



## **Board of Directors Meeting Minutes**

Wednesday, May 24, 2023 – 12:30 p.m.

Birdie's Miniature Golf & Sports Bar

Chair Robert Haag Presiding

**Attendees:** Hue Andrews, Matt Cavell, Terri Clay, Kevin Coley, Dan Cook, Calvin Cook, Jeff Davis, Wade Day, Michael Elmore, Brian Farmer, George Gerth, Kenny Gillum, Mark Haag, Robert Haag, Mark Hall, Kasey Igleheart, Chris Jagnow, Steve Johnson, Garrett Knollman, Amy Lathrop, Larry Limp, Kristine Maczollek, Eli McCormick, Brian McCoy, Todd Metzger, Jason Miller, Doug Molloy, Jacob Nichols, Ted Pappert, John Paugh, Branden Renner, Jeremy Reymer, Lance Riegle, Ryan Schilling, Kevin Sheddy, Greg Shipman, Michael Shipman, Casey Stump, Mont Switzer, Brett Terchila, Darick Underwood, Jessica Warnke, John Whittington **Emeritus:** Phil Hammel, Shorty Whittington **Staff:** Gary Langston, Sally Myers-Gerth, Jennifer Piatt, Kellie Walsh **Guests:** Eric Starks, Jim Purucker

**Chairman Robert Haag called meeting to order at 12:35 PM**

Jennifer Piatt welcomed as new Vice President of the Association.

**Welcome/Call to Order/Introduction of Officers – Robert Haag, Perfect Transportation**

**Secretary's Report – Brett Terchila, Paschall Truck Lines**

Meeting Minutes from December 14, 2022 approved by BOD.

**ATA Report – Provided by Edgar McGonigal, Bestway Express; Presented by Robert Haag, Perfect Transportation**

The ATA Mid-Year Management Session in Hollywood, FL was held May 4-7. Highlights are as follows: 1. During the Tax Policy Committee, issues in the various states were discussed. We also had a presentation from ATRI staff on the problems with electrification in the industry. ATRI has put out an excellent paper on Charging Infrastructure Challenges that is available for those who might be interested. 2. The Executive Committee included a presentation by Bob Costello on the state of the industry. He indicated that the freight industry was already in a recession but with inventories starting to decline to pre-covid levels that it still should be a short and shallow recession. 3. The Board of Directors meeting was held Monday afternoon and included the various committee reports which are all available. Chris Spear also gave an update on the move to the new offices in Washington, D.C. and progress on lawsuit abuse reform. Various new members were elected to positions on the Board as Vice Presidents at Large including Robert Haag and Cari Baylor.

Gary Langston provided information on 5 bills ATA distributed as "bills to watch" on May 24<sup>th</sup>, 2023.

### **1) The Truck Parking Safety Improvement Act**

**Introduced by:** Reps. Mike Bost (R-Illinois), Angie Craig (D-Minnesota), Daniel Meuser (R-Pennsylvania), Troy Nehls (R-Texas), Eric Swalwell (D-California), Nancy Mace (R-South Carolina), Pete Stauber (R-Minnesota) and Brian Babin (R-Texas)

**Purpose:** The bill would establish a competitive grant program to fund truck parking projects across the

nation.

**Background:** There is currently only one parking spot for every eleven truck drivers on the road today, and drivers spend an estimated 56 minutes every day looking for a safe place to park. Providing drivers with access to safe parking spots at night and rest breaks mandated by federal hours-of-service rules would increase highway safety, improve supply chain efficiency, improve the quality of life for drivers and make fulfilling careers in trucking more attractive to a new generation of truckers that will include more women and other currently underrepresented demographics.

## **2) The LICENSE Act**

**Introduced by:** Reps. Darin LaHood (R-Illinois), Henry Cuellar (D-Texas), Dusty Johnson (R-South Dakota), Troy Balderson (R-Ohio), Jim Costa (D-California) and Josh Harder (D-California)

**Purpose:** The bill would make permanent two DOT waivers that provide flexibility for the licensing of qualified new drivers to meet trucking's workforce needs.

**Background:** These waivers improve the application process for individuals seeking Commercial Driver's Licenses by allowing skills test examiners to also administer the CDL knowledge test, and to administer a driving skills test to any applicant regardless of the applicants' state of domicile or training. The waivers were extended multiple times with no findings of adverse safety impacts by both the Trump and Biden administrations during the COVID-19 pandemic.

## **3) The CARS Act**

**Introduced by:** Rep. Lance Gooden (R-Texas)

**Purpose:** The bill would provide a 10% weight tolerance specifically for stinger-steered automobile transporters.

**Background:** A weight tolerance for automobile transporters, which are hauling heavier hybrid and electric passenger cars to market, would enable these vehicles to maximize the use of their equipment to get clean cars to auto dealers. Without exceeding federal bridge weight limits, this bill would reduce the number of miles traveled by heavy-duty trucks that must now complete multiple trips because they are unable to fully load their equipment due to current weight limits.

## **4) The Dry Bulk Weight Tolerance Act**

**Introduced by:** Reps. Rick Crawford (R-Arkansas) and Salud Carbajal (D-California)

**Purpose:** The bill would allow a 10% weight tolerance for dry bulk carriers to allow for the shifting of cargo, in vehicles loaded at or below federal weight limits, during transit.

**Background:** This flexibility would increase the efficient movement of dry bulk cargo, including agricultural goods, and would ensure that companies moving those goods are not unfairly penalized due to the shifting weights due to braking and other standard events on our highways.

## **5) H.R. 3447**

**Introduced by:** Rep. Greg Stanton (D-Arizona)

**Purpose:** The bill would provide a 2,000-pound weight exemption to hydrogen-powered vehicles, similar to the exemption currently enjoyed by both battery-electric and natural gas-powered heavy-duty trucks. This legislation would reduce emissions while restoring technology- and fuel-neutrality in federal regulations for companies investing in new, cleaner heavy-duty vehicles.

**Treasurer's Report – Steve Johnson, Marvin Johnson & Associates, Inc.**

Report captured YOY comparison of Jan-Apr. 2023 vs. Jan-Apr. 2022. With Convention as a factor, our net income is (\$70K). We will balance out by the end of convention when Sponsorship funds are no longer in escrow. The IMTA had to cash in a bond due to cashflow. Steve requests that Dues and sponsorships are paid on time. Major expenses to date are mostly related to recruiting, payroll, and technology costs associated with the transition of VPs in the association.

**TIPAC Update – Lance Riegle, Marvin Johnson & Associates/Eli McCormick, Bestway Express**

Current cash balance is above 100K, more than 28K over the same time last year. The Star Program income is \$43,850 as of April 2023 which is \$31,150 short of the \$75,000 annual goal or 58% to goal. Expenses year-over-year are down due to not writing contribution checks for 2023 as of the end of April; but, \$3700 in contributions have been written as of 5/23/2023. Any personal or corporate support is appreciated.

**Allied Industry Update – Doug Molloy, Rush Truck Centers**

The Allied Industry has 205 members, which is a net gain of 3 members over 2022 with a net gain of \$2,085 in income. Our net goal for 2023 is 17 net new members and though we've had 10 new Allied members join, 7 have also cancelled. The Allied Industry Mini-Golf Outing (later today) has 140+ attendees registered, and all sponsorships are sold out. The net goal for this fundraising event is \$15,000.

**Future Leaders of Indiana Update – Matt Cavell, McGriff Insurance**

There are 61 FLI Members. Their goal is 10 new members, so far 4 have joined. Net income for FLI is \$2,483.98 for the year. The 2023 FLI Conference will be held in Fort Wayne this June (17 attendees are currently registered). If you have interested parties in your association, please register to attend. FLI's latest initiative is with Wreaths Across America. The goal is to sell 5000 wreaths. Each wreath is \$17 with \$5 per wreath being paid back to the IMTA for a net goal of \$25,000.

**SMC Update – Darick Underwood, Carter Express**

SMC Membership has 7 new members to date with a total current membership of 134. There have been 33 Master Truck Drivers certified with 31 occurring at the SMC Awards Banquet. The Banquet netted over \$14K with 230+ attendees registered. NATMI Training in January netted nearly \$9K from 20 in the class. 2024's NATMI class is confirmed for the third week of January. The TDTC has a net income goal of \$17K; we are currently about 18K short of the sponsorship goal. We need 12 platinum sponsors to help us cover the cost of the event. Greg Shipman updates the group that there are 30 technicians registered to compete in the Technician Championships. Greg also made a request for participation and volunteers.

**Membership – Jessica Warnke, Carter Express**

Net Membership is up 8 members, which is 19 shy of our 2023 overall goal. Our net income is up \$1,618.67. which is down 28K from our EOY goal. There are 9 active carrier prospects accounting for \$10,600 in new dues income. Shorty Whittington recommended reaching out to the OH trucking association for information on R&L Trucking. Robert Haag asks that anyone with leads, please send their contact information to Kellie.

## Legislative Overview 2023 – Gary Langston, Indiana Motor Truck Association

FINAL Legislative Session Summary- 2023

The 2023 legislative session Sine Die arrived a little after 0200 on Friday, April 28th. Governor Holcomb finished signing all the bills that passed both the House and Senate by last Thursday, May 4th.

Much of the information below was created prior to the end of the session and was speculative at the time it was included in the recently distributed Spring 2023 edition of the Crossroads Quarterly.

**HB-1001- State Budget-** The conversation about how best to fund the current and future needs of the state's roads and bridges infrastructure is ongoing. The most controversial part of that conversation during this session surrounded the continued indexing of a penny per year (collects about \$30 million), originally proposed to be extended through 2029, was in fact extended for only three additional years. It's reported that the increase will not generate "additional revenue, but instead will help to stay even due to increased MPG and the use of alternative fuel vehicles.

The last three pages of this year's budget (260, 261 and 262) create a "taskforce" which will focus on future infrastructure needs and how to pay for them. We are encouraged that a representative from the Indiana Motor Truck Association will have a voice in that decision making. The complete description of the task force is below.

**HB-1015- Worksite Speed Control Pilot Program-** will allow cameras in construction zones to capture motorists traveling more than 11 MPH above the posted speed limit. A speeding ticket would be sent through the mail. The date the "pilot" program will begin has not been announced. Although the bill is focused on improving the safe working conditions for the road builders, it's interesting to note that most of the injuries are to motorists who have accidents as they pass through the construction work zones.

**HB-1050- Various Motor Vehicle Matters-** this is the BMV agency bill. Contained in 1050 is language that would adopt the International Fuel Tax Agreement (IFTA) model as a method for collecting revenue from alternative fuel vehicles which are not currently helping to pay for the use of Indiana roads.

In addition, there is language that will **remove the requirement** for intrastate carriers who use only diesel and gasoline, and drive all miles in Indiana, to register their equipment, pay a \$25 annual fee, put a sticker on their vehicle and file a quarterly fuel tax report. Carriers who file for a proportional use credit for power take-offs, etc. will still be required to continue the existing registration process.

**HB-1124- Civil Proceeding Advance Payment Contracts(CPAP)-** when a claimant enters into a contract with a third party to "finance" the law suit, the consumer claimant(third party) must notify both the plaintiff and defendant counsel as well as the insurance companies involved in the case.

**HB-1196- CDL Training Regarding Human Trafficking-** All Indiana CDL training schools will be required to show all students a thirty minute video on human trafficking in an effort to help CDL drivers recognize, report and prevent human trafficking. Drivers will be required to attest to having seen the video before they can take the final written test through the state approved testing sites.

**HB-1204- Enforcement of Weight Limits for Overweight Loads-** Tri- axle dump trucks hauling “aggregate” materials will be allowed a 10% variance on axle weight before becoming subject to a citation or civil penalty. Gross weight will continue to be enforced at the existing level. There will also be a reduced penalty structure which will more fairly assess penalties based on the amount of weight the carrier is over gross or axle weight, replacing the previous policy which based the amount of the penalty on the number of violations the carrier had received. That new process will apply to all commercial vehicles which better matches the violation to the penalty. The passage of this bill required textbook collaboration between the trucking industry, INDOT, INDOR, ISP, road builders, and both the Legislative and Executive branches of government.

**DEAD BILL, HB-1411- Speed Limit Reduction on County Streets or Highways-** Will allow county executives to determine the appropriate safe speed on a street or highway within their jurisdiction. In many cases, speed limits were established decades ago in areas that at the time were rural yet now are much busier due to years of commercial development. This bill was designed to help evaluate what is a “safe” speed limit on roads like US 20 and US 30 where commercial growth has created congestion and other conditions that were not present when the speed limit was established decades ago. The bill did not receive a hearing in Senate Homeland Security and Transportation

At the start of the session there were two other bills that attracted a lot of attention and at different stages seemed to have good momentum. Unfortunately, both bills were derailed in the Senate Judiciary Committee and did not make it out of committee for consideration on the senate floor.

**SB-163- Evidence of Lack of Seat Belt Use-** Evidence that an occupant of a vehicle involved in a crash was not wearing a seatbelt is inadmissible before a jury. This bill would have allowed that evidence.

**SB-324-Torts Involving Commercial Trucking Industry-** This bill would have bifurcated the trial process, requiring fault to be established before the trial could proceed. If the defendant was found to not be at fault, the second phase would not occur.

A gallant effort was put forth on these two bills. Local legal professionals as well as help from the American Trucking Associations provided excellent testimony. We are already engaged in conversations with additional stakeholders on the development of an even stronger coalition for the 2024 legislative session.

Thank you to the many IMTA members who we called upon for knowledge and guidance as we worked our way through the bills in the 2023 session. We would not have the successes without your involvement.

#### **Association Activities**

- Wreaths Across America – Please Support, our goal is 5000.
- Truck Driving & Technician Championships – Please come out to support the drivers and techs. – Brian McCoy mentions that last year was his first TDTC banquet and encourages the board to come as it was an impressive event.

#### **Other Business**

- Larry Limp – mentioned that Senate bill 468 included a new definition of “money” and asked for either Jim or Gary to speak to that. Jim Purucker – Uniform commercial code change was trying to be slipped into language. We were able to get folks to pay attention and get it amended.
- Hue Andrews – what is the plan for fighting lawsuit abuse? Gary – if you look at the successful states, it comes down to having a good governor behind your back.
- Mark Haag – who do you think the next governor will be? Should we use our PAC Money? Gary – I think it’s going to be Braun. Support him, mention us, and go to Jim’s fundraiser this summer.
- Lance Riegler – mentioned the upcoming TIPAC events of Golf Outing, Motorcycle Ride, and Convention-based Auction.
- Robert Haag – mentioned that the IMTA Call on Washington is open for registration.
- Robert Haag – presented Larry Limp with Past Chairman’s award.
- Shorty Whittington – made a proposal to Lance Riegler that he will donate his 6 box seats for every running at Churchill Downs to people who make a direct contribution of \$100 to TIPAC. Lance Riegler accepted and committed to talking more about the opportunity.
- Gary Langston – Senator Braun has committed to come to the IMTA Convention to speak on Friday Morning.

Eric Starks, FTR – presented a Market Update and mentioned that on September 12<sup>th</sup> FTR will be hosting an event at the Crowne Plaza.

**Meeting adjourned at 2:30 PM**



**Brett Terchila, IMTA Secretary**