

Ride-Hail Companies Seek New Ballot Initiative After Legislature Passes AB5

Assembly Bill 5 (AB5) was approved by the state Senate on Tuesday, September 10, 2019 and is on its way to being signed into law by Governor Gavin Newsom. Once signed, it would take effect on January 1, 2020.

AB5 would require gig economy workers, which include ride-hailing services like Uber and Lyft, to classify independent contractors as employees so they are provided minimum wage, benefits, and workplace rights. Under this law, an “ABC Test” is used to determine independent contractor status. To be an independent contractor, the worker must meet 3 requirements: (1) be free from direction and control of the hiring entity; (2) perform work that is outside the usual course of the hiring entity’s business; and (3) be customarily engaged in an independent business.

The Gig Workers Rising, an organization dedicated to fighting for the rights of ride-hailing service drivers and other gig workers, had been advocating for the passage of

AB5. According to the group, the reclassification of gig workers would give Uber and Lyft drivers, as well as other similar workers, basic protections like minimum wage, health insurance, and paid sick days. Their next step will be to fight for the drivers’ rights to form a union.

Uber’s chief legal officer, Tony West, stated that AB5’s passage could pose a potential harm by forcing drivers to become employees, ultimately taking away their flexibility and their right to work various jobs at the amount of hours they want. They’re disappointed a compromise couldn’t be reached with lawmakers on this bill, but are confident that under the new employment requirements of this bill (ABC Test), drivers would still be classified as independent contractors.

According to Uber’s own studies, West said an overwhelming majority of drivers prefer to stay as independent contractors. “That kind of flexibility and that kind of inde-

(AB5 continued on page 5)



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CHAIRMAN'S CORNER

by Thomas McCarthy

As I am drinking my coffee this morning, I look at the mug and it has words of inspiration. *Be Present - To be focused on the moment at hand.*

With the craziness of summer, it's easy to get pulled in 100 different directions, but sometimes you just have to stop for a moment and focus on exactly what you are doing. I think before next summer I am going to print this out and put it up on my wall to remind myself every day to be present in what I do.

My next thought is how is it already the end of summer? Seriously, August came and went in a flash. But before it ended, the CMSA Executive Committee got together in San Diego to discuss the year ahead and the current issues our association is facing. We talked about Assembly Bill 5, which continues to evolve almost daily. Interestingly, we were up in Sacramento last month talking to staffers; and on the news, you see the

different groups at the capital lobbying this specific bill. It's going to be watched very closely.

Once finished with all our meetings, we were fortunate to spend some time enjoying some of the things that make San Diego special. I would like to thank our event partners: Paul Hanson Partners Specialty Insurance, Victory Packaging, Dewitt Move Worldwide, Champion Risk & Insurance Services and Vanliner Insurance Company. I would also like to thank the Board Members and Partners who made the trip to San Diego for this meeting.

Looking ahead to our immediate future, September promises to be just as tumultuous as August was for me. I get to start with my chapter visits seeing Twin Counties, San Diego and Orange County to start. I look forward to coming out to all your chapters. Lucky for me though, when I go to my chapter in San Diego, Tim McCarthy will be out of town so he won't be able to interrupt my presentation to ask me if I want pepper on my salad like he did to past Chairman Pat Longo.

(CHAIRMAN'S CORNER continued on page 4)

THE BUILDING BLOCKS



OF A SUCCESSFUL MOVER.



PRESIDENT'S COMMENTS

By Steve Weitekamp

On August 30, 2019, California Governor Gavin Newsom signed SB 391 (Monning) Household Movers Act: Enforcement: Special Investigators and Supervising Special Investigators into law. Effective January 1, 2020 special enforcement staff from the Bureau of Household Goods and Services (BHGS) will have the authority to write and enforce citations for violations of the "Household Movers Act."

We support their ability to have effective tools to address illegal movers who fail to follow the rules and do real damage to consumers, permitted movers, and the taxpayers of California. This authority is not an over-reach of enforcement but a correction of an oversight in SB 19 (Hill), which transferred authority from the California Public Utilities Commission (CPUC) to the Depart-

ment of Consumer Affairs (DCA) BHGS. The CPUC always had, but infrequently used, the authority to write enforceable citations.

Recent developments in the military moving arena has made it clear that a more formal Association position be established. While there is much elaboration that can be added to each of the six points below it is our belief that they are a good starting off point for individual or Association discussion/advocation on the issues. After a vote of the CMSA Military Affairs Committee and the Association Board of Directors the following six points were established.

CMSA Position on the US TransCom Global Outsourcing Initiative:

1. The Association has serious concern about the viability of agents who currently focus on serving military business in a revised program.
2. Those agents who also serve the program as TSP's, many of the programs most active service providers, will see a significant loss in revenue that could challenge their ability to serve

(PRESIDENT'S COMMENTS continued on page 4)



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(CHAIRMAN'S CORNER continued from page 2)

That reminds me, I need to get started on my presentation. After that, it's off to Scott Air Force Base for the Personal Property Forum or PPF. We will get to discuss the past peak season and hopefully get a chance to discuss outsourcing. At our last meeting, the military was almost flippant when we tried asking questions about this topic that has all of us wondering what our future holds. If you do military, this will change how you get awarded work and how you get paid. Since this will be effectively a monopoly now, who knows if it will even be cost effective to handle military business.

I foresee a model similar to the "rate reasonableness" environment we are in now. If you are okay with the rates, you participate; if you don't, well then you don't.

To bring us home, I hope you had a great summer and are doing well getting the kiddos ready and off to school, so you finally have some time to yourself and time to plan how to finish the year out strong. A wise man once said, "Life moves pretty fast. If you don't stop to look around once in a while, you could just miss it."—Ferris Bueller.

(PRESIDENT'S COMMENTS continued from page 3)

the program in the future.

3. Regardless of outcome, CMSA's goal to advocate for a program that will drive more money to the boots at the curb, agents and drivers.
4. That any changes do not negatively impact agents and drivers currently providing service to the program based upon Van Line affiliation or lack thereof.
5. If changes are made that protections are in place to ensure agents and drivers are paid in a timely manner leading up to and upon the transition.
6. That we see great value in the Association continuing to have a seat at the table, now and into the future, to the benefit of all agents and drivers.

September starts the season of 2019-2020 chapter meetings and fundraisers. I strongly encourage you to get involved with your local chapter, starting with attending upcoming meetings. There is a lot of current issues in our industry and regardless if you have a business that relies on employees or

(PRESIDENT'S COMMENTS continued on page 5)



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(PRESIDENT'S COMMENTS continued from page 4)

independent contractors, perform moves for the military or private transferee, you don't want to miss the information shared best face to face.

We will have speakers sharing valuable information, but many times the best discussions are a result of the networking opportunities that a CMSA event provides. Our chapter fundraisers provide resources to continue the Association's long history of good work. A 100% of CMSA Chapters donated funds go exclusively to support our Academic and Vocational Scholarship program, Special Olympics annual donation and our Chairman's Choice Charity—this year the Pancreatic Cancer Action Network (PANCAN).

(AB5 continued from page 1)

pendence is something we really believe in preserving," he said.

Additionally, West said Uber, along with Lyft, will be backing a new 2020 initiative that would ask voters to decide on whether to create a new employment category for ride-

hailing service drivers.

"We're looking to hire the best campaign team and the best advisors that we possibly can to help us run a successful ballot initiative," he said. "This was not our first choice to try to run an initiative. In fact, this is something that became an alternative only when it looked like we were unable to come to any kind of negotiated compromise with the parties."

Ultimately, West said that Uber is seeking to "put forward a framework that works for the 21st century economy and we believe that we have a framework that does that."

According to Lyft spokesman Adrian Durbin, "Today, our state's political leadership missed an important opportunity to support the overwhelming majority of rideshare drivers who want a thoughtful solution that balances flexibility with an earnings standard and benefits. We are fully prepared to take this issue to the voters of California to preserve the freedom and access drivers and riders want and need."

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Diesel Emission Compliance Verification Begins January 1, 2020

Effective January 1, 2020, the Department of Motor Vehicles (DMV) will begin verifying with the California Air Resources Board (CARB) that your diesel vehicle(s) is compliant with, or exempt from, its Truck and Bus Regulation, related to emission standards.

- **What vehicles must comply with the CARB Truck and Bus Regulation?** Diesel vehicles with a manufacturer gross vehicle weight rating (GVWR) greater than 14,000 pounds must comply with the CARB Truck and Bus Regulation.

Phased verification approach based on model year

The two schedules below show when your vehicle will be impacted by this change. There are two schedules, one for vehicles with a GVWR of 14,001 to 26,000 pounds and one for vehicles with a GVWR greater than 26,000 pounds. Each schedule is based on model year.

Diesel-fueled vehicles with a GVWR of **14,001 to 26,000 pounds:**

| EFFECTIVE DATE | VEHICLE MODEL YEAR |
|-----------------|--------------------|
| January 1, 2020 | 2004 and Older |
| January 1, 2021 | 2007 and Older |
| January 1, 2023 | 2010 and Older |

Diesel-fueled vehicles with a GVWR **greater than 26,000 pounds:**

| EFFECTIVE DATE | VEHICLE MODEL YEAR |
|-----------------|--------------------|
| January 1, 2020 | 2000 and Older |
| January 1, 2021 | 2005 and Older |
| January 1, 2022 | 2007 and Older |
| January 1, 2023 | 2010 and Older |

- **What if my vehicle does not comply with the CARB Truck and Bus Regulation by the date required?** If CARB reports to DMV that your vehicle does not comply with the CARB Truck and Bus Regulation, you will be unable to register your vehicle or transfer its ownership to another party.
- **How can I comply? How will DMV know that my vehicle now complies?** CARB offers compliance guidance on its website: [The Truck Stop](#). Once CARB has updated your vehicle's record with the DMV to show compliance, you may register your vehicle at DMV.
- **Are there exemptions to complying with the CARB Truck and Bus Regulations?** Please check the CARB's website, [The Truck Stop](#), for information on compliance exemptions.
- **What caused this change?** Senate Bill 1 (Beall, Chapter 5, Statutes of 2017) requires DMV to deny registration, or transfer of ownership, of specified diesel vehicles that do not comply with CARB Truck and Bus Regulations.

For more information about the Truck and Bus Regulation, visit CARB's website at [The Truck Stop](#) or call the Diesel Hotline at 1-866-634-3735.

“What If Something Goes Wrong?” A Guide To Service Contracts

Dishwasher sprung a leak? Diamond ring losing that special sparkle? TV on the fritz? Lawnmower stopped lawn-mowing?

When a big-ticket item like a major appliance, jewelry, or garden equipment breaks, you may have a service contract or extended warranty contract to bail you out of trouble.

These contracts cover your purchased items and can provide added value or peace of mind.

But who can you turn to if you have a disagreement with the service contract provider?

The Bureau of Household Goods and Services (BHGS) has jurisdiction over the sale and administration of service contracts, which are also referred to as maintenance agreements or extended warranties. Similar

to an insurance policy, a service contract provides you with peace of mind that, in the event something goes wrong with your product, it can be repaired at no or low cost.

For starters, it's important that you read and understand the

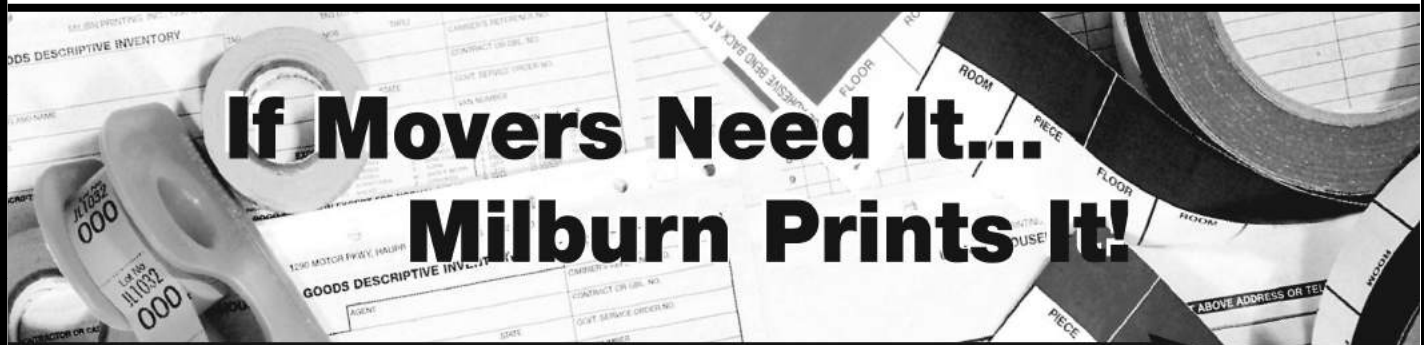
terms and conditions of the contract; for example, the basics of what is or is not covered, when the contract starts and stops, the limitations of liability, and your responsibilities as a contract holder.

According to BHGS, most service contracts

fall into one of six basic types:

- Date of Purchase Plans – these plans begin on the date the customer purchases the product and its extended warranty.

(GUIDE continued on page 12)



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Reasonable Privacy Act Cleanup Bills Thwarted; Future of Act Uncertain

Sure, California was the first state in the nation to pass a massive privacy bill, the [California Consumer Privacy Act](#) (CCPA).

But how can California be a national leader if it is not willing to do the hard work to make sure that this law is realistic to implement?

How can California claim to be protecting its residents if its flagship privacy law has provisions that run afoul of basic notions of privacy?

The CCPA literally requires a business to provide all the specific pieces of information it has on any member of a household to any other member of the household that asks for it!

Not Like European Union

Moreover, unlike the GDPR [the European Union's General Data Protection Regulation], the CCPA fails to ensure that businesses can adequately protect consumers against fraud and identity theft.

These are just some of the problems that

the business community has raised ad nauseum since the law passed. And due to problems like these, not one state has

adopted the CCPA. Instead, other states have considered and rejected it.

Last year, when the CCPA passed in just one week, legislators assured the business community that there would be cleanup legislation; that

there would be time

to comb through the 10,000+ words of this complex law and make sure that it works.

The business community was told to narrow our requests and to focus on our main priorities. We were told to work with privacy advocates and build consensus.

Well, we did our homework. All of it. Coming out of the Assembly, we had six bills—all of which had been narrowed significantly over the course of negotiations in the Assembly—and all but one of them passed the Assembly with near-unanimous votes.

(PRIVACY continued on page 9)



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(PRIVACY continued from page 8)

Negotiated Bills Stalled

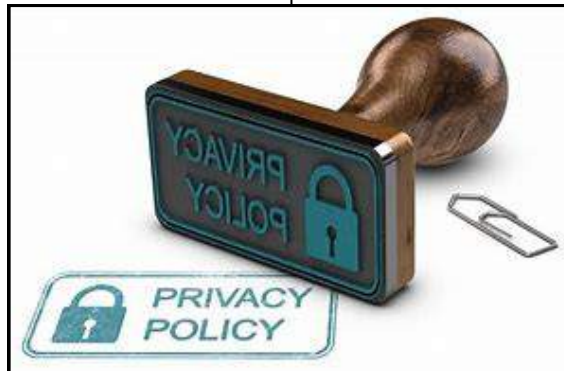
Despite this, a number of these bills were stalled in the Senate due to the influence of one senator acting in lockstep with certain privacy groups that opposed the business community fixes—claiming they would “water down” the CCPA.

But there seems to be something else at play here. These groups did not want an opt-out law. They wanted an opt-in law. They did not want enforcement by the Attorney General. They wanted enforcement by trial lawyers. (Side note, in privacy class actions, plaintiffs’ attorneys often name these same privacy advocacy groups as the recipients of *cy pres* awards—in fact, such awards are often a main source of funding for these organizations.)

No Stake in Making Law Work

Since these groups do not have to com-

ply with the CCPA and since they weren’t thrilled with the compromise that resulted in it, it seems they may not really have a stake in whether the law works. It also seems that their opposition to our reasonable fixes may be more about holding out for the business community to agree to make the CCPA even more stringent.



This is a tough pill to swallow as California is already requiring businesses of all sizes, across every industry to comply with the most robust privacy law in the

country in a matter of months—and the regulations to offer guidance on crucial aspects of this law, like what constitutes a verifiable request, are not even complete. If these are the politics controlling the outcome here, it doesn’t reflect well on California’s ability to make this complex law work.

By Sarah Boot, Cal Chamber, August 16, 2019



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(GUIDE continued from page 7)

- Extension Plans – extension plans extend the manufacturer’s warranty for a specified period, usually 90 days to up to one year.
 - Major Component Programs – also known as “primary protection plans,” these programs insure only the product’s major component, such as the picture tube in a television, and generally do not include labor costs.
 - Comprehensive Programs – comprehensive programs or plans cover all parts and labor for a specified period of time, such as one, three or five years.
 - Replacement Programs – oriented toward products selling for under \$100 retail, replacement programs guarantee product replacement if the item should fail during the term of the plan.
 - Deductible Programs – under deductible programs, the consumer is responsible for a certain amount of money, such as the first \$50 in repairs. Once repairs exceed that amount, the coverage becomes effective.
- Currently, California law specifically spells out the definition of a service contract

as a contract in writing to perform, over a fixed period of time or for a specified duration, services relating to the maintenance, replacement, or repair of many household items. The law also includes a laundry list of items covered under the law: furniture, jewelry, eyeglasses, lawn and garden equipment, and so on.

AB 1483, signed into law by Governor Jerry Brown in September of 2018, is simplifying the language, defining the term “service contract” to apply more generally to almost all consumer goods (with the exception of clothing and consumable items), meaning any product, new or used, that is used, bought, or leased for use primarily for personal, family, or household purposes. This expansion of the law also includes assistive devices, and goes into effect in January 2020.

If you have a problem with a service contract you bought, first try to resolve it with the contract seller or administrator, or the company performing the repairs. If you cannot resolve the problem, contact the Bureau of Household Goods and Services for assistance.



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Our newest logo was unveiled at the 2019 CMSA Convention in April 2019. Now that CMSA has begun a new century, we no longer have the gold bar with the words “Celebrating 100 Successful Years” under the blue CMSA Acronym and spelled out name. There is now a silver bar with the words “Moving California Since 1918.”

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September 3, 2019

General Stephen R Lyons
Commander
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RE: 2019 Fall Personal Property Forum & Hot Wash

Dear General Lyons:

As chairman of the National Council of Moving Associations (NCMA) and president of the California Moving and Storage Association (CMSA), I am writing to you regarding the 2019 Fall Personal Property Forum (PPF) and Hot Wash. As chairman of NCMA, I have been invited and participated, along with the American Moving and Storage Association (AMSA) and the International Association of Movers (IAM), as a presenter at the PPF and a participant at the Hot Wash over the last few years. In my position as a representative of moving agents, the service providers who are the boots at the curb for Transportation Service Providers (TSPs), participation has been invaluable. It has provided the most efficient method of distribution of information up and down the channel, from USTRANSCOM to agents and back, who from the start of DP3 have had the perception that they have no voice in the program. A program where they once had direct contact with the government and are still the parties that survey, pack, load, store and move members household goods in the program.

Surprisingly, I have not received an invitation to participate in the 2019 Fall Hot Wash. I was hopeful that it was an oversight and contacted my colleagues at AMSA and IAM only to learn that they had not been invited either. I believe that this action is not in the best interest of the program, its members, the TSPs, or the community of service providers. I respectfully ask you to reconsider and include NCMA, AMSA, and IAM in the morning session of the Fall Hot Wash. I would have also included NDTA in my request, but my understanding is that, inexplicably, they have already been included.

Respectfully,

Stephen J. Weitekamp
NCMA Chairman
CMSA President

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- the same two factors as above – regulations and paperwork, and/or
- coverage wording in the insurance policy

If your policy is provided by an insurance company with expertise in the moving & storage industry, coverage primarily follows the written agreement between the mover and customer. If you meant to provide only \$0.60 per pound per article coverage and the customer clearly agreed to this limitation of liability on the paperwork, then most insurance companies will settle at the \$0.60 cents level; if the customer agreed to \$15,000 replacement cost coverage on the paperwork, then this is generally the maximum insurance company settlement.

Problems occur when the paperwork is not executed properly, does not clearly identify the choices for protection of the cus-

tomers' property, or the paperwork simply does not exist (oops!). Under many regulations, the "default valuation" in the case of faulty or non-existent paperwork is replacement cost and the maximum dollar amount may or may not be specified.

An insurance company may assume that the maximum limit is your policy limit. Some



insurance companies even have coverage limitations for bad paperwork situations – this means that your insurance company may pay only \$2.50 per pound for the damage and the moving & storage company is liable for the rest of the claim. Other policies simply *will not pay* claims in situations where there is no written agreement.

Remember that properly written and executed paperwork protects **YOU!** Make sure you are using the proper documents and be sure that your staff explains the options to your customers and records the customer's choice on the documents.



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CALENDAR OF EVENTS

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| Tues., Sept. 10 | Twin Counties Chapter Meeting | Tues. Oct. 15 | Central Valley Chapter Meeting |
| Wed., Sept. 11 | San Diego Chapter Meeting | Tues. Oct. 22 | North Bay Chapter Meeting |
| Thurs., Sept. 12 | Orange County/Beach Cities Chapter Meeting | Wed. Oct. 23 | Northern Region Chapter Meeting |
| Tues., Oct. 8 | Ventura/Santa Barbara Chapter Meeting | Thur. Oct. 24 | Sacramento Chapter Meeting |
| Wed., Oct 9 | Greater Los Angeles Chapter Meeting | Thur. Nov. 7 | Orange County/Beach Cities Chapter Golf Tournament |
| Wed., Oct. 9 | San Diego Chapter Meeting | TBD | Sacramento Fall Golf Tournament |
| Fri., Oct. 11 | Monterey Chapter Golf/Bocce Tournament Monterey, CA | April 14-19, 2020 | 102nd CMSA Convention Kauai Marriott Resort Lihue, HI |



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CHARGES: 1-5 lines \$15; \$2 each additional line. CMSA box number \$5.
Special heading/setup extra.
Email Renee Hifumi at rhifumi@thecmsa.org to place your advertisement.

FOR SALE

1978 Kentucky 45' hhgds trailer—\$6900.00
1993 Texas Bragg car trailer—\$1500.00
2010 International Tractor 3 axel day cab (315,000 mi)—\$21,000.00
- Call 661-942-7515.

FOR SALE

Large quantity of **storage vaults** for sale. Price subject to quantity purchased. Call John at 415-716-7341 or Email: irishexpress@gmail.com.

BUSINESS WANTED

We are interested in purchasing all or a part of your business. We are able to provide quick cash for certain assets. We can assist in an exit strategy. Major CA markets are desired. Discussions will be in strictest confidence. Send information to CMSA, Box J1, 10900 E. 183rd St., #300, Cerritos, CA 90703.

FOR SALE

Storage vaults—\$25.00 each.
Call Kennedy Van & Storage at 415-826-5605.

EMPLOYMENT OPPORTUNITY

Los Angeles Based Moving Company looking for a **Controller/Director**. Must have experience in the moving and storage industry, strong Management and Organization Skills, HR & Payroll familiarity, and knowledge of Quickbooks. Very competitive salary, full benefit package - including 100% Health Insurance, 401(k), Vacation. Email resume to: Subject="Box A1", information@thecmsa.org.

EMPLOYMENT OPPORTUNITY

Rebel Van Lines is looking to hire Class A & B drivers. To apply, please email nan@rebelvanlines.com or call 800-421-5045.

FREE MOVING CRATES!

We have two 53' trailers worth of high end **moving crates** for pick up in Richmond, CA. Our company policy does not allow us to reuse crates unfortunately.

- All shapes and sizes; flat to chandelier, and everything in between; with slats attached or fully enclosed.
- All completely ready to use with measurements on them.

Call Tim or Mario at 415-491-4444 with questions.

It pays to advertise !!

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 inquiries to: CMSA, Box J2, 10900 E. 183rd St., #300, Cerritos, CA 90703.

CMSA THROUGH THE YEARS

HISTORICAL PHOTO



1952-1953 BOARD OF DIRECTORS L to R (Top) Jim Cummins; Frank Loughran; E.W. Kerttuu; V.A. Carroll (Middle) Hal Cox; George Normington; Floyd Shook; David Farley; Nate Rose (Bottom) Art Chipman; Tom King; W.W. De Witt; Harol Squiers; Clarence Lockett; O.J. Plummer



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Glassine Paper

Grease free, acid free, used to wrap high end oil paintings. Roll 48" x 690'
Part# GP-48

Acid Free Tissue Paper

24" x 36" acid free tissue paper. 500 sheets per ream.
One CDS unit = 2 reams.
Part# T2

High Clarity Sheeting

4 mil 10' x 100'. Very similar to our standard sheeting but much clearer
(as opposed to cloudy)
Part# 104C-HC

Commercial Bin

East coast style. 42" x 24" x 28" with flaps.
500 lb. double wall
Part# .CB-1

Ethafoam Sheets

48" x 96" x 1" or 2", 1.7 lb density- used for crating art, white in color. A
Part# .EFB / .EFB-2

Grey Charcoal Foam

24"x82" or 48"x82" x 2" - used for crating art, grey in color, much softer than ethafoam
Part# .GCF-2 / .GCF-2-48

Styrofoam Sheets

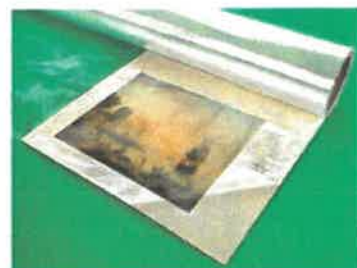
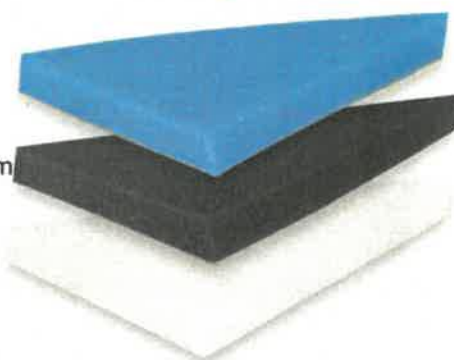
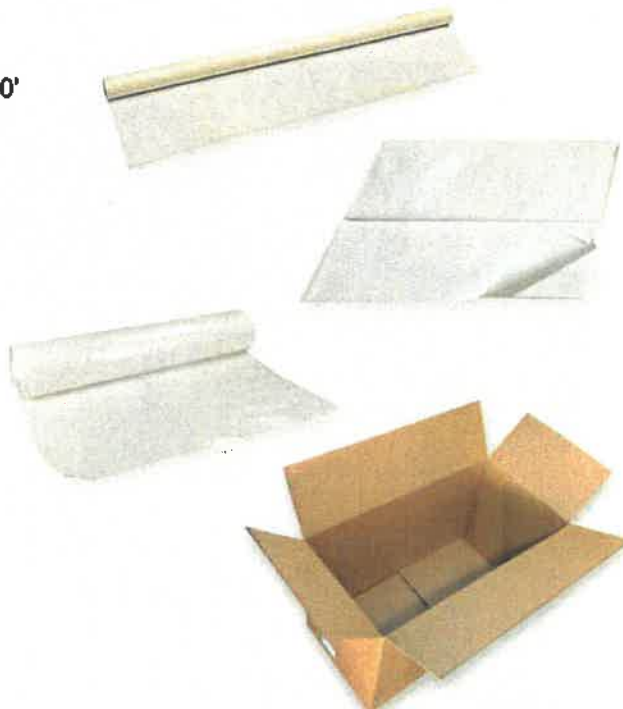
48" x 96" x 1" Styrofoam sheets - also used for crating art, white, much more rigid
than ethafoam or styrofoam
Part# .FS1-4896

Cardboard Sheets

48" x 96" single wall and double wall
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80" x 200" cast nylon film. Transparent dust cover for art.
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