

DISPATCH

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October 2017

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The ELD Mandate

Are you prepared?

The ELD mandate goes into effect December 18, 2017. The Kansas Motor Carriers Association hosted a special education session about ELDs at the annual convention in September. If you did not attend, use this guide as you prepare to become compliant.



Tips

Below are tips to consider when choosing an ELD, and a checklist of key features and functions that every ELD must provide.

- Most Important: Make sure that the specific ELD model you are considering is on FMCSA's list of registered ELDs by visiting <https://3pdp.fmcsa.dot.gov/ELD/ELDLList.aspx>. The vendors on this list have self-certified that their device is compliant with all of the ELD technical specifications, and registered each ELD model with FMCSA.
- Take a few minutes to research the ELD provider by checking with the Better Business Bureau and looking at online reviews for their products and customer service.
- While many ELDs may be part of a Fleet Management System (FMS) or include FMS functions, there is no requirement for Fleet Management functionality. An ELD that complies with FMCSA requirements is what is required by the ELD rule.

Checklist

Before choosing an ELD, have the vendor verify that its device meets all of the ELD specifications contained in the rule. While this list is not a complete list of all required ELD functions, at a minimum have the vendor demonstrate or show you all the features and functions listed on the following pages.

continued on pages 2 and 3...

ELD mandate...are you prepared?

- Provides separate accounts for drivers and administrative (non-driver) ELD users
- Has “integral synchronization” with the engine control module to automatically record engine power status, vehicle motion status, and other data
- Automatically records all driving time and at intervals of 60 minutes.
- Records date, time, location, engine hours, vehicle miles, and driver identification
- Records location with an accuracy of one-mile radius during on-duty driving periods
- Reduces location accuracy to a 10-mile radius when vehicle is used for authorized personal use
- ELD time is synchronized with UTC (coordinated universal time)
- Retains data for the current 24-hour period and the previous 7 consecutive days
- Prevents tampering; does not allow anyone to alter or erase information originally collected for driver ELD records
- Requires driver to review unidentified driver records - and either acknowledge assignment of this driving time, or indicate that the records do not belong to the driver
- Allows a driver to obtain a copy of his/her ELD records on demand - either through a printout or electronic file
- Supports one of two options for electronic data transfer:
 - Telematic type: using wireless web services or email
 - Local transfer type: using USB2.0 or Bluetooth
- Displays all required standardized data to authorized safety officials on demand - through a screen display or printout that includes three elements: a daily header, graph grid showing driving duty status changes, and detailed daily log data. The graph grid, if printed, must be at least 6 inches by 1.5 inches
- Requires driver certification and annotation (written explanation) for any edits to records that are made by the driver or any other ELD user
- Requires certification of driver records at the end of each 24-hour period
- ELD provider furnishes user’s manual, instructions for handling malfunctions and record-keeping during malfunctions, and instructions for transferring ELD hours of service records to safety officials
- Volume control or mute option for any audio feature



Top frequently asked questions about ELD rule

Q: Who must comply with the electronic logging device (ELD) rule?

A: The ELD rule applies to motor carriers and drivers who are currently required to keep records of duty service (RODS) under the hours-of-service (HOS) regulations.

Drivers who use the time card exception, and don't keep paper RODs, will not be required to use ELDs.

The following drivers may keep paper RODs:

- Drivers who keep RODs no more than 8 days during any 30-day period.
- Driveaway-towaway drivers (transporting a vehicle for sale, lease, or repair), provided the vehicle driven is part of the shipment or the vehicle being transported is a motor home or recreational vehicle trailer.
- Drivers of vehicles manufactured before model year 2000.

However, a carrier can choose to use an ELD, even if it is not required.

Q: How soon can electronic logging devices (ELDs) be installed and used - and when must they be used in commercial motor vehicles (CMVs)?

A: Manufacturers can begin certifying and registering ELDs beginning February 16, 2016. Carriers or drivers can use registered ELDs as soon as they are available.

All motor carriers and drivers subject to the ELD rule must use either an ELD or an AOBDR (automatic onboard recording device) by the “compliance date” (December 18, 2017). However, AOBDRs may be used after the compliance date if the devices were put into use before that date. Starting December 16, 2019, all carriers and drivers subject to the ELD rule must use ELDs.

Q: How many supporting documents must be retained by motor carriers, and when must drivers submit them to the motor carrier?

A: Motor carriers must retain up to eight supporting documents for each 24-hour period that a driver is on duty. Drivers must submit RODS and all their supporting documents to the motor carrier no later than 13 days after receiving them.

Q: Does the ELD rule require real-time tracking of commercial motor vehicle (CMVs) with ELDs?

A: No, real-time tracking of CMVs is not required in the ELD rule. Yet, a motor carrier may use technology to track its CMVs in real-time for business purposes. A motor carrier is free to use this data as long as it does not engage in harassment or violate the Federal Motor Carrier Safety Regulations (FMCSRs). However, in transmitting data to safety officials, ELDs must limit location information to protect driver privacy.

Q: Will the vehicle location information identify street addresses?

A: No, ELDs are not required to record street addresses. For enforcement purposes, they record vehicle location only at a general proximity and in relation to the distance and direction to the nearest city, town, or village. If a carrier uses technology to provide more detailed information, that information will not be transferred to a safety official.

Q: Who can edit an electronic logging device (ELD) record?

A: Both the driver and authorized carrier staff can make limited edits to an ELD record to correct mistakes or add missing information. All edits must include a note (annotation) to explain the reason for the edit. In addition, the driver must confirm (certify) that any carrier edit is accurate, and resubmit the records. If the driver chooses not to re-certify his or her RODS, this is also reflected in the ELD record. The ELD keeps the original, unedited record, along with the edits.

Example: a carrier edits a record to switch a period of time from “off-duty” to “on-duty not driving:” with a note that explains “Driver logged training time incorrectly as off-duty”. The edit and annotation are sent to the driver to verify. The edit is not accepted until the driver confirms it and resubmits the RODS.

Q: How should a driver account for hours-of-service generated on multiple devices, when the data from one or more devices cannot be transferred?

A: All required RODS information must be available for review by enforcement officials. If the driver uses multiple ELDs that are not compatible (e.g., the data file from one system cannot be uploaded into the other system), the driver must either enter the missing duty status information in the ELD currently being used, or provide a printout from the other system(s) for the relevant days.

Q: What are the options for ELDs to electronically transfer data?

A: An ELD must be able to either:

- Transmit data using wireless web services and email, or
- Transfer data locally using a thumb or flash drive (USB2.0) and Bluetooth®.

A driver must also be able to provide either the display or a printout to an authorized safety official on request.

Reprinted from Scopelitis Transportation/Law Firm. Firm representative Dave Osiecki was a speaker at the 2017 KMCA Annual Convention.

Update to FMCSA ELD FAQs

The Federal Motor Carrier Safety Administration recently updated its ELD FAQs to reflect a change to an answer regarding glider kits.

Question: If the vehicle registration for a commercial motor vehicle reflects a model year of 2000 or newer, but the connections and motor vehicle components (such as the engine) are older than model year 2000, is the vehicle exempt from the ELD rule?

Answer: Yes. When a vehicle is registered, the model year should follow the criteria established by the National Highway Traffic Safety Administration (NHTSA). There may be instances where the model year reflected on the vehicle registration is not the same as the engine model year, most commonly when a vehicle is rebuilt using a “glider kit.” In this circumstance, an inspector/investigator should use the model year on the engine to determine if the driver is exempt from the ELD requirements.

If the engine model year is older than 2000, the driver is not subject to the ELD rule. In instances in which the engine model year is 2000 or newer, and the vehicle registration reflects a model year older than 2000, the driver is subject to the ELD rule.

While the driver is not required to possess documentation that confirms the vehicle engine model year 49 CFR Part 379 Appendix A, requires motor carriers to maintain all documentation on motor and engine changes at the principle place of business. If a determination cannot be made at the roadside, law enforcement should refer the case for further investigation.

Reprinted from Trucking Minnesota.

UCR registration delayed a month; fees to drop

At its first meeting by conference call on September 14th, the board of directors of the Unified Carrier Registration (UCR) moved to delay the start of UCR registration for the 2018 registration year by a month, from October 1 to November 1, 2017.

Carriers and other businesses subject to UCR will NOT be able to register or pay their 2018 UCR fees until November 1, either through the national online UCR system at www.ucr.in.gov or directly through their base states.

In addition, the 2018 fees will be nine percent lower than the fees have been for the past eight years. That's because the UCR collections as a whole have exceeded what the UCR program was designed to bring in.

In such a situation, the federal law under which the program exists requires the fees to be reduced, both to prevent future over-collections and, in effect, to reimburse the industry for past over-collections. However, it takes a rulemaking by the Federal Motor Carrier Safety Administration to accomplish a change in UCR fees, and the agency needs a little more time to do this.

We'll let you know what the new fees are as soon as we find out ourselves. It is anticipated that the enforcement date for payment of the 2018 UCR fees will remain at January 1st as it has been in the past.

Reprinted from Trucking Minnesota.



Electronic Logging Devices and Hours of Service Supporting Documents
Frequently Asked Questions

JULY
2017

Agricultural Operations (Commodity) Exception, 395.1(k)

FMCSA has issued further guidance in reference to the HOS, 150 air-mile radius (172.6 statute mile), Agricultural Operations (Commodity) Exception, 395.1(k). The guidance has now added unladen, a.k.a. empty, miles to the qualifications or allowance, for using the exception. This means that those who claim and qualify to use the Agricultural Operations (Commodity) Exception, 395.1(k), will also qualify while unladen, going to and/or from picking up and/or dropping off a qualifying load.



As a reminder, anyone who claims and qualifies to use this exception, whether inter and/or intrastate, whether common or private carriers, are not subject to ANY of the HOS regulations while operating within a 150 air-mile radius of going to pick up and/or transporting the following;

(1) Agricultural commodities (as defined in 395.2) from the source of the agricultural commodities to a location within a 150 air-mile radius from the source;

(2) Farm supplies for agricultural purposes from a wholesale or retail distribution point of the farm supplies to a farm or other location where the farm supplies are intended to be used within a 150 air-mile radius from the distribution point; or

(3) Farm supplies for agricultural purposes from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies within a 150 air-mile radius from the wholesale distribution point. Please remember, this is just one of several exceptions available to the agricultural industry and upon stopping to inspect, you will need to determine which exception(s) could apply, based on the load/operation at the time of stop. Just because the load is an agricultural operation, it does not automatically get a free pass and our due diligence to properly apply and enforce the appropriate regulations, is essential for our continuing efforts to ensure the safety of all who use the highways.

Additionally, only the intrastate farm operation/owner of livestock exception found in KSA 66-1,129(c)(1) would relieve drivers and carriers from the requirements of 392.3, Ill or fatigued operator regulation.

Should you have questions please contact KMCA at 785-267-1641.

KMCA Offers Tag Services

Did you know the Kansas Motor Carriers Association offers commercial vehicle tag services? We can help you with the following anytime between 9:00 a.m. and 4:00 p.m. (closed between noon and 1:00 p.m. for lunch) Monday through Friday.

- Opening new IRP accounts
- Collecting and approving title transfer documents
- Issuing IRP temporary registrations
- IFTA mileage and fuel reporting
- UCR and DOT # applications
- State/Federal Authority applications
- IFTA/IRP applications
- IFTA fuel tax reporting service
- IRP/IFTA/UCR registration renewals
- IRP Temporary Registrations

***Renewal season starts soon, please remember any power units over 54,000 pounds require 2290/HVUT. Also renewal season is the only time you can delete equipment from your fleet.*

Annual convention a success - lots of opportunities for networking, learning

Another convention is in the books as the Kansas Motor Carriers Association wrapped up its annual convention in September. The upcoming ELD mandate was a primary focus during the convention with a special education session and vendor showcase being held on Thursday. Before that speakers provided valuable insight on subjects from court cases involving trucking accidents to cargo theft to the state of the industry. Gene Marks, a columnist and small business owner was this year's keynote speaker who discussed preparing your business for the long-term by evaluating the trends in employment, healthcare, and technology.



However, It wasn't all business. A golf tournament, clay shoot and pub crawl started the convention and despite the overcast skies, several members were able to squeeze in their activity before the rain started. One of the highlights of this year's convention was the performance by ventriloquist Greg Claassen. Using props and good-natured humor, Mr. Claassen engaged several members in his act including Kansas Road Team Member Dean Harris.



In addition to all the fun and networking, the usual KMCA business was accomplished including a board meeting and the retiring of President Lori Borgan and the naming of the new president, Brett Weis.

Photos - Outgoing KMCA President Lori Borgan with incoming President Brett Weis, Road Team Member Dean Harris during the ventriloquist's act. Top row left to right - golf tournament, spouses Bunco, and spouses tour of the historic Frank Lloyd Wright home. Bottom row left to right - clay shooters, Kansas Turnpike Authority reception and the keynote speaker presentation.



New requirements for 2018 IFTA renewals

If you use a FEIN or EIN, you must provide verification of the NAME associated with your number. Please submit the SS4 form you recently received from the IRS when registering for a FEIN or call the IRS for a 147c verification letter to be sent to you.

Please call the IRS at 1-800-829-4933 on weekdays during normal business hours.

If you renew by paper, you must complete and submit:

Application and Agreement to Maintain Records

Power of Attorney (if used)

Applicable Renewal Fee

SS4 form or 147c letter

To renew online, go to www.ksrevenue.org and log in to the customer service center:

you must provide the SS4 form or 147c letter by fax or email (can be sent in anytime)

Power of Attorney (if used)

Applicable Renewal fee through EFT/ACH process

At any time you can fax a copy of the 147c letter to the IFTA office at (785) 296-2703 or email it to KDOR_MCTaxes@ks.gov. We will not be able to renew your account until the document has been received.



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Safety Council Meeting recap

Forklift Certification

If you own a trucking company, you know there are several certifications that must be completed to ensure your company is compliant with federal safety standards. This month's Safety Council meeting addressed one of them - forklift certification.

Forklifts are used extensively within the trucking industry to load and move cargo. And just as it is with driving a truck, operators should be trained and certified before operating these vehicles. Too often, careless and untrained operators have sustained serious injury or lost their lives operating heavy duty equipment.



Steve Kendall, the October Safety Council speaker and CDL Trainer and Safety Consultant for Corporate Safety Compliance, Inc. travels all over the state training employees on the proper and safe way to operate a variety of forklifts. "As a consulting service, CSC Inc. works with the Department of Transportation to offer training and certification that meets OSHA requirements."

Training from CSS, Inc. costs \$65 per hour including travel time and can take anywhere from half a day to a full day depending on how many trainees are enrolled. Classes work their way through a comprehensive guide and video that walk the student through the pre-start safety inspection to the design considerations to moving loads. They also discuss the latest trends and models in forklift technology. Next, the students are given hands-on training with the equipment and finally, take a written exam that counts toward their certification. Mr. Kendall warns that a company with outdated and unsafe equipment will not meet the requirements to conduct the training. "We've had to cease training when it was clear the vehicles were not serviced correctly and posed a risk. I would advise companies to consult with their dealer to make sure the lifts are in proper working condition."

Even if employees have had certification at previous employers they must be recertified with their current company. Additionally, recertification should take place every two years for all employees.

"Certification is a small financial and time investment that pays off substantially by creating a safe work environment. OSHA violations and fines can completely disrupt your business. Yes, accidents can and do happen - even to trained individuals but good and regular training will lower those instances significantly," said Mr. Kendall.

To learn more about services offered by CSC, Inc. please visit their website at www.cscks.net.

All members are invited to the Safety Council meetings which are held bi-monthly and feature a wide range of topics that help keep you apprised of the latest trends in safety standards and federal regulation. The next Safety Council, which is December 12, 2017 in Topeka. If you have questions about the meetings or suggestions for topics or locations, please contact Director of Safety and Government Relations Melissa Kershner at mkershner@kmca.org or (785)267-1641.

It's the end of the road for paper logbooks.

New federal regulations mean you have to replace paper-based logbooks with Electronic Logging Devices (ELDs) by December 18, 2017. With Verizon, you get turnkey solutions and technology that's built for the long haul.

Make the switch to ELDs with Verizon and get up to \$200 off when you purchase and activate any 4G LTE tablet and an ELD compliance package.*

verizon[✓]

Visit vzwtechnologies.com/trucking to connect with a Verizon business representative.

*Device payment purchase or new 2-yr. activation required. Tablet must be purchased through Verizon Wireless Representative. Limited time offer. One tablet discount per each compliance package purchased. ©2017 Verizon Wireless.

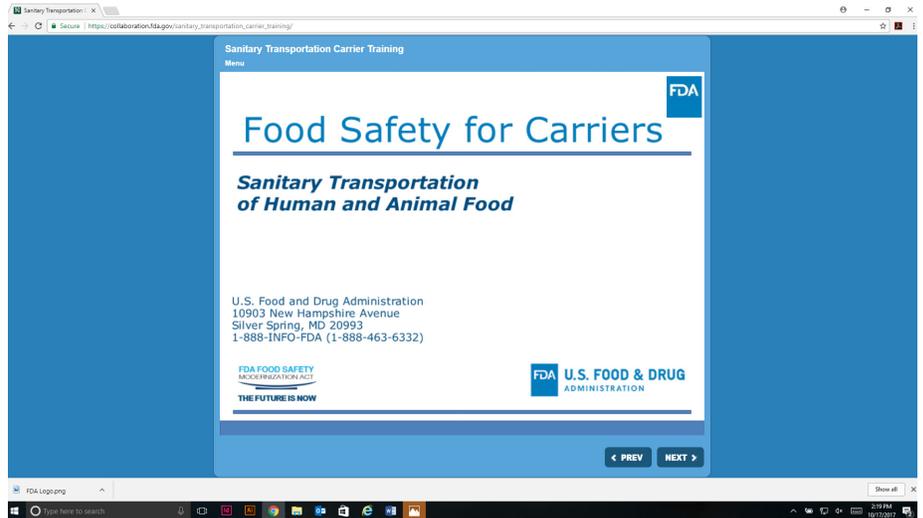
FDA releases training module for sanitary transportation rule

On September 20th, the U.S. Food and Drug Administration (FDA) announced the availability of an online food safety training module for carriers engaged in the transportation of food by rail or motor vehicle in the United States.

FDA is offering this training free of charge to help carriers meet the requirements of the FDA's Sanitary Transportation of Human and Animal Food Rule (Sanitary Transportation Rule).

For information on the announcement and for information on how to access the training, please visit the following site:

<https://www.fda.gov/Food/NewsEvents/ConstituentUpdates/ucm576503.htm>



Reprinted from Trucking Minnesota.

Scholarship Applications Being Accepted for 2018-19

Are you a recent graduate or making a career change? You should apply for the Kansas Motor Carriers Foundation scholarship.

There is no age limit for applicants. However, you must be attending school full-time, 12-hours per semester whether its a four year university, community college or trade school. Learn more and download the application at www.kmca.org. Applications must be received by close of business April 2, 2018.

Kansas Motor Carriers Association staff

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Marcia Stithem, Director of Truck Services, marcia@kmca.org

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New Members

Dunlap Construction Co., Inc. – Garden City, KS
Rockstar Limestone LLC – Emporia, KS
Clint Davis Motor Freight LLC – Emporia, KS
Denton Flory dba Flory Construction – Westphalia, KS
Bo Jangles Hauling LLC – Olathe, KS
Telogis – California/Texas/Ontario

Salina Area Technical College – Salina, KS
Midwest Greyhound Supply, Inc. – Abilene, KS
Nash Grain, Inc. – Altamont, KS

To become a member of the KMCA, please visit our website at www.kmca.org or call (785) 267-1641.

Calendar of Events

November 29, 2017
KMCA Board Meeting
Wichita, KS

December 12, 2017
Safety Council Meeting
Topeka, KS

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