

Hi-Way --- --- Hi-Lites

VOLUME 10, NUMBER 3

JULY 2008



DOT ISSUES INTERIM FINAL DRUG & ALCOHOL RULES

The Department of Transportation Office of Drug and Alcohol Policy and Compliance issued an important interim rule on June 13 affecting those in the transportation and drug testing industries. The rule authorizes employers to disclose to State commercial driver licensing authorities the drug and alcohol violations of employees who hold CDLs and operate commercial motor vehicles, when a State law requires such reporting. This rule also permits third-party administrators (TPAs) such as NTA to provide the same information to State CDL licensing authorities where State law requires the TPAs to do so for owner-operator CMV drivers with CDLs.

The rule applies to the seven (7) states that now require the reports: Arizona, California, New Mexico, North Carolina, Oregon, Texas and Washington.

Situational Anxiety or dehydration - What happens when you can't go?

What happens when a person does not provide a sufficient amount of urine for a drug test? You would be surprised just how many times this situation comes up and either the



collector at the collection site and/or or the Company DER (Designated Employer Representative) doesn't remember how to handle this problem. Every DER and driver should save this section in full so that when the problem arises it can be handled promptly and professionally.

Section 40.193 reads in part as follows;

- (a) This section prescribes procedures for situations in which an employee does not provide a sufficient amount of urine to permit a drug test i.e. 45ml of urine.
- (b) As the collector, you must do the following:
 - (b)(1) Discard the insufficient

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RANDOM DRUG TESTING NOTICE

This is just a reminder that if you haven't done your 3rd Quarter Drug & Alcohol Random Tests *you are running out of time.* Do not forget your Random Alternate Selections, if applicable. All testing for the 4th Quarter 2007 MUST be done before the close of 12/31/07.



**DO NOT WAIT
UNTIL THE
LAST DAY!**

NorthAmerican Transportation Association Inc
is proud to announce a partnership with

IntelliCorp
A ISO Company

Background Checks mean Better Decisions

IntelliCorp is a nationwide provider of background checks and employment screening products. Their secure and instant online access to criminal records and other public information helps companies and organization reduce exposure to fraud, workplace violence and negligent-hiring lawsuits. IntelliCorp is FCRA compliant and delivers the most comprehensive, accurate and reliable information necessary to make the best possible risk decisions for our members.

Avoid costly hiring and recruiting mistakes
Choose the best drivers for your organization

NTA and IntelliCorp have partnered to provide an online background check package for NTA Members.

NTA Members will receive the deeply discounted rate of **\$14.95**. We encourage you to take advantage of this service to make the transportation industry as safe as possible.

The NTA Members Background Package includes:
SSN Verification with Address History (needed for DOT)
Criminal SuperSearch • Sex Offender Registry of 50 States
Terrorist Search • 1 Single-County Criminal Search

Note: All activation fees and monthly fees will be waived upon registration.

Carrier Must File Updated MCS-150 Every 2 Years

The Federal Motor Carrier Safety Administration (FMCSA) uses the MCS-150 form to collect basic data about a carrier's operations. The information includes the carrier's name, address, telephone number, cargo classifications, any types of hazardous materials carried, number and type of equipment used, number of drivers, and types of operations. Upon filing of the MCS-150, new carriers are issued USDOT numbers.

The FMCSA enters the information from the MCS-150 into the Motor Carrier Management Information System (MCMIS). The FMCSA uses the information in the MCMIS to track individual carrier safety performance and to assess nationwide motor carriers safety trends.

Companies can check the data FMCSA currently has on the carrier by going to the website: www.safersys.org. Enter the company's name or USDOT number to see the carrier's profile.

It's in the interest of the carrier to have accurate information on file because this data is used, in part, to



select carriers for compliance reviews. For example, a carrier who has increased its number of vehicles and drivers, but not updated its carrier data, may appear to have a high accident rate or out-of-service rate – factors the FMCSA looks at when choosing carriers for compliance reviews.

In an attempt to gather more accurate and timely information about the carriers it regulates, the Federal Motor Carrier Safety Administration (FMCSA) has issued a new regulation requiring interstate motor carriers to file an updated Motor Carrier Identification Report (MCS-150) every two years.

Motor carriers operating in interstate commerce had been required to file the MCS-150 once, upon beginning operations, before the FMCSA's recent action.

FMCSA issued its interim final rule in the November 24, 2000 Federal Register. The rule, which went into effect December 26, updates Sec.390.19 of the Federal Motor Carrier Safety Regulations.

Schedule for filing

FMCSA has created a schedule based on USDOT numbers for the filing of the MCS-150 reports.

If the next-to-last digit of a motor carrier's USDOT number is odd, that carrier shall file its update in odd-numbered years, starting with 2001. If a carrier's USDOT number's next-to-last digit is even, the carrier will file its update in even-numbered years, starting with 2002.

The last digit in the USDOT number will determine what month the updated MCS-150 is due. The schedule is as follows:

US DOT Number ending in:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12

Must file by the last day of:

- January
- February
- March
- April
- May
- June
- July
- August
- September
- October
- November
- December

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specimen, except where the insufficient specimen as out of temperature range or showed evidence of adulteration or tampering(see §40.65(b) and (c)).

(b)(2) Urge the employee to drink up to 40 ounces of fluid, distributed reasonably through a period of up to three (3) hours, or until the individual has provided a sufficient urine specimen, whichever occurs first. It is not a refusal to test if the employee declines to drink. Document on the Remarks line of the CCF (step2), and inform the employee of, the time at which the three (3) hour period begins and ends.

(b)(3) **If the employee refuses to make the attempt to provide a new urine specimen or leaves the collection site before the collection process is complete, you must discontinue the collection, note the fact on the "Remarks" line of the CCF (Step 2), and immediately notify the DER. THIS IS A REFUSAL TO TEST**

(b)(4) If the employee has not provided a sufficient specimen within three (3) hours of the first unsuccessful attempt to provide the specimen, you must discontinue the collection, note the act on the "Remarks" line of the CCF (Step 2) and immediately notify the DER.

(c) As the DER, when the collector informs you that the employee has not provided a sufficient amount of urine (see paragraph (b)(4) of this section, **you must**, after consulting with the MRO, **direct the employee to obtain, within five (5) days, an evaluation from a licensed physician**, acceptable to the MRO, **who has expertise in the medical issues raised by the employee's failure to provide a**

sufficient specimen. (The MRO may perform this evaluation if the MRO has appropriate expertise.)

The person's personal referring physician must then provide a written statement to the MRO as to why that person cannot leave a specimen sample.

What I am getting at is a simple "attitude problem" can be nipped in the bud if the donor realizes how much money he is going to lose over the next few days i.e. lost wages, doctor bills etc. Then if he /she lives in a reportable state (see above article) He/she now has to pay for his rehabilitation which will

cost anywhere from \$500 to possibly several thousand dollars.

Test Positive and be Ready to Drop Your Pants or Panties

The DOT just issued major changes to it 49 CFR Part 40 Regulations. This is a Final Rule change and becomes effective August 25, 2008. The DOT amended certain provisions to change instructions to collectors, laboratories, medical review officers, and employers regarding adulterated, substituted, diluted, and invalid urine specimen results. This Final Rule makes specimen validity testing

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YOU COVERED YOUR TRUCKS! YOU COVERED YOUR CARGO! DID YOU COVER YOUR OWNER-OPERATORS?

NTA offers alternative protection for Independent Sole Proprietors who are not required to carry Workers' Compensation, but who want protection from on-the-job injuries.

- \$1,000,000 Medical Expense
- \$300,000 Death Benefit
- \$500 per week Disability

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you can't afford to delay!



DOT ISSUES INTERIM FINAL DRUG & ALCOHOL RULES continued from page 4

mandatory. In the past, this was always optional now it will be mandatory. In addition, a number of changes were made concerning procedures for direct observed collections. For instance, **it is now mandatory that all return-to-duty and follow-up test are observed collections.**

The Dot's position regarding payment for additional testing is similar to their stance on paying for split specimen testing. **Regardless of who pays or how, it is the employer's responsibility to ensure that procedures are in place to accomplish the additional testing.**

The entire final rule is fifteen (15) pages long, so I will not go into detail but I do want to point out three items I feel very important. That is 1) What happens when a test is cancelled because it was invalid, 2) What is now considered a refusal to test, and 3) What are the NEW observed collections rules.

Sec 40.23 What actions do employers take after receiving verified test results? You, as an employer, who receives a drug test result indicating that the employee's urine specimen test was cancelled because it was invalid you must ensure that a **second collection must take place under direct collection.**

Sec 40.67 When and how is a directly observed collection conducted? As an employer, you must direct a collection under direct observation of an employee if the drug test is a return-to-duty test or a follow-up test.

As the observer, you must request the employee to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show you, by turning around, that they do not have a prosthetic device. After you have determined

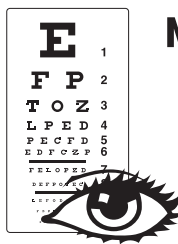
that the employee does not have such a device, you may permit the employee to return clothing to its proper position for observed urination.

Sec. 40.191 What is a refusal to take DOT drug test. The following are now considered a refusal to test which is an automatic positive.

1. Fail to cooperate with any part of the testing process i.e. refuse to empty pockets.
2. Behave in a confrontational way that disrupts the collection process.
3. Fails to wash hands after being directed to do so.

4. For an observed collection, fail to follow the observer's instruction to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.

5. Possess or wear a prosthetic or other device that could be used to interfere with the collection process
6. Admit to the collector or MRO that you adulterated or substituted the specimen. ■



NorthAmerican Transportation Association Inc Announces a New NATIONWIDE Vision Plan for Fleets & Independent Owner-Operators

With the NTA SightSelect Plan, you and your eligible dependents will receive comprehensive, high-quality vision care.

Our vision care plan offers:

- A complete annual eye examination by an optometrist or ophthalmologist
- Your choice of a wide range of covered-in-full frames after a small co-pay; or apply the frame allowance to any frame on the market
- Full coverage for select contact lenses after co-pay (in lieu of glasses) – including up to four boxes of covered disposables (depending on prescription)
- Access to discounted laser eye surgery procedures
- 100% coverage within Network

EXAM every 12 Months • LENSES every 12 Months • FRAMES every 24 months
FULLY INSURED – 100% Voluntary

Single rate is \$13.25 per month. Couple rate is \$22.25 per month. Family rate is \$32.25 per month.

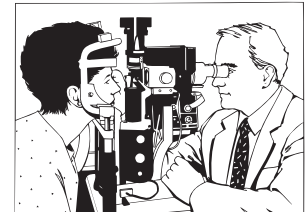
A small administration charge will be added to the premium. A three-month premium is due upon sign-up. Payments must be received before the 15th of the month prior to the month due to ensure eligibility. Members may choose quarterly, semi-annual or annual payments.

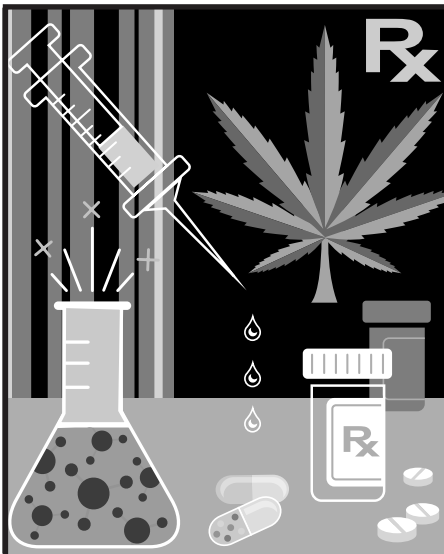
CALL 800-805-0040

NOTE: This is a Partial Listing of the NTA SightSelect Plan. The vision plan benefits summary must be consulted to determine the exact terms and conditions of coverage. A specimen copy of the benefits summary is available upon request for examination at the Administration Office of NorthAmerican Transportation Association.

The Group Plan is unwritten by UnitedHealthcare Insurance Company
for NTA members only.

NTA Inc. *Helping others to succeed in business™*





**ARE YOU AT RISK
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**NorthAmerican
Transportation
Association, Inc.**

is the **ONLY**
**Transportation Benefits
Organization with a Nationally-
Accredited Drug & Alcohol Testing
Program in the United States**



If you are not familiar with Title 49, Code of Federal Regulations and the Federal Motor Carrier Safety Regulations on Controlled Substance Abuse, and are currently doing drug testing through a local medical clinic, you may be doing drug testing but, MAY NOT have a FULL Drug Testing Program as mandated by the Federal Regulations.

**Avoid fines and
unsatisfactory ratings...
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800-805-0040**

Announcing the Release of NTA's New HAZWOPER 8-Hour Refresher Course

We at NTA are very proud to announce that the new version of the HAZWOPER 8-Hour Refresher was released today!

Availability:

We have replaced the older "Hazardous Waste Operations and Emergency Response 8-Hour Refresher" course, with the new "HAZWOPER 8-Hour Refresher" course.

Online Institute catalog. It is available for purchase immediately.

We will also review all open seat orders for the HAZWOPER course and replace any unused seats in those orders with seats from the new HAZWOPER course at no additional charge. This will be completed within the next few business days.

Course Features:

Some of the most exciting new features of the course are new topics, refreshed content, and a course the first time student can view from any page in the course.

Lessons:

The content has been broken into 16 different lessons, with each lesson being approximately 30 minutes in length. This includes a Course Overview lesson, to assist students in becoming familiar with the requirements of online training in general and in this specific course.

Certificates:

The HAZWOPER 8-Hour Refresher certificates have been retooled as well. When a student spends 8 hours or more completing the course, the supervisor's signature is not required and therefore is not included on the certificate. Students who complete the course in less than 8 hours will receive a certificate with a supervisor signature line. They may have a supervisor sign verifying they performed additional offline study or spent time in critique of incidents from the past year to supplement their time in the course to equal 8 hours of training.

With the new, robust content it will be easier for students to spend the full 8 hours in the course. The course overview lesson and the displayed timer will keep students informed of their requirements and status in fulfilling them.

For Further Information: For further information about the new course, please log in as the Administrator to your Online Institute catalog. From there, click Learn More to see the Overview, Outcomes, etc..., or you can click the name of the course to browse the course. In Browse Mode you can see all of the content except the exams, and your course time and results are not recorded.

We at NTA appreciate your business and are very excited about the changes to the HAZWOPER course. If we can answer any questions or be of assistance, please let us know; we're glad to help!

Customer Service can be contacted at: customerservice@advanceonline.com, 713-952-1100. Price for course is \$69.95.

SEPARATING PERSONAL AND BUSINESS FINANCES

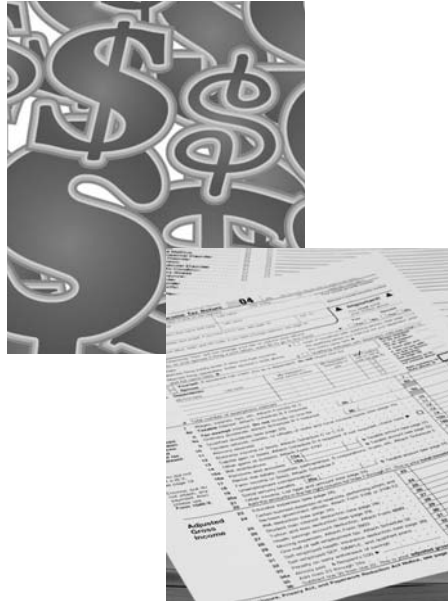
The first thing I see most owner operators do when they start their own business is that they forget to start a business checking account. There are a number of reasons why you should separate your personal and business banking, these include:

Part-time/Hobby Business

The IRS has strict rules that stipulate that only businesses can deduct business expenses. If your business “looks like a hobby” and/or you use a personal bank account for your business expenses it can make it harder to convince the IRS that you are operating a legitimate business.

Filing your taxes

When it comes time to file your tax return you will need to schedule your income and expenses for your business separately from your personal transactions. It will be more time consuming distinguishing your business from personal income and expenses if they are co-mingled on a single bank/credit card statement.



Audit trails

The IRS does not require that you have a separate bank account for your small business, but it does require that all records be accurate, complete, permanent and show a clear proof of all business related income and expenses. By establishing a separate business account you will provide a dedicated statement that is a clear record in the event of an audit.

Professionalism

Receiving checks from clients in your personal name can convey that your company is a part-time venture and that you do not take it as seriously as your clients do. The costs of a business checking account are far less than the benefits to your business. Fees are usually tax deductible as an expense. Opening a business account with a bank earlier can help you later if you need financing.

Establishing credit

Many owner operators finance their business start-ups using their personal credit cards, savings or home equity. But the longer you self-finance, the longer you delay establishing business credit and taking advantage of business loans or lines of credit.

Small business owners seeking credit need to carefully weigh and consider their options. Applying for credit should be a well-calculated and thought-out process. ■

Carrier Must File Updated MCS-150 Every 2 Years *continued from page 3*

Based on this schedule, a carrier with a USDOT number ending, for example, in “75” would have to file its first updated MCS-150 by the end of May 2001. A number ending in “48” would mean a filing deadline of August 31, 2002.

For the initial phase of the implementation period, the FMCSA will allow motor carriers that would be required to file their MCS-150 by the end of January or February 2001, to file by the end of March 2001.

During the next two years, some carriers will be filing updated MCS-

150s less than 24 months after filing the original report, or, in many cases, considerably later than 24 months after filing the initial report. After the initial phase in period, however, all carriers will be on a predictable 24-month schedule.

The FMCSA devised the schedule to manage its increased administrative workload.

You can obtain a hard copy of the form from any of the four FMCSA Service Centers, the 52 division offices, or the FMCSA Office of Research, Technology and

Information Management, 400 Seventh St, SW., Washington, DC 20590. The form is printed so it may be folded and mailed. Postage is paid by the FMCSA.

The MCS-150 is also available on the FMCSA website: www.fmcsa.dot.gov/factsfigs/formspubs.htm. Select “DOT Number - Application Form.” The motor carrier may fill out the form on the screen, print it, and submit it by mail or by fax. The FMCSA is working on providing electronic filing of the MCS-150 in the future. ■

WELCOME NEW MEMBERS

NTA 2ND QUARTER 2008 NEW MEMBERS

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Robert Smith Co	Las Vegas, NV	Alejandro Montalvo Co	Paramount, CA
Garna Trucking LLC	Lawndale, CA	Spring Water Express	San Diego, CA
Long Nose Express	Long Beach, CA	Valencia Trucking Corp	Tehachapi, CA
M & G Express Inc	Long Beach, CA	Rosales Driving Services	West Covina, CA
Gus Trucking Service	Long Beach, CA		

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Your Association has these NEW publications available to provide helpful and authoritative information.

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North American Uniform Out-of-Service Criteria (CVSA).....	\$32.95	The IRS Trucking Audit Manual	\$49.95
California Code of Regulations, Title 13 Excerpts	\$32.95	Transportation Agreement Package	\$695.00
Set up Corporations "C", "S" and "LLC"	\$700.00 plus filing fees		



My name is Wayne Schooling
and this is my story

I'm Wayne Schooling, President and CEO of NorthAmerican Transportation Association, Inc. I saw a newspaper ad from a company called LifeLock that protects individuals from identity theft. As President of one of the largest nationally accredited Drug and Alcohol Programs for the transportation industry, I also knew that as good as our security is, we still could not totally guarantee the confidentiality of our members from computer hackers. That is why I am not only endorsing this service, but I have arranged for every NTA member to receive a 15% discount off LifeLock's regular price. LifeLock will make your personal information useless to a criminal, it's GUARANTEED! *I use LifeLock and so should you!* **It's GUARANTEED — ONE MILLION DOLLAR GUARANTEED!**

30 Day Free Trial and 15% discount! Call 1-877-LIFELOCK and mention promotional code: NTA