

# *The Communicator*

T H E C A L I F O R N I A M O V I N G & S T O R A G E A S S O C I A T I O N

## **Health Care Reform Timeline: Important Deadlines and Dates of 2010-2012**

Source: *Champion Risk & Insurance Services, L.P.*

On March 23, 2010, President Obama signed into law the health care reform bill, the Patient Protection and Affordable Care Act. This legislation, along with the Health Care and Education Reconciliation Act 2010, makes sweeping changes to the U.S. health care system. These changes will be implemented over the next several years.

This is part one of a two part series: part one will consist of health care reform changes from 2010 through 2012 and the second part will consist of health care reform changes set to take place from 2013 through 2014.

### **FEES AND TAXES**

With a total estimated cost of over \$900 billion dollars, the reform of the nation's health care system comes with additional costs and fees. These fees will also be implemented over the next several years. However, health care reform also includes

some subsidies, in the form of tax credits, to help individuals and businesses pay for coverage.

**Small Business Tax Credit.** The first phase of the small business tax credit for qualified small employers began in 2010. These employers can receive a credit for contributions to purchase health insurance for employees. The credit is up to 35 percent of the employer's contribution to provide health insurance for employees. There is also up to a 25 percent credit for small nonprofit organizations. When health insurance exchanges are operational, tax credits will increase, up to 50 percent of premiums.



**Indoor Tanning Services Tax.** One additional tax imposed by the health care reform law is a 10 percent tax on amounts paid for indoor sun tanning services.

**Medicare Part D Discounts.** In order to make prescription drug coverage more affordable for

*(Reform Timeline cont. on page 6)*



## Chairman's Corner

By: Rick Hosea

I want to personally thank my Executive Board for their participation at our first-ever Executive Board Retreat. Each member brought a wealth of experience and passion to this year's meeting, which began on Friday afternoon in

San Diego. Our first meeting was to cover the weekend agenda and lay out the topics to be discussed during our Saturday morning meetings. That evening, we held a team building group dinner at a local restaurant.

Saturday morning, we engaged in dialogue and together came up with winning strategies which we deemed achievable in the following areas: membership, chapter events, future leadership, military involvement by CMSA staff, PUC enforcement and a CMSA-organized trip to Latin America for 2013. We also worked through to develop future action plans to focus on chapters, which need support from CMSA, and its Board Members to enhance involvement for

mover members. We concluded the meeting with much energy and focus for this coming year's goals and programs along with a commitment from all Executive Board Members to follow through to achieve our desired results.

From there, we were treated to an enjoyable afternoon by Jeff Nadeau (current Associate Board Member) as he hosted the Executive Board to a trip on Mission Bay aboard a pair of pontoon boats, and provided each boat with snacks and beverages. Thanks to Jeff Nadeau and Dewitt Companies for their generosity and hospitality for the enjoyable time at Mission Bay.

We capped our Retreat weekend with a team-building group dinner in San Diego's Little Italy, where we enjoyed an authentic Italian dinner. Mitch Snelson, who served two terms as an Associate Board Member, sponsored a portion for our final night's team-building dinner. We were grateful to him and CDS for their generous offer, and their well wishes for this year's Retreat efforts and goals.

All in all, we had a nice time working together and enjoying each other's company throughout this year's Retreat. I would like to extend my gratitude to all the wives of the

*(Chairman's Corner cont. on page 4)*



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## **President's Comments**

By: Steve Weitekamp

Military business continues to be a significant segment, currently approximately 23 percent, of the moving market. CMSA, with the guidance and direction of our Military Affairs Committee and Board of Directors, has established a

voice in support of our core membership, the local agents and their van operators, who perform the moving service our military expects and requires. The DP3 program has presented challenges to service providers, agents and van operators, who have come to rely on a rate scheme that includes a fuel surcharge. Below is a recap of some recent activity related to this issue.

In July, Major General Richardson, Commanding General Military Surface Deployment and Distribution Command (SDDC), stated in an email:

"AS DISCUSSED AT THE MEETINGS, MY GOAL IS TO ENSURE TRANSPARENCY ON KEY SDDC INITIATIVES. ONE SUCH INITIATIVE THAT WAS MENTIONED BUT NOT DISCUSSED IS THE WAY AHEAD ON THE FUEL SURCHARGE (FSC) POLICY. I'VE HAD AN OPPORTUNITY TO CAREFULLY REVIEW THE INTENT OF THE POLICY. ITS BASIC PURPOSE IS TO ENSURE INDUSTRY TRANSPORTATION SERVICE PROVIDERS (I.E., THE BEARERS OF FUEL COSTS) RECEIVE REASONABLE RELIEF FROM UNANTICIPATED INCREASES IN DIESEL FUEL PRICES. I SEE THIS AS BEING VERY IMPORTANT TO ENSURING VIABLE CAPABILITY TO MEET THE DEPARTMENT OF DEFENSE (DOD) MISSION. AS SUCH, SDDC WILL CONTINUE TO SUPPORT A POLICY.

IN VIEW OF THIS DECISION, I ALSO FIND THAT WE'RE NOT NECESSARILY

*(President's Comments cont. on page 11)*

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(**Chairman's Corner** cont. from page 2)

Executive Board for their support. I hope that you all had an opportunity to spend quality time with one another this weekend. Both Claret (my wife) and I look forward to seeing you all again in October for this year's Fall Board meeting.

I want to take this opportunity to thank all our Associate Members for their dedication to the CMSA. We all couldn't imagine doing the work we do day in and day out without their support. They are truly our business partners, and we wouldn't be able to achieve our business goals without their daily assistance for each of our enterprises. I salute you all for choosing to be our partners in our businesses, and in CMSA.

I look forward to seeing you all at your local chapter meetings. It won't be long before our chapters will start planning their informative programs throughout our Golden State. I encourage you all to participate by attending your chapter meetings, and supporting your Chapter Presidents as they work to provide you with quality programs this fall. Chapters are also preparing for the chapter fundraisers to benefit the Scholarship Fund and the Special Olympics. Please check the CMSA Calendar for those events near you.



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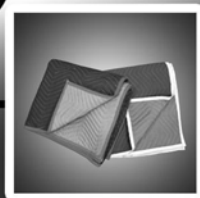
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**(Reform Timeline cont. from page 1)**

Medicare enrollees, the new law will provide a 50 percent discount on all brand-name drugs and biologics (medical products isolated from natural resources rather than chemically synthesized) in the coverage gap. It also begins phasing in additional discounts on brand-name and generic drugs to completely fill the coverage gap by 2020 for all Part D enrollees.

Additional Preventive Health Coverage. The new law provides a free, annual wellness visit and personalized prevention plan services for Medicare beneficiaries and eliminates cost-sharing for preventive services beginning in 2011.



**FEES AND TAXES**

Increased Tax on Withdrawals from HSAs and Archer MSAs. The health care reform law increased the additional tax on HSA withdrawals prior to age 65 that are not used for qualified medical expenses from 10 to 20 percent. The additional tax for Archer MSA withdrawals not used for qualified medical expenses also increased from 15 to 20 percent.

**2012**

**HEALTH INSURANCE REFORM**

Preventive Care for Women. Beginning in 2010, non-grandfathered group health plans and health insurance issuers offering group or individual non-grandfathered health insurance coverage were required to provide coverage for preventive services with no

**(Reform Timeline cont. on page 7)**



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**(Reform Timeline cont. from page 6)**

cost-sharing requirements. Effective for plan years beginning on or after August 1, 2012, the required preventive services include specific services for women, including contraceptives and contraceptive counseling. Exceptions to the contraceptive coverage requirement apply to religious employers.

**EXPANDED INSURANCE COVERAGE**

Community Living Assistance Services and Supports Program (CLASS Act). As noted above, the CLASS Act, which creates a voluntary long-term care insurance program, was technically effective Jan. 1, 2011. However, significant aspects of the program, such as enrollment and premium payment rules, will not be established until 2012. Note: Implementation of the CLASS Act was suspended on Oct. 14, 2011, due to concerns on fiscal sustainability and affordability.



**HEALTH PLAN ADMINISTRATION**

Uniform Summary of Benefits and Coverage. All non-grandfathered and grandfathered health plans will be required to provide a uniform summary of the plan's benefits and coverage to participants. The summary will have to be written in easily understood language and will be limited to four pages. Any mid-year changes to the information contained in the summary will have to be provided to participants 60 days in advance. The health care reform law indicated that plans would be required to start providing the summary by March 23, 2012.

Note: On Nov. 17, 2011, the Department of Labor (DOL) issued guidance that delayed the deadline for plans to begin providing the summary until after the release of final regulations. On Feb. 9, 2012, HHS, the DOL and the Treasury Department issued final regulations on the

**(Reform Timeline cont. on page 8)**

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***(Reform Timeline cont. from page 7)***

summary of benefits and coverage requirement.

The final guidance provides that plans and issuers must start providing the summary by the following deadlines:

- Issuers must provide the summary to health plans effective Sept. 23, 2012;
- Plans and issuers must provide the summary to participants and beneficiaries who enroll or re-enroll during an open enrollment period starting with the first day of the first open enrollment period that begins on or after Sept. 23, 2012;
- Plans and issuers must provide the summary to participants who enroll for coverage other than through an open enrollment period (for example, newly eligible individuals and special enrollees) starting with the first day of the first plan year that begins on or after Sept. 23, 2012.

Reporting Health Coverage Costs on Form W-2. Employers will be required to disclose the value of the health coverage provided by the employer to each employee on the employee's annual Form W-2. Note that this requirement is effective, but optional, for the 2011 tax year and will be mandatory for later years for most employers. This requirement is optional for small employers (those filing fewer than 250 Form W-2s) at least for the 2012 tax year and will remain optional until further guidance is issued.



Medical Loss Ratio Rebates. Fully insured plans will receive rebates by Aug. 1, 2012, if they qualify for a rebate from their health insurance issuers due to the medical loss ratio (MLR) rules. The MLR rules require insurance companies to spend a certain percentage of

premium dollars on medical care and health care quality improvement, rather than administrative costs. Any portion or a rebate that is a plan asset must be used for the exclusive benefit of the plan's participants and beneficiaries. This may include, for example, reducing participants' premium payments.

#### **FEES AND TAXES**

Comparative Effectiveness Research (CER) Fees. Effective for plan years ending on or after Oct. 1, 2012, issuers and sponsors of self-insured health plans must pay CER fees to fund health care research. The CER fees do not apply for plan years ending on or after Oct. 1, 2019. Thus, for calendar year

plans, the CER fees will be effective for the 2012 through 2018 plan years. For plan years ending before Oct. 1, 2013 (that is, 2012 for calendar year plans), the research fee is \$1 multiplied by the average number of lives covered under the plan. The fee goes up to \$2 for plan years ending on or after Oct. 1, 2013, and before Oct. 1, 2014, and will be indexed of future years. CER fees must be reported and plan by July 31 of each year, and will generally cover plan years that end during the preceding calendar year. The first possible due date for paying CER fees is July 31, 2013.

***Stay Tuned for the September 2012 Issue  
on Upcoming Health Care Reform Changes  
from 2013 through 2014!***



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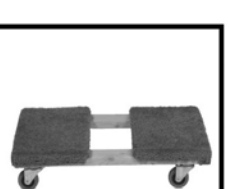
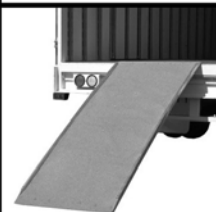
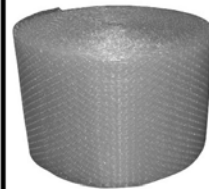
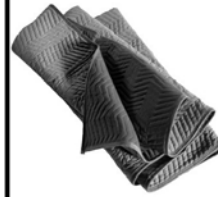
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# **CARB Truck Rule to Require Van Lines to Verify Agent and Contractor Compliance *Rule*; Advisory Expected this Month**

By: Sean Edgar, *CleanFleets.net*

California's new clean air laws will transform the way that van lines, movers and their customers do business in the future. Virtually every diesel engine used in moving and storage has a clean-up mandate over the next decade, and cost will be affected along the way. Under new compliance advice from CARB, van lines and agents that hire or dispatch diesel trucks are expected to verify the compliance status of hired or dispatched diesel vehicles subject to the Truck and Bus Rule. There is a significant downside to owning or contracting equipment that does not meet statewide standards.

The Statewide Truck & Bus Rule requires that, "Any in-state or out-of-state motor carrier, California broker, or any California resident who operates or directs the operation of any vehicle subject to this regulation shall verify that each hired or dispatched vehicle is in compliance with the regulation and comply with the record keeping requirements...." A frequently-asked-questions posting is expected to be posted this

week or next week at [www.arb.ca.gov/dieseltruck](http://www.arb.ca.gov/dieseltruck) that will specify who and how compliance verification is needed.

CMSA members should also expect an enforcement presence this month by CARB as part of "Gear Up for Clean Truck Month." CARB is launching a multi-agency campaign to make sure that trucks traversing the state's highways are in compliance with state air pollution laws. Major corridors through the state will be the subject of this month's long effort. Working in conjunction with the California Highway Patrol and other allied agencies, CARB will deploy inspectors throughout the state, focusing on trade hubs, weigh stations, ports, rail yards and major points of entry into the state. The August 2 press release describing the CARB effort can be located at <http://www.arb.ca.gov/newsrel/newsrelease.php?id=335>

CleanFleets.net is expecting to conduct compliance workshops in Southern California from August 14 to 17 to address subcontractor verification as well as Truck and Bus and Tractor-Trailer Rule updates (see [www.CleanFleets.net](http://www.CleanFleets.net)).

## MEMORIAL BULLETIN



### **Former CMSA Chairman Dan Kaske 1934 — 2012**

Born on June 25, 1934 in Madison, South Dakota, former CMSA Chairman Dan Kaske passed away August 2, 2012, surrounded by his family and loved ones.

Kaske was founder and CEO of Apace Moving Systems for 30 years before retiring. During this time, he was installed as the 1999-2000 Chairman of the California Moving and Storage Association (CMSA).

Kaske was passionate about helping others and demonstrated it by his volunteer work at St.

Josephs Hospital, and was a member of American Legion, Post #227. A man of incredible integrity, he was a dedicated husband, loving father, grandfather and great grandfather. He had many passions for life and most recently was extremely proud of his chairing of the golf tournament, benefiting the American Legion, Post #227. He loved golf and was a member of the 19ers and Dana golf groups.

He is survived by his bride of 39 years, B.J. Kaske; his sons Steve, Sam, Doug and Tim; his daughter Stacey; 14 grandchildren and 4 great grandchildren.

# Credit Charge Surcharges Already Against Law in California

The much-publicized proposed settlement announced earlier in July between Visa/MasterCard and U.S. retailers will have limited, if any, application in California, which is one of 10 states that prohibit surcharges for credit card transactions. The proposed settlement requires Visa, MasterCard and some banks to settle retailers' claims, temporarily reduce transaction rates and permits retailers to charge checkout fees or credit card surcharges.

California's ban on credit card surcharges applies to private businesses, but not government agencies or public utilities.

The California law prohibiting the surcharges was enacted in 2005, but specifically allows discounts for cash payments.

As stated in Section 1748.1(a) of the California Civil Code: "No retailer in any sales, service



or lease transaction with a consumer may impose a surcharge on a cardholder who elects to use a credit card in lieu of payment by cash, check or similar means. A retailer may, however, offer discounts for the purpose of inducing payment by cash, check or other means not involving the use of a credit card, provided that the discount is offered to all prospective buyers."

Other states that ban credit card surcharges, according to The Electronic Payments Coalition, are Colorado, Connecticut, Florida, Kansas, Maine, Massachusetts, New York, Oklahoma and Texas.

The proposed settlement, which requires court approval, is opposed by some retailers, including Wal-Mart and Target.

Source: California Chamber of Commerce, *Alert*

## ***(President's Comments cont. from page 3)***

MEETING THE INTENT OF REASONABLE RELIEF FROM UNANTICIPATED INCREASES. DIESEL FUEL PRICES HAVE STABILIZED; THEREFORE, DOD MUST REFLECT THE CURRENT ECONOMIC CONDITIONS. USING A YEAR-OVER-YEAR METHOD, SDDC WILL ADJUST THE FSC BASELINE FROM THE CURRENT \$2.50 TO THE 12-MONTH NATIONAL AVERAGE. THIS CHANGE WILL APPLY TO ALL FREIGHT COMMODITIES INCLUDING PERSONAL PROPERTY SHIPMENTS MOVING VIA MOTOR TRANSPORTATION. WE INTEND TO IMPLEMENT THE ADJUSTMENT IN EARLY

## 2013 TO ALLOW YOU TIME TO MAKE ANY NECESSARY CHANGES."

Subsequent to the Commanding General's email, CMSA responded with a letter to the General in which we stated, in part:

"In your recent communication on this issue, you state, 'We intend to implement the adjustment in early 2013 to allow you time to make any necessary changes.' In a rational and efficient market, your timeline from announcement to implementation would be reasonable and sufficient. Unfortunately, as I have shared with you previously, this is not the market that

***(President's Comments cont. on page 12)***

*(President's Comments cont. from page 11)*

exists for the Military Moving Service Provider.

TSPs set the rates for services that they do not directly provide. If there was some linkage, a benefit or need for a TSP to be alert to the financial implications to the Service Provider when pricing work, then your proposed changes could be reasonably expected to be addressed in future pricing. Unfortunately, a consequence of the DP3 program is a de-linkage between the TSP, who bids for the work, and the Service Provider, who performs it. It is important to realize that Service Providers, not TSPs, purchase the fuel. The fact that TSPs do not participate in the revenue derived from the SDDC Fuel Surcharge leads one to anticipate that it will not be of high priority when TSPs develop rates and compete for business in the future.

Military Moving Service Providers perform a unique and difficult task where

every move and the people involved present new opportunities and challenges. Unlike the larger freight industry, we are not transporting goods from dock to dock with a cargo on whose consistency we can rely. We never forget that we are moving individuals, many of whom are facing the challenges and rigors that accompany a life in service to our country. Local Agents and drivers consider it a privilege to provide service to our military member."

After a brief period, during which SDDC received letters regarding a possible policy modification with well-developed requests for studies, delays and requests to maintain the program in its current state from CMSA, AMSA and IAM, the General announced his decision. His email stated:

"TO: WORLDWIDE PERSONAL PROPERTY SHIPPING OFFICES (PPSOS) AND TRANSPORTATION SERVICE PROVIDERS (TSPs)

*(President's Comments cont. on page 13)*

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*(President's Comments cont. from page 12)*

SUBJ: DEFENSE PERSONAL PROPERTY FUEL SURCHARGE (FSC) POLICY CHANGE

1. THIS MESSAGE PROVIDES AN UPDATE ON CHANGES TO THE TR-12 FUEL RATE ADJUSTMENT (FRA) POLICY.
2. MILITARY SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND (SDDC) WILL INCREASE THE DEPARTMENT OF DEFENSE (DOD) DOMESTIC FRA EFFECTIVE 15 MAY 2013 FOR PERSONAL PROPERTY SHIPMENTS. THIS CHANGE APPLIES TO PERSONAL PROPERTY MOVEMENTS WITHIN THE UNITED STATES AND FOR THE DOMESTIC LINE HAUL PORTION OF INTERNATIONAL PERSONAL PROPERTY MOVEMENTS. SDDC WILL UTILIZE A YEAR-OVER-YEAR, 12-MONTH

METHODOLOGY BASED ON THE U.S. ENERGY INFORMATION ADMINISTRATION NATIONAL AVERAGE. USING THIS METHODOLOGY, SDDC WILL ADJUST THE CURRENT BASELINE FROM \$2.50 TO \$3.93.

NOTE: THIS FRA CHANGE FOR PERSONAL PROPERTY SHIPMENTS WILL BECOME EFFECTIVE ON 15 MAY 2013."

While we are appreciative to be a part of the discussion with the SDDC, CMSA and other industry associations are concerned that SDDC appears to have made their decision that will have a significant impact on industry, in particular, our already financially stressed van operators without addressing the concerns identified in our letters. As of the time of this article, your CMSA Military Affairs Committee Chair Tim McCarthy and I are scheduled to meet with the General at Scott AFB, along with AMSA and IAM representatives, to share our concerns in person.



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# CPUC Investigations Result in Enforcement Actions and Fines Imposed on Various Moving Companies

SAN FRANCISCO, July 19, 2012 – The California Public Utilities Commission (CPUC), in its ongoing commitment to consumer protection, has recently taken a number of actions to protect consumers from illegally operating moving companies.

During the second quarter of 2012, CPUC staff took the following enforcement actions against moving companies for violations of the Public Utilities Code and CPUC rules and regulations, including Maximum Rate Tariff 4 (MAX 4), which contains maximum rates that carriers must observe as well as rules and regulations governing intrastate moves.

## Overcharges and Refunds

CPUC staff assisted and/or directed moving companies to refund consumers more than \$15,000 for overcharges and other violations of the Maximum Rate Tariff 4.

## Phone Disconnections

As part of its ongoing efforts to clamp down on illegal moving companies, the CPUC had telephone service shut off to two moving companies operating in California without household goods permits. These companies continued to advertise and hold themselves out to engage in the business of transporting used household goods, notwithstanding CPUC staff directives to immediately cease and desist unlawful acts and to obtain household goods permits.

- **Larry White dba Mr. Mover, Oakland (Unlicensed):** This company advertised and operated without authority. Its advertisement listed one phone number. Notwithstanding the CPUC's Cease and Desist order directing the company to immediately cease all unlawful advertisements and operations, the company continued to violate the law. On April 24, 2012, the *(CPUC Investigations cont. on page 15)*



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GENERAL LIABILITY	COMMERCIAL PROPERTY	BENEFITS PROGRAMS	SPECIALTY COVERAGES	



*(CPUC Investigations cont. from page 14)*

CPUC obtained a Finding of Probable Cause signed by an Alameda County Superior Court Judge. The Finding orders disconnection of telephone service to the telephone number advertised and used by the company to violate criminal laws in the State of California.

- **Robert Titus, et al. dba Titus Moving, Menifee (Unlicensed):** This company operated and advertised without authority. Its advertisement listed one telephone number. Notwithstanding the CPUC's cease and desist order directing the company to immediately cease all unlawful operations, the company continued to violate the law. On April 26, 2012, the CPUC obtained a Finding of Probable Cause signed by a



Riverside Superior Court Judge. The Finding orders disconnection of telephone service to the telephone number advertised and used by the company to violate criminal laws in the State of California.

#### **Official Notice**

The following nine companies were issued an Official Notice for advertising and operating without a permit:

1. Moves Made Easy LLC dba Moves Made Easy, Sacramento (Unlicensed)
2. Alex Soroka, dba Pacific Rim Movers, Sherman Oaks (MTR 190881)
3. Matin Khosrow dba OC American Movers Inc., Anaheim (MTR 190889)
4. Elmer Shannon dba Safe Movers, Emeryville (MTR 190891)

*(CPUC Investigations cont. on page 16)*

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**(CPUC Investigations cont. from page 15)**

5. MNM Moving & Storage Inc., dba Spade Moving, Los Angeles (MTR 190794)
6. Steve Shannon dba Tip Top Movers, Sacramento (MTR 190905)
7. Guy Whetton dba Great British Movers of Grass Valley, Grass Valley. (Unlicensed)
8. Ian The Mover, Los Angeles (Unlicensed)
9. JT Moving Service, dba JT Relocation and Moving (Unlicensed)

**Cease and Desist Notice**

Twenty-one companies were issued a cease and desist notice for operating and advertising without a valid permit (unlicensed, revoked or denied).

Companies issued a C&D notice:

1. Yuval Bitton dba Elite Moving & Storage Inc., Sun Valley (MTR 189126)
2. Fast & Easy Moving, Glendale (Unlicensed)
3. Grigore Guzun and Balan Tolen dba Equator Moving, San Diego (Unlicensed)
4. Local Traffic Solution, Inc. dba Ant Mov-

- ing, North Hollywood (MTR 0190549)
5. Gary Lee Shuey dba Cal West Transfer, Santa Cruz (MTR 115787)
6. Careful Moving, Inc. dba Hodges Moving and Storage, Santa Cruz (MTR 189314)
7. Flavio Aquino dba AA Moving & Delivery Service, San Diego (Unlicensed)
8. Murphi Bennett Kennedy dba All N 1 Moving, San Diego (Unlicensed)
9. Mark Harrell dba Family Movers, Menifee (Unlicensed)
10. Champions Movers Inc., San Jose (MTR-190342)
11. The Small Delivery Co., Compton (Unlicensed)
12. JT Moving Service, Los Angeles (Unlicensed)
13. Roberto Arias dba 24/7 Moving Services, East Palo Alto (Unlicensed)
14. Chris Rivera dba Liquid Relocation, Costa Mesa (MTR 190341)
15. HHG 2035. Gerald Frizzel dba Stagecoach Moving Design and Logistics, San Rafael (MTR-Unlicensed)
16. Viking Moving & Storage Inc., Oakland (MTR 190733)

**(CPUC Investigations cont. on page 18)**

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## ATA Brief Asks Court to Set Aside Portions of New HOS Rule

ARLINGTON, Va. – In a brief filed Tuesday with the U.S. Court of Appeals for the District of Columbia Circuit, the American Trucking Associations said federal rules further restricting drivers' ability to work and drive would add tremendous cost to the economy and undue burden onto drivers while providing minimal possible safety benefits.

The ATA is the petitioner in a suit filed with the court in February, asking the court to review the Federal Motor Carrier Safety Administration's final HOS rule published in December 2011.

The association was joined by a lengthy list of interveners, including the Owner-Operators Independent Drivers Association, the National Industrial Transportation League, William B. Trescott, Health and Personal Care Logistics, the National Shipper's Strategic Transportation Council and the Truckload Carriers Association.

"From the outset of FMCSA's review of the hours-of-service rule, ATA has contended that the rules that have been in place since 2004 have been working and have been a major con-

tributing factor in the reduction in truck-involved crashes and fatalities," ATA President and CEO Bill Graves said. "FMCSA systematically, and without regard for science or logic, distorted the available data in order to fit it to a predetermined and arbitrary outcome. The brief filed today lays out this case convincingly, and we believe the court will come to see the merits of our case and vacate these potentially ruinous changes."

In its brief, ATA calls FMCSA's changes "arbitrary and capricious as well as unwarranted."

The ATA and other groups have complained most about provisions in the new rule that restrict the use of the 34-hour restart to only once every 168 hours and require that any 34-hour restart include to 1 a.m. to 5 a.m. periods, and the off-duty break requirement that says a trucker may drive only if eight hours or less have passed since end of driver's last off-duty period of at least 30 minutes. They are also concerned that the new rule narrowed the regulatory exemption

*(ATA Files Brief cont. on page 18)*



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# CMSA Chapter Presidents and Leadership Attend 2012-2013 Orientation

With the summer season in full swing, the CMSA Chapter Presidents and other Chapter Leaders attended the annual Chapter Presidents/Leadership Orientation to talk about current issues in the industry and brainstorm on chapter meeting programs that will benefit members. Two meetings were hosted — one in Southern California at the CMSA office and the other in northern California at Chipman Relocations.

CMSA would like to thank Jim Weiant for allowing the use of Chipman Relocations' conference room for CMSA to conduct its northern California meeting in Sacramento.

Calling the meeting to order, CMSA President Steve Weitekamp reviewed the expectations and responsibilities of the Chapter President and other Chapter Leaders' roles in sup-

porting the development of chapter activities.

Weitekamp discussed several bullet-point topics that Chapter Leaders may want to include as part of their meeting programs during the

year. One topic was a recent policy development for military moves involving an upcoming change in fuel surcharge fees. Another topic includes the CMSA-sponsored AB 2118 bill currently being evaluated in the state Legislature.

Though it is still being reviewed by state representatives, it is worthwhile to discuss the specifics of the bill due to its protections for moving companies and consumers alike as well as to further restrict unlicensed operators from conducting illegal moves. The topic of CARB regulations was also discussed with emphasis on on-road diesel engine

*(Chapter Presidents cont. on page 19)*



**Northern Chapter Presidents and Leaders**

## *(CPUC Investigations cont. from page 16)*

17. Zhiyuan Zhang, Qing Jie Li, Shengmeng Yu, Xia Li, dba Express Moving Services, Union City (MTR 189756)
18. Next Transportation LLC & Ken Paiva, Carson (Unlicensed)
19. Valencia Movers/ LA Movers & Packing Company, Valencia (Unlicensed)
20. Mark Reynold Anderson dba Viking Piano Movers, San Rafael (MTR 190791)
21. McDaniel Frederick L and Vera Porfirio C and Michael Salomon, dba Nexus Chauffeured Limousine, West Hills (MTR 0021205)

For more information on the CPUC, please visit [www.cpuc.ca.gov](http://www.cpuc.ca.gov).

## *(ATA Files Brief cont. from page 17)*

granted to short-haul drivers by subjecting those drivers to the off-duty break requirement.

The ATA brief asks that all four provisions in the new rule be set aside as arbitrary and capricious.

"The agency claims that restart restrictions and the off-duty break requirement are justified by the cost-benefit analysis in FMCSA's Regulatory Impact Analysis. That 'analysis,' however, is a sham," the brief said. "FMCSA stacked the deck in favor of its preferred outcome by basing its cost-benefit calculations on a host of transparently unjustifiable assumptions. FMCSA, therefore, cannot justify the 2011 final rule on the ground that it has net benefits."

ATA continues to say the agency's "purported justifications contradict the evidence in the administrative record and require the agency to ignore, without any supporting basis, numerous positions it previously adopted."

Source: *The Trucker*

**(Chapter Presidents cont. from page 18)**

provisions, periodic smoke tests and the idling rule. With this overview of issues that CMSA is tackling, the chapter leadership will be better informed to guide the discussion of these issues at the chapter level with local members.

During the meeting, Weitekamp stressed the importance of the Association's continuing effort in recruiting new members as well as drawing in inactive CMSA members to their local chapters with worthwhile chapter programs.

With the tremendous success of last year's fundraiser events, Chapter Leaders were encouraged to plan and execute chapter fundraisers. Chapter leadership should be a driving force in the success of their fundraisers, and

should be attentive to its development. Chapter fundraisers are the primary source of funds for the CMSA Scholarship Fund, which is used to award \$51,000 in scholarships to well-deserved students every year. CMSA also donates \$5,000 to the Special Olympics every year, thanks to chapter donations, to help individuals with mental disabilities gain self-confidence and hone life-long skills.

Thank you to all Chapter Presidents and Chapter Leaders who devoted time during the summer season to attend these meetings and help shape the chapter planning to benefit all members. As always, CMSA asks all members to remain active by regularly attending the meetings and help contribute to the voice of your Association.



**Southern Chapter Presidents and Leaders**

## CLASSIFIED ADVERTISING

**CHARGES:** 1-5 lines \$15; \$2 each additional line. CMSA box number \$5; Special heading/set up extra.

Replies to ads noting box numbers to be sent to: CMSA Communicator, 10900 E. 183rd St., #300, Cerritos, CA 90703. Call Brianna Wahlstrom at (562) 865-2900 to place your advertisement.

### **\$100K PASSIVE INCOME MOVING BUSINESS**

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### **EMPLOYMENT OPPORTUNITY**

Looking for managers in L.A./Orange and Northern Bay Area. Must be extremely computer literate. Must be good with people and should have experience in the Moving and Storage Industry. Send resumes and letters of inquires to: CMSA, Box J2, 10900 E. 183rd St., #300, Cerritos, CA 90703.

## Calendar of Events

Tues., September 11	Twin Counties Chapter Meeting	Wed., December 12	Ventura/Santa Barbara Chapter Meeting
Tues., September 11	Monterey Bay Chapter Meeting	Tues., January 15	Mid Valley Chapter Meeting
Wed., September 12	San Diego Chapter Meeting	Wed., January 16	Monterey Bay Chapter Meeting
Thu., September 13	O.C./Beach Cities Chapter Meeting	Thu., January 17	Central Coast Chapter Meeting
Tues., September 18	No. Region Chapter Golf Tournament	Tue., February 19	North Bay Chapter Meeting
Wed., October 3	San Diego Chapter Meeting	Wed., February 20	Northern Region Chapter Meeting
Fri., October 5	Monterey Bay Chapter Golf & Bocce	Thu., February 21	Sacramento Chapter Meeting
Wed., November 14	San Diego Chapter Meeting	Wed., March 13	San Diego Chapter Golf Tournament
Fri., December 7	Northern Region Chapter Crab Feed	Thu., March 21	Sacramento Chapter Golf Tournament
		May 14-19	95th Annual Convention



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