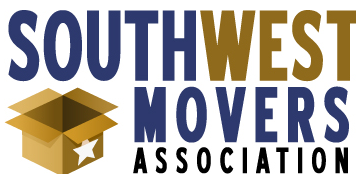


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MOVEFAX

March 5, 2010

Dear SMA Member:

April Meeting: Reminder: GHMA Charity Golf Tournament is April 14; the SMA member meetings and luncheon is April 15; and all concludes before noon on April 16 with the committee chair reports and board of directors meeting. The registration form is available on the SMA site. Please fill out a form and let us know you will attend.

We want to have your name badge made, your chair available at the meeting tables and your lunch reservation made.

State Moving Associations: For the last three years, John Esparza and I have had the privilege and communication opportunities afforded by other State Moving Associations who are members of the National Council of Moving Associations (NCMA). The NCMA meets every June for three days, but its members routinely share related information, newsletters, scam warnings, etc., on a regular basis. Having members of the NCMA as a resource for both the staff and the membership has been invaluable and much appreciated. The article on misclassification of independent contractor and the FMCSA pre-employment screening contact information comes from the Pennsylvania Moving & Storage Association's March Report "Moving Forward".

SMA's 2010 Calendar of Meetings: The SMA Calendar of meeting dates will be found in the weekly MoveFax. The calendar is updated as meeting dates and places are finalized.

Thanks,

Dorothy Brooks
Director of Operations

SMA Event Calendar for 2010

SMA/GHMA Combined Meeting & Golf Tournament - April 14-16 - Marriott Town Square Hotel, Sugar Land, TX

IN THIS ISSUE

[SMA Event Calendar for 2010](#)

[Have you sent your Survey Response?](#)

[SMA Foundation Scholarship Applications due May 14](#)

[Participate in ATRI's HOS Survey](#)

[Register Today for SMA's Winter/Spring Member Meetings April 14-16](#)

[Feds Crack Down on Misclassification of Independent Contractor](#)

[FMCSA Pre-employment Screening](#)

[Order Today: Revised Texas Safety Regulations Available](#)

[FMCSA Listening Session Added](#)

[Most Popular Cities for Relocation](#)

[Maryland Bans Smoking in Commercial Vehicles](#)

[Highway Trust Fund Legislation Passes](#)

[FMCSA Update on Credit Card Transactions](#)

[Primary Election Results: Thanks for Voting](#)

[Advertising Legally \(TxDMV Rules and Regulations Book\)](#)

National Council of Moving Associations - June 8-10, St. Louis, MO
Summer Membership Meeting - July 11-13 - Embassy Suites in Hot Springs, AR.
Annual Membership Conference - Sept. 22-24 - Lost Pines Resort and Spa in Bastrop, TX

Have You Sent Your Survey Response?

Have you responded to the SMA survey reporting the Long Range Planning Committee recommendations? Please, return your surveys on or before March 12 to facilitate additional committee appointments by Chairman Crocker and dictate agenda items for the April meeting as well as meetings throughout the year. Your input is important - please let us know what you think! We've received 25 responses with great comments and suggestions; we're anxiously looking for yours to arrive!

SMA Foundation Scholarship Applications due May 14

The SMA Foundation application for scholarships is posted on the SMA website. Members who have students (family, employees and employee families) who will be headed for colleges and universities at the end of the current school year asked to encourage their students to file their application for SMA Scholarships. Download an application at www.southwestmovers.org.

The new deadline reply date for submitting scholarship applications is May 14, 2010, so schools should be asked now for a sealed copy of the mid-term transcript to send with your application.

Participate in ATRI's HOS Survey

The American Transportation Research Institute (ATRI) is collecting and analyzing motor carrier safety and operational data to help inform the upcoming hours-of-service (HOS) rulemaking process. ATRI has developed an online survey which can be found on the ATRI website www.atri-online.org

The data collected by ATRI from this effort will be cleansed of identifying information and aggregated to ensure that the results are not attributable to any one company. The results will be used to continue to educate the Federal Motor Carrier Safety Administration (FMCSA) leadership and staff on driver and carrier operational practices and safety experience under the current rule.

Please complete this short survey by March 24, 2010.

Register Today for SMA's Winter/Spring Member Meetings April 14-16

Register today for the Winter/Spring Member Meetings in Sugar Land, Texas. The GHMA Golf Tournament will kick off the gathering on April 14. Meetings will follow on April 15 and 16. The meetings are open to all SMA members. Please register today at: www.southwestmovers.org

Feds Crack Down on Misclassification of Independent Contractors

It's always risky to misclassify someone who should be an employee as an independent contractor, but President Obama's 2011 budget proposal will increase the risks for employers.

According to this budget summary from the U.S. Department of Labor, the misclassification of employees as contractors is estimated to cost the Treasury Department more than \$7 billion in lost payroll tax revenue over the next 10 years. To help make up for this shortfall, the proposed budget includes funds earmarked for a "joint proposal" between the DOL and the Treasury Department to eliminate legal incentives for such misclassification, and an additional \$25 million to target misclassification with 100 additional enforcement personnel and competitive grants to boost states' incentives and capacity to address this issue. If this budget provision goes into effect, employers will need to be particularly careful not to misclassify employees as contractors.

Of course, it's already a risky proposition to misclassify employees as contractors. For example, FedEx was on the wrong end of a \$14 million award after a California court concluded that the shipping giant misclassified hundreds of drivers as contractors. Lawsuits in this area are common, ranging from individuals seeking unpaid wages and overtime to multi-million dollar class actions. Federal and state governments are also known to go after employers for unpaid payroll taxes and associated penalties.

Are you concerned that your independent contractor might actually be a misclassified employee? The IRS has published this handy information on how to determine whether the employee is correctly classified. There is even an IRS form (Form SS-8) that you can file to seek the Service's help in determining if your employee is correctly classified. Of course, if you believe that you have misclassified employees working as contractors, it might be a good time to contact your labor and employment attorney first.

FMCSA Pre-employment Screening

Questions and answers about the pre-employment screening program (PSP) can be found on the PSP Website, www.psp.fmcsa.dot.gov. PSP will be administered by an FMCSA contractor, National Information Consortium Technologies, LLC (NIC). Phase 1 will allow motor carriers the opportunity to visit the PSP Website and pre-register for the program by submitting their company contact information. Motor carriers will not be able to order driver information at this time. However, pre-registering for the program will expedite motor carrier access to the data once the next phase is launched.

The motor carrier will download the PSP enrollment package from the PSP Website in order to input all required information, and sign the agreement form. The motor carrier can then mail the PSP enrollment agreement to Pre-Employment Screening Program, P.O. Box 6810, McLean, VA 22106 or return a scanned copy of the enrollment package to PSPenrollment@nicusa.com. The contractor's customer service representatives will handle e-mails at PSPenrollment@nicusa.com, and telephone requests at 1-877-684-6832. The PSP call center is available from 8 a.m. to 6 p.m. Eastern time, Monday through Friday.

**Order Today:
Revised Texas Safety Regulations Available**

Revised Texas Motor Carrier Safety Regulations are now available. Revisions are \$39.95. If you would like a complete, bound set, the cost is \$64.95. To place your order, contact TMTA at 512.478.2541 or jason@tmta.com.

FMCSA Listening Session Added - March 26

The Federal Motor Carrier Safety Administration (FMCSA) announced a fifth public listening session to receive public comment on its revisions to the Hours of Service (HOS) rules. The session will take place on Friday, March 26, from 10 a.m. until 6 p.m., at the Mid-America Trucking Show in Louisville, Kentucky. FMCSA has asked questions about rest and on-duty time, the restart provisions of the rules, sleeper berth use, and effects of including loading/unloading time into the clock. The specific questions are listed in the Federal Register notice.

Most Popular Cities for Relocation

Relocation.com recently analyzed its moving request data from cities of more than one million people. This produced the following list of cities that people want to move to, based on the per-capita number of quotes for moving services requested to particular communities by the end of 2009: 1) Denver/Boulder/Greeley, CO; 2) Las Vegas, NV; 3) Austin/San Marcos, TX; 4) Washington D.C.-Baltimore, MD; 5) Orlando, FL; 6) Raleigh/Durham/Chapel Hill, NC; 7) Dallas-Fort Worth; 8) Atlanta, GA; 9) Charlotte/Gastonia, NC-RockHill, SC; and 10) SanFrancisco - Oakland/San Jose, CA.

Maryland Bans Smoking in Commercial Vehicles

With little or no fanfare, the Maryland Department of Labor, Licensing and Regulation amended its prohibition on smoking in an "indoor place of employment". The amendment, which became effective in 2009, added a vehicle used in the course of employment as a covered "place of indoor employment". All drivers of company vehicles, including trucks, are now banned from the smoking of tobacco products while in the state of Maryland. There is an exclusion for a vehicle owner (e.g. an owner-operator), as long as he or she is the sole occupant in the vehicle. The exclusion does not apply if there is a second person riding along.

Highway Trust Fund Legislation Passes

Tuesday, the Senate voted 78-19 to pass a \$10 billion measure to fund highway projects and extend unemployment benefits for 30 days after Republican Sen. Jim Bunning of Kentucky agreed to end his filibuster demanding a way to pay for it first.

President Obama signed H.R. 4691 late Tuesday.

The Senate's failure last week to overcome Bunning's objections meant funding for federal highway, transit and highway safety programs ran out at midnight Feb. 28. The current surface transportation authorization act - the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU) - was due to expire Sept. 30, 2009, but has been kept alive by a series of extensions while Congress considers a replacement authorization bill. A different bill pending in the House would extend SAFETEA-LU through the end of 2010.

Sen. Bunning's decision to block the legislation forced the DOT to furlough nearly 2,000 employees without pay Monday, temporarily shut down highway reimbursements to states

worth hundreds of millions of dollars. Employees returned to work on Wednesday.

FMCSA Update on Credit Card Transactions

The FMCSA has implemented a more stringent credit card and transaction verification procedure. All credit card transactions now require verification of the credit card number, expiration date, security code, billing address and telephone number.

To update your Docket Number (Operating Authority) information electronically, you will need a Personal Identification Number (PIN). A separate Personal Identification Number (PIN) is required to update your USDOT Number information electronically. Allow four to seven business days to receive your PIN by mail.

Primary Election Results; Thanks for Voting

Well, the votes have been cast and tallied! As you all know and read in the media, we had a variety of election results. The Texas secretary of state's office said Wednesday that turnout was slightly more than 2.1 million, or 16.5 percent of registered voters. The most voters in a Texas primary election in 20 years.

Thank you to everyone for your efforts and support of SMA MovePAC. Your political involvement and action is of utmost importance to the success of our association and the voice of the industry.

Below are the results of the primary election.

Republican Primary:

GOVERNOR - Rick Perry.
 LIEUTENANT GOVERNOR - David Dewhurst.
 ATTORNEY GENERAL - Greg Abbott.
 RAILROAD COMMISSIONER - David Porter.
 LAND COMMISSIONER - Jerry Patterson, uncontested.
 AGRICULTURE COMMISSIONER - Todd Staples.
 COMPTROLLER OF PUBLIC ACCOUNTS - Susan Combs.
 U.S. REP. DISTRICT 4 - Ralph M. Hall.
 U.S. REP. DISTRICT 8 - Kevin Brady.
 U.S. REP. DISTRICT 9 - Steve Mueller.
 U.S. REP. DISTRICT 10 - Michael McCaul.
 U.S. REP. DISTRICT 11 - Mike Conaway.
 U.S. REP. DISTRICT 12 - Kay Granger.
 U.S. REP. DISTRICT 14 - Ron Paul.
 U.S. REP. DISTRICT 17 - Rob Curnock and Bill Flores in runoff.
 U.S. REP. DISTRICT 18 - John Faulk.
 U.S. REP. DISTRICT 20 - Joseph "Jamie" Martinez and Clayton Trotter in runoff.
 U.S. REP. DISTRICT 21 - Lamar Smith.
 U.S. REP. DISTRICT 23 - Francisco "Quico" Canseco and Will Hurd in runoff.
 U.S. REP. DISTRICT 24 - Kenny E. Marchant.
 U.S. REP. DISTRICT 25 - Donna Campbell.
 U.S. REP. DISTRICT 26 - Michael C. Burgess.
 U.S. REP. DISTRICT 27 - James Duerr and R. Blake Farenthold in runoff.
 U.S. REP. DISTRICT 28 - Bryan Underwood.
 U.S. REP. DISTRICT 29 - Roy Morales.
 U.S. REP. DISTRICT 30 - Stephen E. Broden and Sheldon Goldstein in runoff.
 U.S. REP. DISTRICT 31 - John R. Carter.
 U.S. REP. DISTRICT 32 - Pete Sessions

Democratic Primary:

GOVERNOR - Bill White.
 LIEUTENANT GOVERNOR - Linda Chavez-Thompson.
 ATTORNEY GENERAL - Barbara Ann Radnofsky.
 RAILROAD COMMISSIONER - Jeff Weems.
 LAND COMMISSIONER - Hector Uribe.
 AGRICULTURE COMMISSIONER - Hank Gilbert.
 U.S. REP. DISTRICT 14 - Robert Pruett and Winston Cochran in runoff.
 U.S. REP. DISTRICT 15 - Ruben Hinojosa.
 U.S. REP. DISTRICT 18 - Sheila Jackson Lee.
 U.S. REP. DISTRICT 22 - Kesha Rogers.
 U.S. REP. DISTRICT 23 - Ciro D. Rodriguez.

Thanks again for your support and enthusiasm. And thank you for voting.

Advertising Legally (TxDMV Rules and Regulations Book)

(a) Print Advertising. A Household goods carrier shall include the following information on print advertisements. (1) the name of the household goods carrier as shown on the certificate of registration; (2) the street address for the place of business; (3) the household goods carrier's certificate of registration number in the following form, "TxDOT No. ____."
 (b) Use of household goods agent's name. A household goods carrier may include the name of its household goods agent as filed with the department in its print advertisements. (d) Internet websites: ...provide the TxDMV's toll-free number 1-800/299-1700 and the household good carrier's certificate of registration number on any website operated by or for the household goods carrier.

For the purposes of information, mover members should be aware that staff considers a mover using multiple, unregistered names (not dba's registered with TxDMV), on multiple websites with the same telephone number, giving consumers the impression of being different movers, a violation of §18.52 "(f) Prohibited advertisements. For the purposes of this subsection, an advertisement is any communication to the public in connection with an offer or sale of an intrastate transportation service. A household goods carrier and its household goods agents may not use any false, misleading, or deceptive advertisements."

A SMA complaint will be filed with TxDMV that such multiple websites using assumed, pseudo-names constitute "false, misleading and deceptive advertising." Movers are registered with TxDMV under a name with an assigned TxDOT number that identifies the mover to the public as a legitimate business that has filed proof of insurance; that has a physical location; that is known to TxDMV; and to advertise under other pseudo-names is deceptive and misleading.

Southwest Movers Association * 700 E. 11TH St. * Austin TX 78701

Phone: 512/476-0107 * Fax 512/476-0940

www.southwestmovers.org

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