



TSNAmerica trucking info hub

Here to Keep You Truckin'

www.TSNAmerica.com

June 2014

ISSUE 3

UPCOMING DEADLINES

June 30, 2014

- HazMat Certificate of Registration Renewal
- MA IRP Renewal
- WV IRP Renewal

July 31, 2014

- 2nd Quarter IFTA
- 2nd Quarter KYU
- 2nd Quarter NM Weight-Distance
- 2nd Quarter NY HUT

July 1, 2014

- 2014-15 Form 2290 Filing Season Opens

August 31, 2014

- 2nd Oregon Weight-Mile

September 2, 2014

- 2014-15 Form 2290 Deadline

Bringing you the 3rd issue of Trucking Info Hub: Here to Keep You Truckin'.

We are so excited with the new contacts we made while attending MATS in March and look forward to the potential these new relationships may bring. We continue to expand our services and our clientele; thank you all and keep those referrals coming – and don't forget you can earn referral credit on future services!

Our featured contributors this quarter are, Paige Herring of Scott, Sullivan, Streetman, & Fox, who discusses legal pitfalls that can result in broker liability and Jim O'Donnell, of Trucker Tax Service, sharing his knowledge of proper record keeping. As always, we welcome any questions or suggestions for future industry topics.

We are gearing up for the 2014-2015 Form 2290 Filing Season and are already Pre-Filing Returns. For those of you who want to avoid rushing around at the last minute, contact us and we'll take of your filing in no time!

Please share our newsletter with your friends and don't forget to Like Us on Facebook and Follow Us on Twitter! Thank you again and until next quarter - **Keep On Truckin'!**



SAVE UP TO 50%
off your TSNAmerica
Quarterly IFTA Filing Fee
when you refer us to others!

Refer 1 friend and
SAVE 25%
Refer 2 friends and
SAVE 50%



SHOUT OUT CORNER

Special thanks to our customers for their referrals:

Frank Wagoner of NC
Alex Bedaso of NV
Luke Perrigo of NY

A very special thank you to our agents for their industry referrals:

Andrew Fay
LeClairRyan
Boston, MA

Ed Foster
Hub Group Trucking
Austell, GA

Jim O'Donnell
Trucker Tax Service
Fort Wayne, IN

Deb Kellam
Hall & Evans LLC
Cheyenne, WY

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Foley & Mansfield
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FORM 2290 HEAVY VEHICLE USE TAX INFORMATION

Form 2290 is an annual tax required for any vehicle 55,000 GVW or greater that operates on public highways. The tax year runs from July 1 to June 30, but we are helping you stay ahead of the game by **pre-filing 2014-2015 Form 2290 returns now!** The filing period opens on July 1, 2014 with the normal deadline of August 31st, but since that is a Sunday this year and Monday, September 1st is Labor Day, the deadline will be Tuesday, September 2, 2014. Contact us today to get your filing out of the way!

HAZARDOUS MATERIALS REGISTRATION INFORMATION

WHAT IS IT?

This program began in 1992 and is administered by the Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration (PHMSA). Transporters of certain quantities and types of hazardous materials, including hazardous wastes, are required to file an annual registration statement with the U.S. Department of Transportation and to pay a fee.

WHEN IS IT DUE?

The registration year runs from July 1 to June 30, and the 2014-2015 registration statement and payment must be submitted before July 1, 2014.

WHAT ARE THE FEES USED FOR?

The fee provides grants and distributes funds to all States and Indian tribes for hazardous materials emergency response planning & training.

**CAUTION
HAZARDOUS
MATERIAL**

See <http://phmsa.dot.gov/hazmat> for more information or contact us if you would like us to handle your filing for you.

Tips to Minimize Shipping Broker Liability

by Attorney Paige Herring

FEATURED CONTRIBUTORS

OVER THE PAST TEN TO FIFTEEN YEARS, THE USAGE OF SHIPPING BROKERS HAS GROWN EXPONENTIALLY. THIS is especially true over the latter half of that period with the growth of the internet and the usage of websites which allow trucking companies (or brokers) to bid or solicit for work. While these types of arrangements create savings and facilitate speedy communication, they can result in potential exposure. While no one can guarantee that you will never be sued, there are some steps that can be taken to reduce your exposure if you engage in brokerage services.

Most legal arguments are generally grouped into two categories, negligence and respondeat superior liability. The negligence prong is based upon the simple fact that the broker is obligated to take reasonable steps to select a carrier who is safe, prudent and conscientious — in a word — responsible. If a shipping broker fails to have any type of vetting process to determine the competency of the carriers it selects, then the risk of liability increases.



The respondeat superior argument is premised, in large part, upon the actions of the broker after the contract for shipping is bound. Essentially this legal theory creates liability on the part of an employer for the acts of an employee. Brokers often think that they can avoid liability for the acts of the employee of another. Normally they can, but the age of ever-present communication has intruded upon this legal bar to liability. Some brokers require daily updates, regular telephone calls, documentation during the trip and/or monitoring of the trip. This creates a situation for an astute attorney to argue that the broker is, in fact, the carrier operating in the guise of a broker. Put another way, the more you run the show, the more likely you pay the dough.

Finally, the contracts and shipping documents governing the shipment should not be neglected. **Legal liabilities can often be transferred, assumed, or minimized by contractual language. You need to insure that your role and responsibilities are clear.** For example, if you are the broker, make sure that you are not listed as the carrier on any of the shipping documents. This may not eliminate your liability, but it reduces your profile and potentially eliminates a legal issue as to what your responsibilities were in the transaction.

In conclusion, there is no magic formula. No legal case has created a nationwide standard for avoiding broker liability. What has emerged, from a variety of cases and jurisdictions, is that to reduce your exposure as a broker, you must have a process in place to determine if a carrier is safe, responsible and reliable. When you finally select a carrier, you have to trust that carrier to do its job. Lastly, the contractual and shipping documents need to clearly define and limit the scope of your work.



Paige Herring is an attorney at Scott, Sullivan, Streetman, & Fox, P.C. in Jackson, MS.

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by Jim O'Donnell of Trucker Tax Service

HAVE JUST ONE RECEIPT FLY OUT THE CAB WINDOW AND IT CAN COST YOU HUNDREDS. LOSE A FEW AND YOU COULD BE OUT THOUSANDS...

If you have your own authority or drive as an Owner Operator or Lease Operator, according to the IRS, you're a small business owner. If you have just one truck you drive yourself, or you own multiple trucks with multiple drivers, the IRS classifies you as a small business owner and expects you to maintain monthly bookkeeping records on that small business.

Have you ever been audited by the IRS? If yes, then you know how painful an audit can be, both financially, via fines and interest, as well as the time it takes you off the road earning income. An easy to use bookkeeping program can keep you in compliance with the IRS and remove the stress of a potential audit.

The lack of poor record keeping is by no means exclusive to the truck driving industry. Many a report on business failures cites poor management as the number one reason for the failure of small businesses. New business owners frequently lack relevant business and management expertise in areas such as finance or monthly record keeping.

Unless they recognize what they don't do well, and seek help, truck drivers inevitably face disaster. Failure to keep a truck operating and profitable is very common among OTR drivers. The failure has less to do with the loads the driver secures on a job board or with the company where the driver currently contracts, then the lack of knowing if their small business is in fact profitable.

A solid percentage of drivers have little to no knowledge if their business is actually making money. Drivers or small companies, who have control of their bottom line numbers, are always the most successful businesses on the road!

Unless they recognize what they don't do well, and seek help, truck drivers inevitably face disaster.

TAP (Truckers Advantage Program) offered by Trucker Tax Service, Inc. Say goodbye to being confused by the numbers and take control!

When tax time rolls around each year, as a TAP member, TTS will already have everything we need to maximize your allowable business deductions and to complete your tax return right away.

Contact TTS at (888)-799-1099 or www.TruckerTaxService.com



SAFETY TIP: Always leave enough space between you and the vehicle in front of you. In all rear-end collisions, when you hit someone from behind, you are considered to be "at fault." Take advantage of your driving height and anticipate situations that may require hard braking.

***Trucking Info Hub is provided by TSNAmerica as a complimentary service and is for informational purposes only. Always consult a professional to address specific legal concerns regarding your business needs.