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**ELECTRONIC LOGGING DEVICE ENFORCEMENT GRACE PERIOD ENDS APRIL 1, 2018**

The three-month enforcement grace period for use of electronic logging devices (ELD) to record CDL driver hours of service (HOS) ends on April 1, 2018. CDL drivers caught without an ELD after April 1 will be taken out of service for 10 hours, issued a civil penalty and have points added to their DOT safety scores. The ELD requirement was mandated by Congress in 2012 reauthorization legislation. ELD applies to most motor carriers and drivers who are currently required to prepare and retain written logbooks. ELD does not make any changes to driver HOS requirements. Instead, only the method for recording HOS is changed, from handwritten to electronic records. ELDs record driving time whenever the speed of a CMV exceeds 5 MPH. Petroleum marketers who operate under the 100 air-mile short haul exemption from keeping written logbooks are exempt from the ELD requirement as well. The short haul exemption requires a driver to stay within 100 air-miles from their point of origin, go off duty after 12 hours and take 10 consecutive hours off before returning to work. Trucks manufactured before model year 2000 are also exempt from the ELD mandate.

The official deadline for installing ELD was December 18, 2017. The Commercial Vehicle Safety Alliance (CVSA), a group made up of state and federal motor carrier enforcement authorities nationwide, began partially enforcing the ELD mandate after the December deadline by issuing fines and points against motor carriers and drivers for violations. However, beginning April 1, drivers violating the ELD mandate will also be issued out of service orders. According to the CVSA, drivers receiving an out of service order may use paper logs to reach their final destination but may not be dispatched again for 10 hours and only then with a vehicle equipped with a fully functional ELD.

Click [here](#) to see PMAA's ELD Regulatory Compliance Bulletin.

**SENATE DEMOCRATS WILL FILIBUSTER ADA BILL**

This week, 43 Senate Democrats sent Senate Majority Leader Mitch McConnell (R-KY) a letter stating that they plan to block a bill that the House passed in February that would make changes to the American's with Disabilities Act by filibustering it. In the letter, the Senators called the bill "discriminatory" and said that it would "weaken federal protections for an entire class of Americans."

The bill, H.R. 620, known as the "ADA Education and Reform Act," passed the House by a vote of 225 to 192. The bill aims to put teeth back into the rules to deter harmful litigation. The strain of litigation on the parties involved has created an opportunity for those who wish to exploit the law, particularly in the small business sphere. The mere threat of a lawsuit, even one unsupported by the facts, can force a small business owner to quickly settle a claim. In 2015, 60 Minutes highlighted the rise of "drive by" litigation under the Americans with Disabilities Act (ADA). In some cases, lawyers simply drive down the street, or use Google Maps, to look for any technical violation of the ADA by local businesses. This is quickly followed up by a demand letter to the business.

PMAA strongly supports the "ADA Education and Reform Act" because it would put a stop to these outrageous lawsuits.

**CONGRESS SEEKING SOLUTIONS FOR DRIVER SHORTAGE**

The trucking industry has struggled with a shortage of drivers for nearly a decade and the problem is becoming more severe.

A bill that was introduced in the House recently would allow drivers under 21 years old to operate on interstate highways. Federal law currently restricts interstate trucking to CDL holders 21 years and older. However, most states allow drivers 18 or 19 and older to operate intrastate.

The DRIVE-safe Act, introduced by Reps Duncan Hunter (R-CA) and Rep Trey Hollingsworth (R-IN), would allow drivers 18 and older to operate across state lines, if they meet rigorous training requirements — at least 400 hours of on-duty time with 240 hours of driving time with an experienced driver training them. Training would also be restricted to trucks equipped with active braking systems, video monitoring systems and speed limiters set to 65 mph or slower.

The "Developing Responsible Individuals for a Vibrant Economy Act", H.R.5358, has received significant support from the industry, including UPS, the American Trucking Associations (ATA), the International Foodservice Distributors Association (IFDA) and the National Council of Chain Restaurants, a division of the National Retail Federation.

## NHTSA PLANS TO ELIMINATE HIGHER PENALTIES ON AUTOMAKERS FOR “GAS GUZZLERS”

### **California Will Likely Strike Back**

Earlier this week, the U.S. National Highway Traffic Safety Administration (NHTSA) announced a proposal to eliminate an Obama-era regulation that would significantly increase penalties imposed on automakers for falling short of fuel economy standards, otherwise known as Corporate Average Fuel Economy (CAFÉ) standards. Last year, the NHTSA put the regulation's planned rollout on hold as it examined the rule's potential effects, including its effect on the economy. Automakers have said the rule could cost the industry as much as \$1 billion. The NHTSA proposed this week to eliminate the new regulation altogether because it would have a "negative economic impact." The rule would increase the fine on automakers from \$5.50 per tenth of a mile per gallon to \$14 for each car that failed to hit a gas mileage minimum.

Additionally, the Environmental Protection Agency (EPA) concluded last week that the Obama-era rules to limit vehicle greenhouse gas emissions are too aggressive and should be reformed. The EPA is expected to make the decision public in the next few days.

In September, California and four other U.S. states sued the federal government for delaying the rollout of the higher penalties, as did several environmental groups. A federal appeals court has set an April 12 hearing on the lawsuit. In response to the actions of the NHTSA and EPA, people familiar with the situation have said that California intends to withdraw its “deemed to comply provision,” a rule declaring that carmakers that satisfy the EPA's tailpipe greenhouse gas standards automatically fulfill California's rules too. California accounts for roughly 12 percent of new vehicle registrations annually, giving the state an outsized influence that largely dictates the standards by which auto manufacturers build cars. The Obama Administration aligned federal goals with California standards in 2008.

## FEDERATED'S RISK MANAGEMENT ACADEMY FOR PETROLEUM MARKETERS

For two and a half days, **April 24 - 26** or **September 11-13**, experts at Federated's corporate headquarters in **Owatonna, Minnesota** will guide you through the best practices on how to keep your business safe. These seminars are designed for individuals in positions of risk leadership including owners, operations management, service management, risk management, or human resources. The key to a successful business is implementing and leading a strong risk management culture, so attendees should be in a position to take action! Topics target specific risk management exposures in the Petroleum Industry. Seminar sessions include:

- Pollution Liability
- Risk Managing Your Drivers
- Claims Management
- Employment Practices Risk Management
- Risk Manager Responsibilities
- Family and Business Succession Planning
- Managing Your Workers Compensation
- Underwriting Your Business
- Cyber Risk Management
- Disaster Planning

The seminar is free to attend. For questions, concerns and assistance contact Royetta Spurgeon (507-455-5604), Ryan Crawford (520-820-6478) or your local Federated Marketing Representative. Here is a link for more information <https://www.federatedinsurance.com/ws/fi/InsuranceProducts/RiskManagement/RiskManagementAcademy/index.htm>

## PLAN TO ATTEND THE 2019 WPMAEXPO



Mark your calendars for February 19-21, 2019. Make plans now to attend the 2019 WPMAEXPO. It will be held once again at the Mirage in Las Vegas, Nevada.

#wpmaexpo19

## MARK YOUR CALENDARS FOR UPCOMING EVENTS

**February 19-21, 2019** – WPMA Convention & Expo – Mirage Hotel– Las Vegas, Nevada

**May 3-4, 2018** – NPM&CSA Big Dogs – Red Rock Casino – Las Vegas, Nevada

**June 5-7, 2018** – MPMCSA Convention & Expo – Fairmont, MT

**June 18-21, 2018** – Washington (WOMA) Convention – Suncadia Resort – Cle Elum, Washington

**August 8-10, 2018** – Idaho (IPM&CSA) Convention – Coeur d'Alene Resort – Coeur d'Alene, Idaho

**August 20-22, 2018** – New Mexico (NMPMA) Convention – Sandia Resort & Casino, Albuquerque, NM

**September 12-14, 2018** – Utah (UPMRA) Convention – Doubletree by Hilton, Park City, UT

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**Petro Pete: “Don’t be irreplaceable - if you cannot be replaced, you cannot be promoted.”**

## **CLASSIFIED ADS**

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