

# *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

## **New California Employment Laws Passed in 2012**

By: Brandi Gordon, *SharedHR*

2012 proved to be another busy year for legislative action on employment-related matters. Governor Jerry Brown signed into law several bills that mark significant changes for California employers. Companies should prepare now to comply with these new laws (most of which become effective January 1, 2013) and adjust their practices accordingly. Below is a summary of several of the most significant new laws affecting employers.

### **AB 1884 Employer Use of Social Media.**

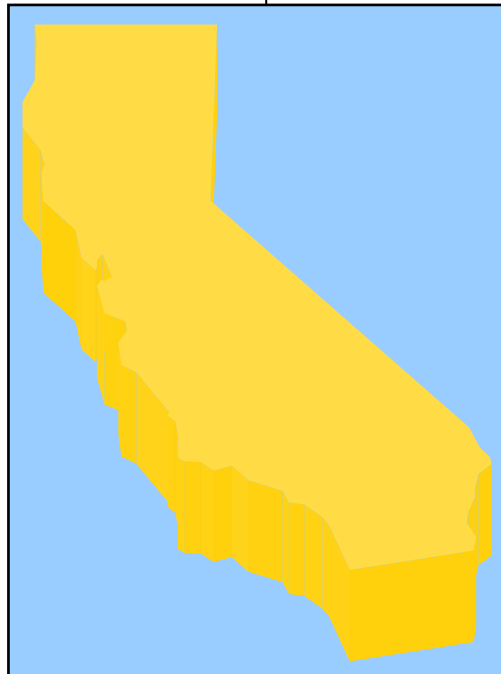
This law prohibits an employer from requiring or requesting an employee or applicant for employment to disclose a username or password for the purpose of accessing personal social media, to access personal social media in the presence of the employer, or to divulge any personal social media. AB 1884 also prohibits an employer from discharging, disciplining, threatening to discharge or discipline or otherwise retaliating against an employee or applicant for not complying with a request or demand by the employer that violates these provisions.

The law acknowledges an employer's existing rights and obligations to request an employee to divulge personal social media reasonably believed to be relevant to an investigation of allegations of employee misconduct or employee violation of applicable laws and regulations, provided that the

social media is used solely for purposes of that investigation or a related proceeding. The law does not preclude an employer from requiring an employee to disclose a username, password or other method for the purpose of accessing an employer-issued electronic device.

### **Temporary Services Employers – AB 1744:**

Effective July 1, 2013, California Labor Code Section 226 will impose additional requirements on temporary services employers. There is a special exemption for certain security services companies, otherwise all employers of temporary services staff will be required to specify on an employee's wage statement the rate of pay and total hours worked for each temporary assignment and to disclose on a new hire notice the name, physical address for the main office, mailing address (if different) and telephone number for the legal entity for which the employee will perform work.



### **AB 1964 Religious Dress.**

The law reiterates that religious dress practice or a religious grooming practice is a belief or observance covered by the protections against religious discrimination in the FEHA. An accommodation of an individual's religious dress practice or religious grooming practice that would require that person to be segregated from the public or other employees is not a reasonable accommodation under FEHA.

*(New California Laws cont. on page 6)*



## Chairman's Corner

By: Rick Hosea

This October, the CMSA Board of Directors met in Monterey, Calif., and accomplished a great deal of work the weekend we met; they completed two whole days' worth of work in only the space of one afternoon. I want to

thank each board member for their focused dedication toward promoting our values and working hard toward improving our industry. We also had a rare opportunity as board members to support the Monterey Bay Chapter's 2012 Golf and Bocce Ball event. I would like to thank the Monterey Bay Chapter, Vince Cardinale and Cardinale's team for contributing to our board members' memorable weekend in the lovely town of Monterey. I am pleased to announce that two of our board members and their partners were the Bocce Ball Tournament winners this year. Ken and Linda Armstrong, and P.J. Welch (Vice Chairman) and Jescika Dunkin all managed to beat the home-team

favorites.

Immediately upon our return to the Bay Area that Sunday, Steve and I caught a flight to Washington D.C. to attend the Pan American International Moving Association (PAIMA) and the International Association of Movers (IAM) 2012 Conventions. We hope to bring more opportunities for those wishing to open up to international lines of business by simplifying this issue for our members. We want to offer an opportunity for members who might be interested in visiting one or more countries in Central America to meet and network with local moving professionals next year in their home country. We will provide further information about this CMSA-organized trip in the upcoming Communicator. For those potentially interested in this travel opportunity, we hope you consider joining us on this educational adventure with Steve and other members. While attending both PAIMA and IAM Conventions, we made many connections with old friends, and we met just as many new friends during our weeklong stay. Several new contacts expressed desire to explore opportunities with CMSA by joining our Association.

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

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## **President's Comments**

By: Steve Weitekamp

Our country has completed another national election and the people have spoken. Regardless of your opinion of the outcome, life goes on and there are probable realities that must be addressed by a prudent business person. Costs to operate a legitimate business will continue to increase and the level of regulation imposed will, at the very least, not ease. What does this mean? There is an ever greater need to understand costs and opportunities, and take those actions that permit the success of our endeavors. Business people must be knowledgeable, understand regulations and implement protocols that allow them to operate in compliance with the law. The costs of non-compliance can be expected to grow ever more prohibitive. We also must make certain that regulators and, when needed, legislators understand the destructive impact of illegal operators on the moving public, the regulated industry and the taxpayers of the state of California.

The election outcome reinforces our belief that consumer education methods need to be implemented to ensure that customers understand that businesses who refuse to abide by the laws are enemies of the democratic process. Why would a majority of voters mark their ballots for initiatives that impose regulations and taxes on business as well as candidates who agree with this philosophy, and then make decisions in their personal life that are in direct opposition to the vote they just cast? One example being hiring an unlicensed mover. Educating the consumer on making the correct choice in a mover and selecting a legal permitted carrier is the responsibility of all, including but not limited to: Van Lines, Agents, industry trade associations, regulators and lawmakers.

Without assistance from organizations like CMSA, how can a business person even attempt to stay current with the mountain of laws and regulations that continue to be a part of our professional lives? Without a common voice pro-

*(President's Comments cont. on page 5)*

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

For CMSA members who are interested in the SDDC fuel surcharge debate, below is an excerpt of an AMSA Facebook page posting regarding the latest update:

*In a significant victory for the moving industry, military officials supervising the Defense Personal Property Program (DP3)... announced [on October 13, 2012, that] they have backed away from a proposal to drastically overhaul their method of calculating the diesel fuel surcharge paid for DP3 moves. Under the tentative revised plan, which still must be approved by the head of the Surface Deployment and Distribution Command (SDDC), the surcharge would rise one percent for every 12-13 cents per gallon increase in diesel fuel over \$2.50, rather than every ten cents as is the current practice.*

*The announcement was made by Lt. Col. Michael Erhardt, USAF, at the International Association of Movers' annual confer-*

*ence at National Place in Washington, DC. SDDC had earlier proposed raising the surcharge floor to \$3.51 and also altering the weight and distance formula. The combination was strongly opposed by the industry.*

In other news, AB 2118 was signed by Governor Jerry Brown this past October and will become law in January 2013. I have mentioned before that this bill went through the legislative process in record time. This law will give CPUC the tools needed to penalize companies who do not play by the rules like the rest of us legally permitted carriers. It's a victory for CMSA members since we have asked for this type of enforcement for many years. Many people have worked hard to bring legislation to this point, but it was CMSA staff which worked exceptionally hard to ensure the favorable outcome we got with this legislative victory. I would like to recognize Steve, his staff and members for their tireless efforts in bringing this law to all Californians. I wish each and every one a blessed Thanksgiving holiday this year.



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

vided by the CMSA, developed by our membership and refined by a dedicated and hardworking Association leadership, how can the business challenges and legitimate grievances faced by our membership be heard, much less addressed, by regulators and legislators? No matter the challenge, CMSA leadership continues to work to improve our industry for the betterment of legal permitted movers and the moving public.



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**(New California Laws cont. from page 1)**

"Religious Dress" includes the wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts and any other item that is part of the observance by an individual of his or her religious creed. "Religious grooming practice" includes all forms of head, facial and body hair that are part of the observance by an individual of his or her religious creed.

**SB 1234 California Secure Choice Retirement Savings Trust Act.** The law will require employers to enroll eligible employees into a state-run retirement plan or pension plan. All employers with more than 5 employees would be required to enroll unless they already have a qualifying plan. Employers would be required to withhold 3 percent of the employees pay. Employees would have the right to opt out.

The retirement plan would not take effect until a feasibility study takes place to determine if the program can pay for itself. After that study, the program would have to go back to the legislature for another vote prior to being implemented.

The bill requires employers to provide an opt-out form, which will be disseminated by the Employment Development Department to be used to

create an option for employees to elect to opt out of the program.

According to the legislative analysis, the bill seeks to address a perceived dearth of retirement planning among California workers. "Of private sector workers in California, 62 percent do not participate in an employer-sponsored retirement plan, compared to 57 percent in the United States as a whole." The problem is more prevalent in smaller businesses. "In California, 84 percent of people working for employers with 25 or fewer workers do not participate in a retirement plan at work."

**AB 2103 Overtime for Non-Exempt Salaried Employees.** This law provides that payment of a fixed salary to a non-exempt employee shall be deemed to provide compensation only for the employee's regular, non-overtime hours, notwithstanding any private agreement to the contrary. In other words, the employee must be paid additional overtime wages in addition to the fixed salary.

**AB 2674 Employment Records: Right to Inspect.** The law specifies that itemized wage information can be kept electronically. Further, it limits the number of requests by "employee

**(New California Laws cont. on page 7)**



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*(New California Laws cont. from page 6)*

representatives" for copies of wage records to 50 per month.

**AB 2386 Breastfeeding Discrimination.** The Fair Employment and Housing Act (FEHA) has been amended to cover breastfeeding. FEHA's prohibition against sex discrimination now includes breastfeeding or medical conditions related to breastfeeding. Although breastfeeding was not previously referenced in the law, the amendment states that the changes made by this bill "are declaratory of existing law," meaning discrimination on the basis of breastfeeding was already illegal.

The pressing need for this clarification is unclear, but there has been at least one published case involving breastfeeding discrimination. In the Assembly's legislative analysis, reference was made to a June 2009 Fair Employment and Housing Commission decision in *DFEH v. Acosta Tacos*. In that case, the Commission found that an employer who had immediately terminated an employee after returning from pregnancy disability leave for nursing her infant during her lunchtime break, had denied the employee a right to a discrimination free work environment based on sex or pregnancy under FEHA.

**SB 1381 "Mental Retardation" is no called "Intellectual Disability."** The legislature decided that the phrases "mental retardation" and "mentally retarded" as used in the law is an "outdated, offensive and misleading term." Government Code Section 12926(j) now reads: "Mental disability" includes, but is not limited to, all of the following: (1) Having a mental or psychological disorder or condition, including an intellectual disability, organic brain syndrome, emotional or mental illness or specific learning disabilities that limits a major life activity.

**AB 1775 Wage Garnishment Minimum Withholding.** This new law increases the so-called "garnishment floor" in California. It increases the minimum amount of an employee judgment debtor's weekly earnings that are exempt from wage garnishment as a matter of law. Currently, California law conforms with federal law in establishing this amount at 30 times the federal minimum wage. This new law breaks California's mirror with federal law and increases this amount in California law to 40 times the California minimum wage. Because the current federal minimum wage is \$7.25/hour and the current California minimum wage is

*(New California Laws cont. on page 8)*

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**(New California Laws cont. from page 7)**

\$8.00/hour, this bill would effectively increase the garnishment floor in California from \$217.50 (i.e. 30 x \$7.25) to \$320 (i.e. 40 x \$8.00).

This is a second recent change in California wage garnishment law. Last year, AB 1388 added other California wage garnishment exemptions for valid debt for necessities of life, such as medical care.

**Elimination of the Fair Employment and Housing Commission.** Passed in response to California's budget crisis, SB 1038 eliminates the Fair Employment and Housing commission, the quasi-judicial administrative agency that previously enforced the FEHA. The new law puts an end to administrative adjudication of FEHA claims, replacing the Fair Employment and Housing Commission with a Fair Employment and Housing Council with the Department of Fair Employment and Housing (DFEH). The new Council will have seven Governor-appointed members, who will promulgate rules and hold public hearings.

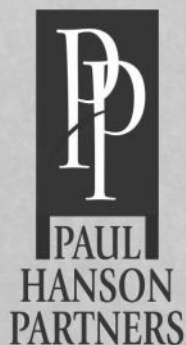
The DFEH may now enforce the FEHA directly in court, although the DFEH will require all parties to undergo free dispute resolution through its Dis-

pute Resolution Division prior to initiating any civil litigation. Courts may award reasonable attorneys' fees and costs to the DFEH under the new law.

**Enhanced Protection for Whistleblowers.** The California False Claims Act (CFCA) protects employees who oppose or report false claims made by their employers in connection with goods or services provided to state or local governments. AB 2492 makes a number of changes to the CFCA designed to conform to the federal False Claims Act. Specifically, it expands the definition of a false claim, amends the statute of limitations, permits recovery of attorneys' fees in more cases and adds contractors and agents to the list of individuals who may pursue such claims, all consistent with the federal statute. The new law also increases civil penalties by 10 percent, such that penalties for a single false claim now range from \$5,500 to \$11,000.

Employers are encouraged to review their employment policies and procedures to ensure that they are up to date in light of this new legislation. It is advisable to consult with professionals to make certain that any policies or procedural changes are consistent with the new California laws.

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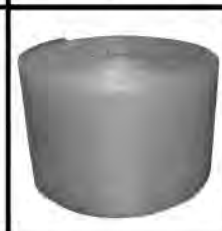
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# **CMSA College Scholarship 2013**

CMSA will offer \$2,000 scholarships to students who will be enrolled in an undergraduate program at an accredited college, university or community college during the 2013-2014 academic school year. Applicants are not limited to any particular field of study.

Each individual must obtain and complete the required documents listed below and submit them to be received no later than noon on **February 15, 2013** to: CMSA, 10900 E. 183<sup>rd</sup> St., #300, Cerritos, CA 90703 or fax to: (562) 865-2944. Winners will be notified by **March 22, 2013**. The awards recognition will take place at the CMSA's 95<sup>th</sup> Annual Convention at the Fess Parker's Doubletree Resort in Santa Barbara, Calif., during the Scholarship Awards Luncheon, **May 18, 2013**.

## **Application Requirements:**

- 1) Completed scholarship application form.
- 2) Résumé.
- 3) Two letters of recommendation. Whenever possible, letters should be typewritten. One letter from a teacher/professor, counselor or school administrator; and one letter from a community business member (not family).
- 4) A copy of your most recent transcript/report card.
- 5) Completed essay of 500-1000 words addressing the following topic:

***Thomas Edison (1847-1931) said, "I failed my way to success." What do you think he meant by this? Have you ever failed your way to success?***

## **Eligibility Requirements:**

- \* Student **MUST** be a California resident; employee or child/grandchild of a CMSA mover or associate member company with an **ACTIVE** membership status and no outstanding balance.
- \* High school students must have a minimum high school GPA of 3.0.
- \* College students must show proof of enrollment and minimum cumulative GPA of 2.0.
- \* Student must be enrolled in an undergraduate program at an accredited four-year college, university or community college during the 2013-2014 academic school year.

## **Criteria for Selection:**

Upon meeting the minimum eligibility requirements, scholarship recipients will be selected upon the quality and excellence of the essay.

CMSA scholarship awards will be mailed directly to the recipient in the name of the college or university for use during the 2013-2014 academic school year only.

*If you have any questions, please call the CMSA office at (562) 865-2900.*

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(CMSA will not fund a scholarship to an ineligible student. If the student was paid before being identified as ineligible, CMSA will take steps to remedy the situation. *See eligibility requirements BEFORE applying for this scholarship.*)

Names of colleges and universities applying to and/or currently enrolled in:

\*

\*

Major field of interest:

High School GPA: \_\_\_\_\_ Current College GPA: \_\_\_\_\_

Student's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please list your extra-curricular and community activities. Include work experience, family activities and hobbies. (Use separate sheet if needed.)

Please answer the following in your essay in 500-1000 words:

***Thomas Edison (1847-1931) said, "I failed my way to success." What do you think he meant by this? Have you ever failed your way to success?***

# Monterey Bay Chapter Held its 10th Annual Golf & Bocce Tournament

The Monterey Bay Chapter held its 10th Annual Golf and Bocce Tournament Fundraiser, benefiting the CMSA Scholarship Fund and the Special Olympics on Friday, October 5, 2012, in Monterey.

Forty-two golfers enjoyed a gorgeous sun-filled day on the beautiful Del Monte Golf Course, the oldest course in continuous operation west of the Mississippi and a Pebble Beach Company property.

A \$100 cash putting contest was sponsored

by Mark Hildreth of New Haven Moving Equipment. Congratulations to Gina Giambra and Bruce Meyers, who split the prize and were the only two golfers to sink the difficult putt.

Congratulations to the first-place low-net golf team of Duffy Aceret, AnnMarie Aceret and Mike Dahl with second-place prize money going to Bruce Meyers, Jake Moreno, Craig Brewster and Jeff Varacali.

Later that evening, 120 people attended the

*(Monterey Bay Fundraiser cont. on page 13)*



*Congratulations to Duffy Aceret, AnnMarie Aceret and Mike Dahl for winning the Golf Tournament, and to P.J. Welch, Jescika Dunkin, Ken Armstrong and Linda Armstrong for winning the Bocce Ball Tournament.*



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**(Monterey Bay Fundraiser cont. from page 12)**

Bocce Tournament, which included an Italian-style buffet dinner and silent auction at the luxurious Hyatt Regency Monterey.

The night concluded with an exciting Bocce game between the final two teams. Trophies were awarded to both the first- and second-place winners.

Congratulations to the Champions and first-place winning Bocce Team of Ken and Linda Armstrong (second time as Champions) and P.J. Welch and Jescika Dunkin. You now have bragging rights as CMSA Monterey Bay Bocce

Champions for one full year.

Congratulations to the runner-up Bocce Team of AnnMarie and Duffy Aceret, and Paul and David Murphy.

A great time was had by the very enthusiastic crowd. A special CMSA Monterey Bay thank you goes out to our event sponsors **CDS Moving Equipment, Pioneer Packaging and Paul Hanson Partners.**

Please mark your calendars and save the date for next year: Friday, October 4, 2013. We hope to see even more of you in attendance next year for our 11th annual event in beautiful Monterey!



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## Calendar of Events

Tues., November 13	Mid Valley Chapter Meeting	Wed., January 16	Monterey Bay Chapter Meeting
Tues., November 13	Twin Counties Chapter Meeting	Thurs., January 17	Central Coast Chapter Meeting
Wed., November 14	San Diego Chapter Meeting	Tues., February 12	Greater Los Angeles Chapter Meeting
Thurs., November 15	Central Coast Chapter Meeting	Tues., February 19	North Bay Chapter Meeting
<b>Fri., December 7</b>	<b>Northern Region Chapter Crab Feed</b>	Wed., February 20	Northern Region Chapter Meeting
Tues., December 11	LA-OC Joint Chapter Meeting	Thurs., February 21	Sacramento Chapter Meeting
Wed., December 12	Ventura/S.B. Chapter Meeting	<b>Wed., March 13</b>	<b>San Diego Chapter Golf Tournament</b>
Thurs., December 13	Central Valley Chapter Meeting	<b>Thurs., March 21</b>	<b>Sacramento Chapter Golf Tournament</b>
Tues., January 8	Twin Counties Chapter Meeting	<b>Sun., March 24</b>	<b>Greater Los Angeles Day at the Races</b>
Tues., January 15	Mid Valley Chapter Meeting	Tues., April 9	Greater Los Angeles Chapter Meeting
		<b>May 14-19</b>	<b>95th Annual Convention</b>



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## Northern Region Chapter Hosted 60 Golfers for its Annual Tournament

The Northern Region Chapter held a successful golf tournament on September 18, 2012, with a grand total of 60 golfers! Just a short drive from San Jose or San Francisco, CMSA members enjoyed a round of golf at the Callippe Preserve in Pleasanton, with oak trees framing the mountain-view landscape.

After golf, CMSA members had a chance to mingle with other golfers and enjoy hors d'oeuvres at the end of the day.

Congratulations to the winning foursome of Tim Kessler of Ship Smart, Rich King of Ship Smart, James Kennedy of Kennedy Van & Storage, Inc. and Nick Pedisich of Paul Hanson Partners Specialty Insurance.

A special THANK YOU goes to the event sponsors: **Box Brothers, CDS Moving Equipment, DEWITT Companies, Paul Hanson Partners, Enterprise Commercial Trucks, Ma-**

**cy Movers, Golden State Container, Bay Area Crating, J & S Paper, Stevens Worldwide Van Lines, Nor-Cal Moving Services and Crown Worldwide Moving & Storage.** The sponsors' contributions have helped make this golf tournament a great success!



For members who couldn't make the golf tournament this year, don't miss the upcoming Northern Region Holiday Crab Feed on Friday, December 7! Tickets are available for friends, family and associates until they are sold out. The ticket price includes one drink voucher per person, compli-

ments of **CDS Moving Equipment**, and a raffle ticket to win a 42-inch flat panel color TV, compliments of **Anderson Bros. Movers!** Please contact Chapter President Karl Anderson at [anderkarl@yahoo.com](mailto:anderkarl@yahoo.com) to reserve your tickets today.

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# Student Movers Donated Moving Services for Brent Shapiro Foundation

(Huntington Beach – November 8, 2012) – CMSA member Student Movers donated its moving services to the Brent Shapiro Foundation for its 7th Annual Summer Spectacular, held on Saturday, September 15, 2012.

The Brent Shapiro Foundation for Alcohol and Drug Awareness is an all-volunteer organization that fights the disease of addiction via educational initiatives and academic scholarships, raising \$500,000. At the fundraiser, Robert Shapiro, a well-known Los Angeles attorney, wife Linell and son, Grant Shapiro, hosted stars, studio heads, film and television producers, who's who in the entertainment industry and socially conscious philanthropists at Jeff Greene's donated 40,000 square-foot palatial estate high atop Beverly Hills.

"I think it's important for movers to give back, and hopefully, we can inspire other moving compa-

nies in California to do more philanthropic work," said Student Movers President Shawn Wood.

Robert Shapiro, wife Linell and son, Grant, started the Brent Shapiro Foundation to raise awareness of alcohol and drug dependency problems, with an emphasis on education and outreach to young people at risk. The more than \$500,000 raised from this year's live auction — helmed by Robert himself which included priceless jewelry, ringside seats to a heavyweight fight and an all inclusive African safari — is earmarked for a pilot program at Variety's Boys & Girls Club in Boyle Heights, where Brent's Club will offer educational incentives to kids who stay clean, remain in school and do the right thing. Funds raised were also presented in the form of

college scholarships to two college-bound youth who stayed on the right path.



*Robert Shapiro (left) and Shawn Wood of Student Movers pose at the Brent Shapiro Foundation fundraiser.*

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# CARB Truck Rule Update: How to Verify the Compliance of Agents or Contractors

By: Sean Edgar, *CleanFleets.net*

CARB has posted new guidance on the compliance verification steps that will affect van lines, agents and contractors. In short, the Statewide Truck & Bus Rule requires that compliance information be supplied to the person hiring or dispatching diesel trucks subject to the Truck and Bus Regulation. Below is an excerpt of the Fact Sheet posted at <http://www.arb.ca.gov/msprog/onrdiesel/documents/fqverify.pdf>.

## **Truck and Bus Regulation How to Verify if Hired Fleets Comply Last Updated November 5, 2012**

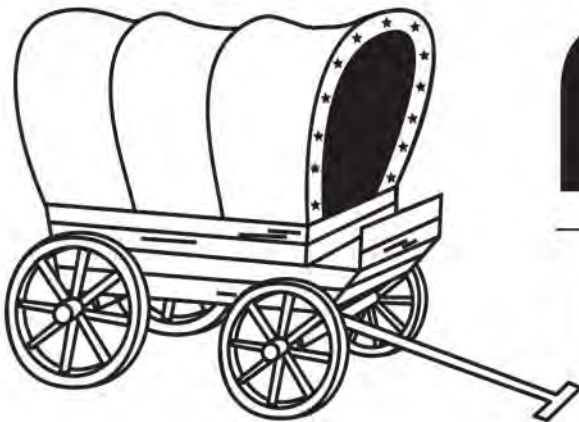
This summary describes how to obtain a certificate of reporting and how brokers, motor carriers, contractors, public agencies, developers and others must verify the fleets they hire or dispatch are in compliance with the Truck and Bus regulation. The regulation does not apply to

state and local government vehicles, most solid waste collection trucks, drayage trucks that transport marine cargo and public transit buses because they are already subject to other regulations.

### **What are my responsibilities if I hire trucks as part of my business?**

Anyone who operates or directs the operation of any vehicle subject to the Truck and Bus regulation needs to verify that each hired company is either in compliance with the regulation or has reported compliance to CARB. This requirement applies to any in-state or out-of-state motor carrier, California broker or any California resident including, but not limited to, contractors, public agencies and developers. The requirement does not apply to receivers or other parties that do not hire, and that do not direct the operation of any vehicle that is subject to the regulation.

*(CARB Truck Rule Update cont. on page 18)*



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***(CARB Truck Rule Update cont. from page 17)***

**How can I determine if the carrier that I hire has reported to CARB or is in compliance with the regulation?**

Owners that report to CARB to use flexible compliance options must report information about all of the heavier vehicles in their fleet that operate in California and can print a certificate that confirms they have reported to CARB. Fleet owners that comply by using the engine model year schedule are not required to report, but have the option to report company information and to print a certificate that states they are complying with the engine model year schedule. Either certificate can be used by a motor carrier, broker or other entity as evidence that the hired fleet has reported compliance with the regulation. Motor carriers/brokers or other entities must obtain copies of the certificate or other proof of compliance annually. CARB also posts the names and motor carrier numbers of the fleets that have reported compliance at <http://www.arb.ca.gov/msprog/onrdiesel/tblookup.php>.

**What can I do if the company I hire does not have a certificate?**

If the fleet owner does not report to CARB, then the owner must provide other documentation to demonstrate that their fleet complies with the engine model year schedules of the regulation. You should obtain a statement from the owner that verifies that they are aware of the Truck and Bus regulation (Title 13, California Code of Regulations, Section 2025) and are in compliance with the engine model year schedule. However, if you become aware that one or more vehicles in that fleet do not comply, then you cannot continue to use the services of the fleet.

**Do I need to verify compliance if I hire for services that require specific trucks or buses?**

Yes. If you hire a subcontractor for services of a truck, like dump trucks, concrete pumps, cranes or charter buses, you are actively determining which companies and type of vehicle is needed to perform the service, and you will need to verify that the company you hire

***(CARB Truck Rule Update cont. on page 19)***

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**(CARB Truck Rule Update cont. from page 18)**

complies or has reported compliance to CARB. For example, a contractor that directly hires a dump truck company to move debris from the roadside or hires a crane to lift a load must verify its compliance.

**If I order materials from a supplier, do I need to verify compliance for the shipper?**

No. If you are not actively involved in determining which transportation company will deliver the materials or products, then you are not responsible for verifying that the fleet is in compliance. In other words, the receiver does not actively determine whose trucks will make the delivery. The shipper could use their own trucks or ultimately contract out the delivery to another motor carrier. Therefore, the receiver would not be responsible for verifying compliance.

**Do I need to verify compliance every time I hire a company that uses trucks?**


No. If you hire a company to provide a service, other than transportation, and are not actively involved in determining what kind of trucks will be used, you are not responsible to verify compliance with the regulation. For example, if you order supplies and parts you are not actively involved in determining how your order is delivered nor in determining who ultimately delivers your order. Similarly, if you hire a contractor to do plumbing or electrical work, you are not actively involved in determining whether the contractor will use diesel trucks, and you are not involved in determining how the contractor arranges for equipment or supplies to be delivered to the job site.

**Where can I find more information about the regulation?**

Fact sheets, compliance tools and regulatory documents are available at [www.arb.ca.gov/dieseltruck](http://www.arb.ca.gov/dieseltruck) or by calling CARB's diesel hotline at (866) 6DIESEL (634-3735).

**The 2013 Roster Update Form is due November 30, 2012.**

**If you haven't done so already, fill out and send your form to the CMSA office today!**



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