" more time is needed, especially for small trucking companies and independent drivers that will be affected by the cost of compliance with the ELD mandate.

A research note from investment bank Stephens Inc. said that CVSA's actions represent a form of soft enforcement. "[This] announcement is prudent...as it 1) prevents the "hard enforcement" coming in the midst of the holiday peak season rush and 2) also prevents any public safety concerns regarding additional congestion around weigh stations," wrote Stephens. "Clearly, there are already concerns about the number of trucks that will be out of compliance given this announcement, which supports our view that capacity in the industry will be taken out. We also point out that the new time frame for "hard enforcement" on April 1 comes at the start of spring peak season, one of the seasonally tightest periods for TL capacity. Bottom line, supply / demand dynamics in the trucking industry are already tight now."



## FMCSA Slates Public Meeting on CSA Scoring Action Plan

The Federal Motor Carrier Safety Administration has scheduled a public meeting for Sept. 8 to solicit comments on recommendations on reforming the agency's Carrier, Safety, Accountability enforcement regime made by the National Academies of Science. The NAS review, which had been mandated by Congress, was released back on June 27.

FMCSA is now required by the FAST Act highway bill to develop and implement an action plan "to address any identified deficiencies [by NSA] and submit it to Congress and the U.S. Department of Transportation's (DOT) Office of Inspector General."

The National Academies recommended replacing the CSA's current Safety Measurement System over the next two years with a method using "item response theory," also known as latent trait theory. FMCSA should develop a "more statistically principled approach" for the task, NAS said, based on an item response theory (IRT) model. Also known as latent trait theory, it's an approach that has been used for policy decisions in other areas such as hospital rankings.

The public meeting will take place on Friday, September 8, 2017, from 1:00 p.m. to 4:00 p.m., EDT, at the FMCSA National Training Center, 1310 N. Courthouse Road, Suite 600, Arlington, VA 22201-2508.

Those interested in attending the public meeting must register at: [https://www.regonline.com/FMCSA\\_Correlation\\_Study\\_Action\\_PlanPublicMeeting](https://www.regonline.com/FMCSA_Correlation_Study_Action_PlanPublicMeeting). Participants have the option of registering to attend in person, or via webinar.

A copy of the agenda for the meeting will be available in advance of the meeting at [https://www.regonline.com/FMCSA\\_Correlation\\_Study\\_Action\\_PlanPublicMeeting](https://www.regonline.com/FMCSA_Correlation_Study_Action_PlanPublicMeeting). The agency noted that "If all interested participants have had an opportunity to comment, the meeting may conclude early." Comments on the action plan to be driven by the NSA report-- in any form-- must be received by September 27, 2017. Besides attending the public meeting, comments may be submitted under Docket Number FMC-SA-2017-0226 using any of the following methods:

## Bill Delay ELD Mandate Fails

A bill introduced in July by U.S. Representative Brian Babin (TX-36) to prohibit funds from being used to implement or enforce the electronic logging device (ELD) mandate scheduled to go into effect on December 18 failed to pass in the House of Representatives last night.

"The chair put the question on adoption of the amendment [to the members] and by voice vote announced that the noes had prevailed," according to the Office of the Clerk.

Industry advocates for the ELD mandate, especially the American Trucking Associations (ATA) trade group, cheered the results of the late-night vote. "ATA has supported, and will support, this important regulation," noted Chris Spear, the group's president and CEO, in a prepared statement.

"Congress has now voted a fourth time to move forward with electronic logging of the existing hours of service information required for decades," he added. "Make no mistake, the time for debate about electronic logging is over, and we're pleased that Congress has rejected this ill-conceived effort to delay their implementation. [The] vote should end what is left of this debate so our industry can carry on with the business of complying with this regulation."

## 2017 Roadcheck Places 23% of Commercial Vehicles Out of Service

Nearly one of every four trucks that received comprehensive Level I inspections during the Commercial Vehicle Safety Alliance's International Roadcheck this summer were taken out of service, CVSA reported on Aug. 23.

CVSA's annual safety blitz was conducted June 6-8.

It said that 23% of the nearly 41,000 Level I commercial vehicle inspections were placed out of service, while 4.2% of drivers that received the comprehensive inspections were placed out of service.

There were 62,013 Level I, II and III inspections combined conducted during the annual event that lasts 72 hours, resulting in 19.4% of commercial motor vehicles inspected being placed out of service. During those same inspections, 4.7% of all drivers were placed out of service. The top three out-of-service vehicle violations during the stepped-up enforcement in the United States and Canada were for brake systems (26.9% of vehicle out-of-service violations), cargo securement (15.7%) and tires and wheels (15.1%).

Of the vehicles placed out of service, brake adjustment and brake system violations combined to represent 41.4%, or 7,743, of all out-of-service vehicle violations.

During the three-day event CVSA-certified inspectors conducted high-volume, large-scale, high-visibility roadside inspections of large trucks and buses. Trucks and buses and their drivers were checked at inspection sites, weigh stations and roving patrol locations along roadways.

A total of 7,713 inspections were conducted in Canada, while 54,300 were conducted in the United States.

The top three vehicle violations related to hazardous materials/dangerous goods were for loading and securement (40.4 percent of all out-of-service hazardous materials/dangerous goods violations), shipping papers (22.7%) and placarding (20.8%).

The top three driver-related violations were for hours of service (32.3% of driver out-of-service violations), wrong class license (14.9%) and false logbook (11.3%).

There were 710 safety belt violations.

"This year, we're celebrating 30 years of the International Roadcheck program," CVSA President Julius Debuschewitz with Yukon Highways and Public Works, said in a statement. "Thanks to the more than 13,000 inspectors who work hard every day to reduce the number of crashes, injuries and fatalities on our roadways."

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## HVUT Ruling, DOL Overtime Rule

The Office of Chief Counsel of the Internal Revenue Service has issued a memorandum on the liabilities under the heavy vehicle use tax of the parties to a lease of an owner-operator vehicle when the lease ends part-way through the tax year. As usual, the memo states that it is not to be relied on or cited for precedent; we understand, however, that IRS is prepared to stand by it. The specific situation addressed is that when an owner-operator leases his truck to a carrier, and the carrier registers the vehicle in the carrier's name and pays the HVUT on it. The lease terminates during the ensuing year, and the owner-operator re-registers the truck in his name and begins to use it.

The two questions are: Does the owner-operator now owe tax on the vehicle too, and is the carrier owed a pro-rated credit from IRS for the remainder of the year? The answer to both questions, says the memo, is No. The carrier doesn't get a credit because this is not one of the few circumstances (a vehicle that's stolen, destroyed, or sold) where the law allows a credit, and the owner-operator doesn't have to pay the tax because the truck is already tax-paid for the year. But there's a catch: federal law says the owner-operator can't re-register the truck in his own name unless he can show the state he registers with that HVUT was in fact paid.

This may be tricky in some cases, but it's possible if the state will check the International Registration Plan information to verify that the vehicle was already registered during the tax year, or if the carrier to whom the owner-operator was previously leased will provide him a copy of carrier's receipted HVUT Form 2290.



## MO Exempts Delivery Charges

By legislation (S.B. 16) signed into law by Governor Greitens, Missouri has exempted delivery charges from its sales and use tax. Like many other states, Missouri traditionally exempted delivery charges connected to the sale of taxable goods, as long as those charges were stated separately. The state's revenue agency, however, had taken advantage of a court case a couple of years ago to expand the taxability of delivery charges. The new law, which passed the legislature with two only dissenting votes, puts things back the way they were.

~Written and edited by Robert C. Pitcher~

## National Truck Driver Appreciation Week: Sept. 10-16, 2017

Scheduled for Sept. 10 - 16, 2017, National Truck Driver Appreciation Week (NTDAW) is when 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. MoTA encourages members to participate in this annual event and let your drivers know how much they are appreciated!

# MoTA Photo Album



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

