

DISPATCH

KANSAS MOTOR CARRIERS ASSOCIATION AFILLIATED WITH THE AMERICAN TRUCKING ASSOCIATIONS

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FMCSA Issues Electronic Logging Device Rule

FMCSA announced its long-awaited final rule requiring the adoption and use of electronic logging devices by all drivers currently required to complete paper records of duty status. The 500 page rule was released December 10, 2015, and ATA staff has read and developed a summary for quick consumption by the ATA membership. The summary is located on page 2 -3 in this issue of the Dispatch.

Story Continued on Page 2

KMCA Is Topeka's Walk-In Registration Service

KMCA has partnered with the State of Kansas to become the IRP and CMV tagging location for Topeka. Hours of Operation for KMCA's walk-in registration service are Monday - Friday 9 a.m. - 12 p.m. and 1 p.m. - 4 p.m.

As a KMCA member you can take full advantage of your KMCA membership by using our truck services department to help you complete your paperwork.

KMCA's truck services department keeps you on the road by becoming an extension of your company's staff. Here is a list of what the truck services department can do for you.

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- Fuel License/Weight Distance Reporting Service
- Renewals

For complete details on the above truck services visit www.kmca.org or call KMCA at 785-267-1641.



KANSAS MOTOR CARRIERS ASSOCIATION
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TOPEKA, KS 66611
785.267.1641
WWW.KMCA.ORG



**Summary of FMCSA's Final Rule
To Mandate Electronic Logging Devices**

December 2015



Introduction: On December 10, 2015, FMCSA announced its final rule requiring the adoption and use of electronic logging devices (ELDs) by all drivers currently required to complete paper records of duty status (logs). In the July 2012 highway reauthorization law known as MAP-21, Congress required that FMCSA mandate the use of ELDs. The following is a summary of the final rule's main points.

Device Adoption Deadline Date: The rule requires fleets and drivers required to complete paper logs to adopt and use compliant ELDs by December 2017, unless they are currently using automatic on-board recording devices that are grandfathered (see below).

Grandfathering of Existing Equipment: FMCSA will allow fleets and drivers using "ELD-like" devices meeting the current standards for Automatic On-Board Recording Devices (see 49 CFR 395.15) to continue to use such devices until December 2019, two years after the final deadline for adoption of ELDs. If these devices can be modified to meet the ELD specifications (e.g., with a software upgrade) they may continue to be used after December 2019.

Limited Exceptions: The final rule allows limited exceptions to the ELD mandate, including:

- Drivers who use paper logs for not more than 8 days during any 30 day period;
- Drivers who conduct driveaway-towaway operations, where the vehicle is the product being delivered;
- Drivers of vehicles manufactured before model year 2000 (due to vehicle connectivity concerns; this is a change from the proposed rule);
- Drivers who operate using the logbook timecard exception (i.e. short-haul 100-air mile drivers)

Short Haul Drivers: Drivers who are not required to complete logs because they meet one of the short haul exemptions in section 395.1 (e) of the Federal Motor Carrier Safety Regulations are not required to use ELDs. FMCSA recognizes that these drivers occasionally don't meet the conditions of these exemptions. In those instances, drivers are required to keep a paper log. Drivers who find themselves in these circumstances more than 8 days in any 30-day period are required to use ELDs.

Location Monitoring: ELDs are required to record vehicle location at every change of duty status and at a minimum of 60-minute intervals. To ensure against harassment and protect driver privacy, the devices will record location during on-duty time at a precision of approximately one mile, and during off-duty time of within ten miles (i.e., will not record exact location but generally where the vehicle is located when used for personal conveyance). Note: Fleets may employ devices that record location more precisely; FMCSA has imposed the one and ten-mile precision limits on information that is reported to enforcement officials when electronic logs are being verified.

Supporting Documents: Because ELDs effectively negate the need for supporting documents to verify driving time, FMCSA has implemented new document retention requirements to verify on-duty, not driving time. The final rule requires fleets to retain up to eight supporting documents from several categories (see below) per driver for each 24-hour period:

- Bills of lading, itineraries, schedules or equivalent documents indicating the origin and destination of a trip;

- Dispatch records, trip records, or equivalent documents;
- Expense receipts related to on-duty not driving time;
- Text messages, email messages, instant messages, or other electronic mobile communications transmitted through a fleet management system;
- Payroll records, settlement sheets, or other documents reflecting driver payments.

In order to qualify as a supporting document, a document must contain the following content: driver identification, date, vehicle location, and time. If the motor carrier has more than eight documents containing these data elements, they must retain the supporting documents nearest the beginning and the end of the driver's shift. Drivers are required to submit such documents within 13 days of receipt and produce those in their possession to law enforcement upon request. Fleets are required to maintain them in a manner which would facilitate their being easily matched to the logs.

Data Transfer: ELDs must be able to transfer data electronically via either a) a "telematics" approach capable of wireless Web service; or B) a "local" method capable of Bluetooth and USB 2.0 transfer. In all circumstances, drivers must be able to show a roadside inspection officer a graph-grid of his/her hours of service compliance, either on the ELD's display or on a hardcopy paper printout.

Certification: Manufacturers are required to test and certify to FMCSA that their devices meet the new standards. FMCSA will create a public (i.e. Internet) registry of compliant devices and conduct tests to verify manufacturers' claims.

Harassment: The final rule includes several provisions to guard against harassment of drivers. Specifically, the rule prohibits motor carriers from using information from ELDs to pressure drivers into violating regulations. The final rule also requires ELDs to either automatically mute or allow a driver to turn off or mute the volume on the ELD (or the fleet management system with integrated ELD functionality) when they have logged into the sleeper berth status in the ELD. FMCSA also places restrictions on location precision (see above) and establishes a process for drivers to file harassment complaints related to ELDs.

ELD Malfunctions: In the event that an ELD malfunctions, the driver is required to immediately begin completing a paper log and to reconstruct logs for each of the past 7 days, unless the driver already possesses the records or the records are retrievable from the ELD. ELDs must be repaired within 8 days, subject to an FMCSA-approved extension.

Personal Conveyance and Yard Moves: Authorized use of a commercial motor vehicle (CMV) for personal conveyance will not be recorded as on-duty driving, but rather off-duty time. Similarly, authorized use of a CMV in a closed facility with restricted access (e.g., a yard) will be recorded as on-duty not driving time.

Driver Edits: Drivers will be able to make edits and annotations to their electronic logs, however the edits will not overwrite or erase the original record, which will be retained. Employers will be able to request edits or annotations, but those must be approved by the driver.

Interoperability of Devices and Systems: All ELDs must be capable of exporting data in a standard file format to facilitate importing by other systems. However, devices and systems are not required to be capable of importing these records.

For more information or questions contact KMCA's Executive Director, Tom Whitaker at 785-267-1641 or tomw@kmca.org.

KMCA Signs Long-term Contract

On Wednesday, December 16, 2015, Tom Whitaker, KMCA executive director, signed a five-year contract with the Kansas Department of Revenue (KDOR) to provide IRP and Commercial Motor Vehicle (CMV) registration service in Topeka. KDOR has closed their IRP and CMV service desk at the Docking State Office Building. KMCA had participated in a one-year pilot program issuing IRP and CMV vehicle registration. Operating hours for IRP and CMV registration are 9:00 a.m. to Noon and 1:00 p.m. to 4:00 p.m. Monday through Friday. Marcia Stithem, KMCA director of truck services will spearhead the vehicle registration service. "We know the trucking industry, we know the vehicle registration process and provide top notch customer service with very little waiting," said Tom Whitaker. KMCA thanks KDOR Secretary Nick Jordan, Director of Vehicles Lisa Kasper and Commercial Motor Vehicle Manager Deann Williams for their vision that brought this partnership to fruition. KMCA joins the County Treasurers of Anderson, Greeley, Haskell, Lane, Marshall, Riley, Smith, Stafford and Wilson counties in Kansas in providing IRP/CMV vehicle registration. For more information contact Marcia Stithem at (785) 267-1641 or by email at marcia@kmca.org.



Important Notes From KMCA

2016 UCR

2016 UCR website is open for you to complete 2016 UCR registration. Deadline is December 31, 2015. www.UCR.in.gov

2016 IFTA

2016 IFTA renewals have been mailed to motor carriers. Deadline is December 31, 2015.

IRP & CMV

IRP & CMV tag information has been mailed. You can now process your renewals online.

HEAVY HIGHWAY VEHICLE USE TAX

Form 2290, Heavy Highway Vehicle Use Tax, was due August 31st, for the 2015-16 year. You will need to have a copy of your 2290 receipt for renewals.

PRE-ORDER 2016 ERG'S

KMCA is now taking pre-orders for 2016 ERG's. ERG's will be released in March of 2016. You can pre-order your 2016 ERG's by calling KMCA at 785-267-1641 or email jgrubb@kmca.org. Discounts available for orders of 50 or more.

ERG Pricing

5x7 spiral bound \$6.00
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4X5 spiral bound \$3.80

Welcome New Members

Myers Ag Solutions LLC – Weskan, KS
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Great Western Tire of Oakley, Inc. – Oakley, KS
Wilson Bulk Transport LLC – Abilene, KS
Kincaid Equipment – Haven, KS

KMCA Dates to Remember

2015

December 24 KMCA Closed at noon - Christmas
December 25 KMCA Closed - Christmas

2016

January 1 - Closed - New Years Day
February 15 - Day at the Capitol & Board Meeting
April 19 - KMCA Safety Banquet & Board Meeting
June 2 - Pro Truck Golf Classic
June 16 - 17 - Truck Driving Championships



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Any KMCA member can enter the fleet safety contest. Your company's safety record will be compared with other companies within the same division and similar mileage to determine the Division Fleet of the year. Then the top in each division will be compared to each other to determine an overall winner. Your CSA scores will also be taken into consideration.

Please complete in duplicate and return original to the KMCA office by February 19, 2016. Keep a duplicate for your records.

2015 Annual Report Form

Contest Year: January 1, 2015 - December 31, 2015

Company Name _____ Date _____

Address or PO Box _____ City, State & Zip _____

Person submitting report _____ Title _____

U.S. DOT Number (required) _____

Contest Division: Check one appropriate division that closest relates to your company (A separate report must be filed in for each division entered)

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Less-than-Truckload Carriers | <input type="checkbox"/> Tank Truck Carriers | <input type="checkbox"/> Household Movers | <input type="checkbox"/> Towing |
| <input type="checkbox"/> Agricultural Carriers | <input type="checkbox"/> Auto Transporter | <input type="checkbox"/> Truckload Carrier | <input type="checkbox"/> Private Carrier |
| <input type="checkbox"/> Oilfield & Heavy Machinery | <input type="checkbox"/> Aggregate Carrier | | |

NOTE: Report Kansas miles and Kansas accidents only.

SAFETY RECORD:	Mileage In Kansas	# of DOT Recordable Accidents In Kansas	Accident Frequency Ratio	# of Non-Recordable Accidents/Incidents in Kansas	Total Accidents
Local	_____	_____	_____	_____	_____
Intercity	_____	_____	_____	_____	_____
Combined	_____	_____	_____	_____	_____

• Accident Frequency Ratio: (# of DOT Recordable accidents x 1,000,000) divided by (**Kansas Vehicle miles**).

A COMPANY OFFICER OTHER THAN THE SAFETY DIRECTOR MUST SIGN THE FOLLOWING CERTIFICATION:

I hearby certify that the above information is accurate to the best of my knowledge. I agree that an audit of the records by KMCA contest officials can be made prior to the announcement of any award to this organization.

Signature

Title



Kansas Driver of the Month Nomination

The honor is awarded to professional drivers displaying the highest degree of professionalism, safety and courtesy in performing their jobs and representing the trucking industry.

Drivers submitted for consideration as a Kansas Driver of the Month must be domiciled in, or a resident of, the state of Kansas.

Driver's Name: _____ Date Submitted: _____

Driver's License Number: _____ Date of Birth: _____ Marital Status: _____

Home Address: _____
Street _____ City _____ State _____ Zip _____

Spouse's Name: _____ Number of Children: _____

Children's Names and Ages: _____

Present Employer: _____

Company's Main Address: _____
Street _____ City _____ State _____ Zip _____

Driver's Home Terminal Address:
Street _____ City _____ State _____ Zip _____

Terminal Manager: _____ Company President: _____

Type of equipment regularly operated: Straight truck Tractor Trailer (list type(s) of trailers)

Type of Operation: City-local Linehaul Peddle Annual Mileage _____

ACCIDENTS : Date of Last Accident: _____ Preventable Non-Preventable

Please submit any appropriate accident information available to assist judges in their decisions. Accident involvement is a major factor in the decisions of the judges.

TOTAL Present Employer Past Employers

Years of commercial driving _____ _____ _____

Miles Driven _____ _____ _____

Accidents: _____ _____ _____

Preventable _____ _____ _____

Non-preventable _____ _____ _____

RECORD OF VIOLATIONS: List all **convictions** for your entire driving career other than minor traffic violations, but include speeding, reckless driving, etc.

Commercial Vehicle

Date - Place - Offense

Personal Vehicle

Date - Place - Offense

Date - Place - Offense

Date- Place - Offense

BIOGRAPHICAL SKETCH: Nomination based on: (a) years of safe, professional driving; (b) deed(s) of heroism, or (c) outstanding act(s) of courtesy on the road. **Include all pertinent information. The following are suggested additional areas to include in the biographical sketch:** Names and length of service with previous employers, awards received as a professional driver, Truck Driving Championships competition, courses or schooling attended, memberships (civic, fraternal groups, church, fire department, scouts, etc.). Other activities and hobbies. (If necessary, submit information on a separate sheet and attach it to this nomination form)

BASIS FOR NOMINATION: _____

DRIVER'S STATEMENT: To the best of my knowledge, the statements listed in the foregoing are true and correct.

Signed _____

SUPERVISOR'S STATEMENT: I certify that the information on this form is correct to the best of my knowledge and has been compared with company records.

Signed _____ Title _____

Printed _____

PERSON SUBMITTING ENTRY FORM (Printed): _____

Address: _____ Telephone: _____

E-mail: _____

PERSON TO NOTIFY OF RESULTS NAME (Printed): _____

E-mail: _____ Telephone: _____

RETURN TO:

Kansas Motor Carriers Association • Melissa Kershner, Director of Communications and Events •
P.O. Box 1673 Topeka, Kansas 66601-1673 • Phone 785-267-1641 • FAX 785-266-6551

File as many nominations as you wish. Deadline is February 16, 2016.

*****All areas must be filled out for consideration*****

KMCA Serves Coffee at KLA Convention

KMCA has been a proud sponsor at the Kansas Livestock Association Convention for over four decades. Members of KMCA joined together to serve donuts and coffee during the exhibit portion of the event on December 3, 2015.

The 2015 KLA Coffee Bar volunteers were: Glenn Unrein, Golden Plains Trucking, Shawna Clarke, Bar K Bar Trucking, Pam Showalter, Bar K Bar Trucking, Mike Short, Short & Sons Inc., Tom Whitaker, KMCA, and Melissa Kershner, KMCA. Thank you to all that helped make this year's KLA Coffee Bar a success.



Congressional Leadership Agree On Fy 2016 Government Funding Package – ATA Achieves Hours-Of-Service Restart Relief

Late last evening, Congressional leaders announced they had reached a long-sought deal on a \$1.1 trillion government funding bill for the remainder of fiscal year 2016. This deal is commonly referred to as the Omnibus funding package, and a quick review of the bill text provides great news for trucking on the hours-of-service rules. The bill includes critically important Hours of Service restart language which sets a standard FMCSA must achieve before re-instituting the July 2013 restart restrictions.

This language prohibits FMCSA from reinstating the July 2013 restart restrictions [the two consecutive 1:00 am – 5:00 am periods and the 168 hour limitation] unless an FMCSA study finds that they result in statistically significant improvements in safety and driver health, among other things. This omnibus language is appropriate since FMCSA originally justified the restart restrictions on the speculative theory that they would improve not only truck safety but driver health and longevity.

This language will make it very difficult for FMCSA to justify re-instituting the restart restrictions. In other words, the simple 34-hour restart rule, with no additional restrictions, will likely remain in place for the foreseeable future.

Also, while this package does not include a provision to increase the length of twin trailer trucks, it did make narrow, but important changes to weight laws in three states. Interstate highway weight limits for longer combination vehicles in Idaho were increased from 105,500 pounds to 129,000 pounds, creating greater uniformity in a region where several surrounding states have higher LCV weight limits. In addition, a provision which currently sunsets higher Interstate highway weight limits in Maine and Vermont in 2031 was eliminated, making the weight exemptions permanent.

While Congressional leaders have negotiated and agreed upon this Omnibus funding package, it must still be voted on by both the House and Senate, and then sent to the President for his signature. This is expected to happen later this week.

For more information or questions contact Tom Whitaker at tomw@kmca.org or 785-267-1641.

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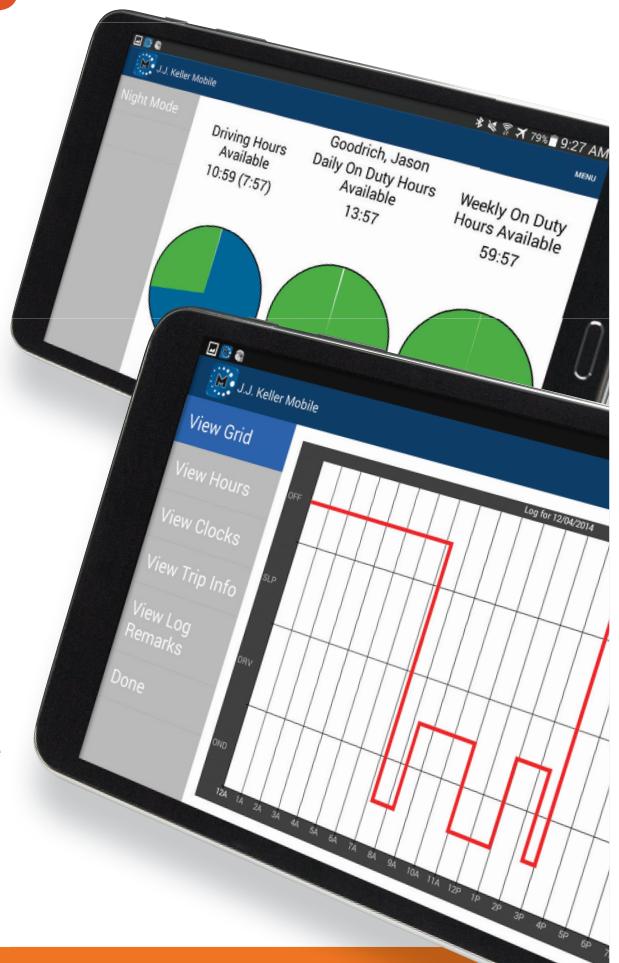
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Happy Holidays

As the year ends, we think about all we are grateful for. Our relationship with you is one thing we treasure. We wish you abundance, happiness, and peace. Happy Hoidays from your friends at KMCA.



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