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ADMINISTRATOR
Kacey M. Heidrich kacey@ndmca.org

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The North Dakota Motor Carriers Association has been publishing the Rolling Along magazine since 1948. Each issue provides members with information concerning their association and the issues impacting the trucking industry.



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MESSAGE FROM THE PRESIDENT

Hello Members,

Summer is here and road construction season rolls on. After some normal temperatures and above-average rainfall in May and June, it looks like July is going to bring with it warmer and drier conditions.

Our annual Truck Driving Championship was held at the Holiday Inn in Fargo in June. The event features the best drivers in the state that have been accident-free for the last year. Many of them have millions of accident-free driving miles to their credit. Congratulations to all the participants and winners, including Old Dominion Freight driver Drew Bartleson who took home the coveted Grand Champion award. His heartwarming story and the results for the other classes can be found on pages 12 and 13. The Truck Driving Championship exemplifies the incredible relationship between the trucking community and North Dakota Highway Patrol. On behalf of the NDMCA, I want to extend a heartfelt thank you to volunteers and sponsors for the invaluable support and dedication that made this event such a resounding success.

In a few short months we will gather at the Alerus Center in Grand Forks for our 79th annual convention. The event kicks off with our Foundation Scholarship golf tournament at King's Walk Golf Course on Wednesday, Sept. 4. The golf event is a fundraiser to support educational scholarships awarded to individuals with ties to the trucking industry in North Dakota. Following golf, we will gather for vendor networking and a social with dinner buffet before rounding out the evening with our Fun Night event. This year's entertainment promises a fun-filled evening that will feature Dueling Pianos by Fun Pianos.

Day two of our convention will showcase our keynote speakers, ATA economist Emily Clayton. Litigation consultant Steve M. Wood, Ph.D., from Courtroom Science Inc. will speak on "Avoiding Nuclear Verdicts and Nuclear Settlements: The Mongoose Method." The Afternoon will begin with Craig Price who is the Field Administrator for FMCSA in Colorado. We will have two panel discussions on "Autonomous Trucks: Navigating the Road Ahead," and "Underwriting, Actuarial, Legal and Producer Perspectives". The evening will close out with our awards banquet social and safety awards. The full convention schedule can be found on page 4.

I look forward to seeing you in Grand Forks where we will have a great mix of entertainment, learn from some industry experts and celebrate our award winners.

Sincerely,



Jeremy Oistad



JEREMY OISTAD

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2024 ANNUAL CONVENTION INFORMATION & SCHEDULE

WEDNESDAY, SEPTEMBER 4, 2024

NDMCA Foundation Scholarship Golf Tournament

Kingswalk Golf Course, Grand Forks, ND

Presenting sponsor **RDO Truck Centers**

Supporting sponsor **Allstate Peterbilt Group**

9:00 a.m. Golf Arrival and Registration

10:00 a.m. Foundation Golf Tournament

NDMCA Annual Convention

3:30-5:00 p.m. Vendor Set Up, Alerus Center, Grand Forks

5:00 p.m. Convention Registration sponsored by **Penske Truck Leasing**

5:30 – 6:00 p.m. Vendor Networking

6:00 – 9:00 p.m. Social sponsored by **Fargo Freightliner/Forks Freightliner, IState Truck Center, Westlie Truck Center**

Fun Night Dinner Buffet

Fun Pianos-Dueling Piano group sponsored by **Interstate Powersystems, Bauer Built Tire and Service, Allstate Peterbilt Group**

8:30 p.m. Fun Night Dessert sponsored by **TMI Transport Systems**

SAFETY AWARDS BANQUET

The North Dakota Motor Carriers Association Annual Safety Awards Banquet gives special recognition to Industry Professionals and Fleets who go above and beyond in helping keep our roads and highways safe. Awards for Fleet Safety, Service Technician of the Year, Safety Professional of the Year, Trooper of the Year and Driver of the Year will be given in 2024 in recognition for achievements in the previous year.

REGISTRATION INFORMATION

Registration Deadline – August 25th, 2024

- ▶ Member Registration after August 1st (Excludes Golf) – \$300.00
- ▶ Thursday Only – \$200.00
- ▶ Banquet Ticket – \$125.00
- ▶ Fun Night Ticket – \$125.00
- ▶ Golf – Individual – \$150.00
- ▶ Golf – Team – \$600.00
- ▶ Fun Night Dinner Sponsor – \$350.00
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THURSDAY, SEPTEMBER 5, 2024

7:00 a.m. Leadership Breakfast sponsored by **Johnsen Trailer Sales, EW Wylie, Strata Corporation**

8:00 a.m. Opening Remarks

8:15 a.m. Keynote Speaker **Emily Clayton**, Economist, American Trucking Association

9:15-9:45 a.m. Vendor Networking Break sponsored by **Wallwork Financial, Midwest Motor Express, Pro Transport and Leasing, Magnum Companies, Great West Casualty Company, Holland Enterprises**

9:45 a.m. **Steve M. Wood, Ph.D.**, Litigation Consultant, Courtroom Science, Inc., *Avoiding Nuclear Verdicts and Nuclear Settlements: The Mongoose Method*

12:00 p.m. Member Lunch with Keynote Speaker **Craig L. Price**, Field Administrator, Western Service Center, FMCSA sponsored by **Bison Transport USA, Wallwork Truck Centers, Cummins Sales and Service**

1:00 p.m. Industry Segment Meetings

Allied – **Kelly Krapu**, Chair

LTL – **Tyler Johnson**, Chair

Private – **Bob Stanley**, Chair

Specialized – **Jeff Jacobson**, Chair

Truckload – **Tracy Buzick**, Chair

1:45 p.m. Autonomous Trucks: Navigating the Road Ahead, Panel Discussion

3:00 p.m. Vendor Networking Break sponsored by **Wallwork Financial, Midwest Motor Express, Pro Transport and Leasing, Magnum Companies, Great West Casualty Company, Holland Enterprises**

3:30 p.m. *Underwriting, Actuarial, Legal and Producer Perspectives* Panel Discussion

5:00 p.m. Last chance vendor networking

6:00 p.m. Awards Banquet Social sponsored by **Nelson International**

7:00 p.m. Annual Safety Awards Banquet sponsored by **Great West Casualty Company, Dixon Insurance and Interstate Truck Licensing, Butler Machinery, Allstate Peterbilt Group**

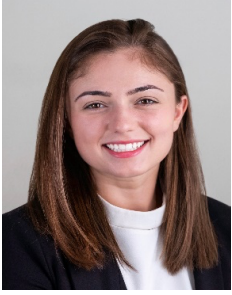
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CONVENTION SPEAKERS



EMILY CLAYTON

Emily Clayton is a Senior Economic Analyst with American Trucking Associations, the leading trade association for the trucking industry, reporting directly to the Chief Economist, Bob Costello. Since joining ATA in 2022, Emily has worked on macroeconomic issues impacting the trucking industry, as well as the publication of economic reports. Prior to joining ATA, she graduated from American University with a master's degree in applied economics.



DR. STEVE WOOD

Steve M. Wood, Ph.D. is a Litigation Consultant at Courtroom Sciences, Inc., a national litigation consulting and litigation support firm based in Irving, Texas. Dr. Wood uses his social psychological expertise to help clients understand the juror decision-making process and maximize the likelihood of favorable case outcomes. He also assists clients with a myriad of case-related activities, including pre-trial research, witness effectiveness training, case theme development, supplemental juror questionnaires, and jury selection. His work has been published in various peer-reviewed academic journals, as well as several scholarly magazines, and he also serves as co-host of The Litigation Psychology Podcast.

AVOIDING NUCLEAR VERDICTS AND NUCLEAR SETTLEMENTS: THE MONGOOSE METHOD

The trucking and transportation industry is being rocked by nuclear verdicts and nuclear settlements. Award amounts for injuries and deaths are growing, increasing insurance premiums, litigation costs, reputational damage, and even driving some companies completely out of business. Plaintiff reptile attacks of drivers, safety directors, and other corporate representatives during deposition and trial testimony have only exacerbated the large verdicts phenomenon.

There are several factors to blame, including: problem witnesses; growth of Reptile tactics; egregious corporate conduct; punitive jurors; judicial hellholes; and aggressive plaintiff's attorneys combined with conservatism of defense attorneys. This presentation will outline the influence of these factors on nuclear verdicts and inflated settlements in litigation and provide practical solutions to avoid nuclear fallout for defendants.



CRAIG PRICE

Craig Price is a Field Administrator for the Federal Motor Carrier Safety Administration where he leads field operations in 12 western states, including North Dakota. Craig started his career as a SD Highway Patrol State Trooper in 1997 and served the state for over 26 years. During his law enforcement career, Craig served as the 13th Superintendent of the SD Highway Patrol from 2011 to 2019 and as the 3rd Director of Public Safety from 2019 until his retirement in 2023. As the Director of Public Safety, Craig served on the Governor's Cabinet.

GOLF TOURNAMENT
September 4, 2024
King's Walk Golf Course, Grand Forks, ND

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LOCAL NEWS

AUTONOMOUS TRUCKING CONFERENCE OCT. 16-17

The benefits of autonomous trucking to the state and the challenges faced in implementing the technology will be key topics of the North Dakota Autonomous Trucking Conference to be held in Bismarck, October 16-17.

The event, being planned and hosted by the Upper Great Plains Transportation Institute (UGPTI) at North Dakota State University, will bring together stakeholders from the trucking and autonomous vehicle industries, technical experts, highway safety specialists, enforcement personnel, regulator agency staff, local and Tribal government staff, and researchers to engage in dialog, exchange ideas, and identify common interests and concerns. To register for the conference or to learn more, go to: www.ugpti.org/events/atc2024/.

“It is clear that autonomous trucking will be implemented across the country,” noted UGPTI Director Denver Tolliver. “Our goal is to bring all of these stakeholders together to discuss how we employ this technology in North Dakota in a way that enhances our economy, addresses workforce issues, and improves safety.”

Key topics to be addressed at the conference may include:

- Critical rural road safety issues that can be mitigated by autonomous trucks

- Quality and condition of ND highway infrastructure and its suitability for autonomous trucks
- Market potential for autonomous trucks in North Dakota and the region
- Willingness of trucking companies to invest in and use autonomous vehicles
- Key labor shortages that can be addressed by autonomous trucking
- Preparedness of state and local agencies to enforce traffic safety and adjust planning priorities to facilitate autonomous trucking
- Acceptance of autonomous trucks by the driving public

The event is funded by a grant from the U.S. Department of Transportation’s Federal Motor Carrier Safety Administration. The conference is part of a two-year project to explore various deployment options, routes, and practices and to quantify the safety, regulatory, energy, environmental, and economic impacts of autonomous trucking in the region.

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KEY TOPICS MAY INCLUDE:

- Critical rural road safety issues that can be mitigated by autonomous trucks
- Quality and condition of ND highway infrastructure and its suitability for autonomous trucks
- Market potential for autonomous trucks in North Dakota and the region
- Willingness of trucking companies to invest in and use autonomous vehicles
- Key labor shortages that can be addressed by autonomous trucking
- Preparedness of state and local agencies to enforce traffic safety and adjust planning priorities to facilitate autonomous trucking
- Acceptance of autonomous trucks by the driving public

For more information or to register:

WWW.UGPTI.ORG/EVENTS/ATC2024/

2024 SCHOLARSHIP WINNERS



Cooper Monilaws

I am a former senior at West Fargo High School. In high school, I was a part of many clubs and activities, prominently band and our shooting teams. Through both of these, I have gained notoriety via the James D. Ployhar honor band and the Jim Sable scholarship through USA Shooting. My personal goals are attending Valley City State University for wildlife and fisheries. My father has been a great influence on me. He's been apart of the trucking industry since 1993. He's always pushed me to be a hard worker and to pursue my interests.

Thank you for this opportunity with this scholarship.



Isaac Christensen

I graduated from Horace High School with academic honors in May of 2024. My dad has been working in the trucking industry for 24 years and is currently the director of new sales at RDO Truck Centers. My mom works in the health care field and my sister is a research coordinator at Vance Thompson Vison.

I am very honored that the NDMCA has selected me to receive this scholarship.



Jordan Peterson

I am the son of Tracy and Jennifer Peterson. I am the middle child between a younger sister and an older sister. I graduated from Center-Stanton High School in May of 2024. I maintained a 4.00 GPA throughout high school while participating in four sports and many other activities. I will be attending Bismarck State College this fall to pursue pre-engineering. I will also run track and cross-country for the Mystics. My plan after I obtain my associate degree is to transfer to the University of Mary or the University of North Dakota to pursue a civil engineering bachelor's degree. With my Civil Engineering degree, I plan on helping maintain the roads and bridges that the trucking industry uses daily. My mom works for Rud Propane LLP, which provides gas, diesel, propane and lubricants to customers.

I am very grateful to be selected to receive the NDMCA Foundation Scholarship.

Jazmyn Sletvold

I graduated from Glen Ullin Public School in May of 2024 and I plan to attend the University of Mary to pursue my passion in Radiology this fall. Growing up, I have always wanted to pursue a career in the medical field. I've always had a passion to help people and to make the most out of their care. I thought being a nurse was the only way I could do that, until I found radiology. I have now been working in a nursing home for a little over a year as a CNA. It has taught me so much not just in the medical field but in life too. I have learned that there are more factors and different professions that help make the most out of patient care. I have also learned that teamwork is the base and support through the workplace, along with trust. I couldn't be more grateful for the experiences I've had working along side my co-workers, and gaining first hand knowledge in the medical field.

I want to thank the North Dakota Motor Carrier Association for providing me with this scholarship.



NEW I-27: POTENTIAL ECONOMIC BOOM FOR NORTH DAKOTA

There are plans to build a new interstate, named I-27, that will run through the middle of the country, from the Texas Basin all the way to Canada. It will branch off into North Dakota along the Theodore Roosevelt Expressway.

Congress earmarked the funds in 2022, although there's no definitive timetable to start construction.

But how will the new four-lane interstate benefit North Dakota's economy and its people?

"We produce a lot of things we don't consume here, so giving our ag producers and our energy producers more options to get their products to market and lower that transportation cost means they get to keep a little more money in their pocket and it doesn't get chewed up in expenses," said North Dakota Congressman Kelly Armstrong.

North Dakota has received a \$55 million federal grant toward the project and is seeking more funding.



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NORTH DAKOTA JOINS APPEAL OF EPA MATS RULE

North Dakota Attorney General Drew Wrigley and Attorneys General from West Virginia, Alaska, Georgia, Arkansas, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Mississippi, Montana, Nebraska, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wyoming filed a motion late last Friday asking the D.C. Circuit Court of Appeals to stay implementation of EPA's new MATS Rule while legal challenges to the Rule are heard.

The new MATS Rule, which EPA admits would provide no measurable health benefits, mandates that coal-fired power plants further reduce emission rates for mercury and certain other chemicals by 66-70%. The plan was announced by the Biden Administration as part of a "suite" of regulations targeting coal-fired power plants in April. EPA acknowledges that there are no quantifiable health benefits from the Rule's mandated emission reductions. Power plant operators, grid operators, and state regulators from around the country submitted affidavits in support of the States' motion explaining that unless the Rule is stayed while legal challenges are heard power plants may be forced onto retirement tracks and power grid reliability may be undermined.

"It is abundantly clear that the Biden administration's EPA designed this rule to intentionally set emission standards that are unattainable with current technology, and they did so for the purpose of forcing coal-fired plants to retire," North Dakota Attorney General Drew

Wrigley said in a statement. "The EPA Administrator has repeatedly said that is what his agency would be doing, and this Rule is the product. EPA's basis for this Rule is a farce, and it would be laughable if it wasn't actively threatening to undermine power grid reliability across the nation. The coalition of States we are leading is confident this Rule will ultimately be struck down on multiple grounds, and we are asking the court for a stay to ensure that the EPA doesn't succeed in using this Rule to destroy coal-fired power plants before the merits of our legal challenges are decided."

As the States allege in their motion, this isn't the first time EPA has leveraged the MATS Rule to force coal-fired power plants to shut down. The last time EPA issued a MATS Rule, the U.S. Supreme Court ultimately held that the EPA acted unreasonably when it failed to consider the costs the Rule would impose. But in the years that it took to reach that decision, power plants around the country were forced to spend billions of dollars or begin retirement operations to come into compliance with a Rule that was eventually deemed unlawful. In the motion filed Friday, the States allege that EPA is trying to do the same thing again, except that this time our country's power grids do not have the same buffer of dispatchable energy that they did a decade ago, so the situation is even more dire than before.



Bismarck, ND 701-223-5235

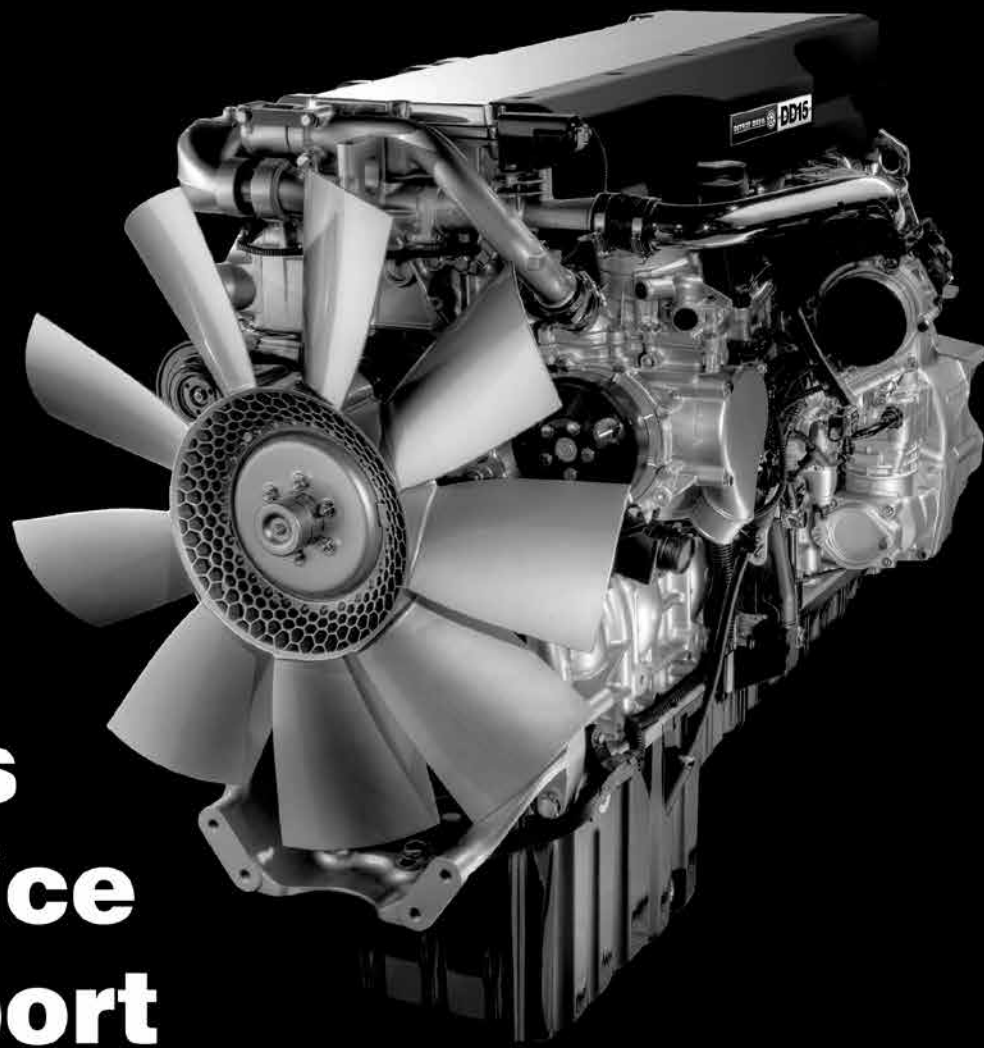
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BROTHERLY LOVE: BARTELSON DEDICATES GRAND CHAMPION AWARD TO BROTHER

By Scooter Pursley | Rolling Along Editor

It's not every night – any night, really – that Drew Bartelson worries about breaking down. Then again, the evening of June 22 wasn't like any other night for the Old Dominion Freight Line driver.

"I hope I can get through this without breaking down," Bartelson told an audience of industry professionals, families and friends that was genuinely excited that the Fargo driver had just been presented the Grand Champion award at the North Dakota Motor Carriers Association's Truck Driving Championship in Fargo.

Bartelson claimed the top honor for the first time while taking home first place in the Tanker Class (more on that later) and first in Team with fellow Old Dominion drivers Darren Werness, Brendan Klocke and Luke Groen. Individual winners (See accompanying graph) earned the right to compete in the ATA National Truck Driving Championship August 21-24 in Indianapolis, Indiana.

Bartelson drives 622 miles nightly on his run down Interstate 94 pulling three trailers to Belfield and back to Fargo. He has driven more than 1 million accident-free miles, and that – and some practice – helped prepare him for the rigors of the day-long Truck Driving Championship.

Bartelson shared the story of how he switched from the Twins Class to Tanker this year in memory of his brother, Dan, who had competed in the Tanker Class prior to his sudden death in 2019.

"I competed for the first time for Old Dominion in 2019," Bartelson said. "I wanted to compete with my brother because it would have been the first time we competed in the same year ... We had planned to compete in different classes and he, unfortunately, passed away in February. He, too, was a state champion. He was into this and did very well at it."

So has Dan's little brother.

Bartelson was the 2022 and 2023 state TDC Twin Trailer champion but switched this year to honor Dan, a former TDC champion with was fourth nationally in 2017. "His last showing was in 2017 and he couldn't compete in 2018. But in 2019 he was going to try to win his class," Drew said.

Instead, it was a different Bartelson taking home the trophies. "It's a three-peat," Bartelson said. "I am surprised I did it. It was a goal, not only to win my class but to win Grand Champion as well."

Werness, a 24-year veteran driver from Fargo was also a triple winner, taking first in Flatbed and earning Rookie of the Year after his first foray into the competition. A seven-year Old

Dominion driver, credited Bartelson with getting him to enter the competition.

"He talked us into it and gave us an extra boost," Werness said. "We practiced pretty hard. We set up a course for practice and everything we set up was on that course. We studied everything."

For Old Dominion, Groen was second in 3 axle; John Enlow was second in 4 axle; Joe Hughey was second in 5 axle; and Matt Albert was third in Twin Trailers.

Bartelson said he is most proud to be part of the winning team. "Actually, I'm extremely proud of my team," he said. "We worked really hard. It was a lot of fun getting together with my co-drivers. We did well."

Scott Meyers, the 2023 Grand Champion, won again in the Straight Truck class.

The Truck Driving Championship puts drivers through three tests: a written exam, a pre-trip inspection and an on-the-course driving skills test. This year's event was held at the Fargo Holiday Inn.

Lending a hand as they have for the last quarter century was the North Dakota Highway Patrol. Officers volunteer their time to help serve as judges.

"Day in and day out our interaction with the trucking community is usually some sort of inspection or enforcement, for the sake of safety," Lt. Luke Hendrickson said. "When it comes to inspections or citations, no one enjoys them when they go the wrong way."

"This gives us an opportunity to be in a more positive light and interact on a more personal level and for us to get a better understanding idea of what they're doing when they're driving."

ROOKIE OF



Darren Werness
 Old Dominion Freight Line
 Flatbed

THE YEAR

GRAND



Drew Bartelson
 Old Dominion Freight Line
 Tank Truck

CHAMPION

R E S U L T S

3 AXLE



- 1 Thomas Tweten ABF Freight
- 2 Luke Groen Old Dominion Freight
- 3 Christopher Scholand FedEx Freight

STRAIGHT TRUCK



- 1 Scott Meyers FedEx Freight
- 2 Jamie Ackerland FedEx Freight
- 3 Sharon Olds FedEx

4 AXLE



- 1 Cameron Janousek FedEx Freight
- 2 John Enlow Old Dominion Freight
- 3 Richard Hartlieb Fedex Freight

TANK TRUCK



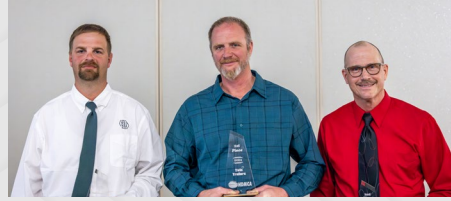
- 1 Drew Bartelson Old Dominion Freight
- 2 Carlos Salazar Fedex Freight
- 3 Keith Morris Dixon Brothers Inc.

5 AXLE



- 1 David Comings FedEx Freight
- 2 Joe Hughey Old Dominion Freight
- 3 Jeanine Reinhard Magnum LTD

TWIN TRAILERS



- 1 John Janousek FedEx Freight
- 2 Brad Morrow XPO LOGISTICS INC
- 3 Matthew Albert Old Dominion Freight

FLATBED



- 1 Darren Werness Old Dominion Freight
- 2 Kevin Schmidt Ruan Transportation
- 3 Colton Janousek FedEx Freight

STEP VAN



- 1 Anthony Colbenson FedEx
- 2 John Byrd FedEx
- 3 Cory Norman FedEx

SLEEPER BERTH



- 1 Ryan Seward FedEx Freight
- 2 Allen Humphrey Ruan Transportation
- 3 Gary Schmidt Jacobson Transport Inc

OLD DOMINION FREIGHT LINE



- | | | |
|----------------|----------------------|------------|
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| Brendan Klocke | Old Dominion Freight | 4 Axle |
| Luke Groen | Old Dominion Freight | 3 Axle |
| Drew Bartelson | Old Dominion Freight | Tank Truck |

WHAT IT TAKES TO ADVOCATE FOR LEGAL ABUSE REFORM

By: *Pamella De Leon*

The surge of nuclear verdicts – post-crash jury awards exceeding over \$10 million – against trucking companies have sent shockwaves through the industry.

Despite a decrease in fatal crashes, verdicts are increasing, according to a 2023 study by the U.S. Chamber of Commerce Institute for Legal Reform. Looking at 154 trucking litigation verdicts and settlements from June 2020 to April 2023, the statistical mean plaintiffs' award was \$27.5 million and a statistical mean award of \$759,875 for settlements.

Addressing lawsuit abuse is a “top tier issue” for the American Trucking Association, said David Bauer, vice president of state and tax policy. This involves ATA and its Federation partners at the state level pressing for reforms at the state level.

Besides trying to rein in huge lawsuits and nuclear verdicts, Bauer noted that the goal of tort reform is to restore balance and fairness to the judicial process for the trucking industry, pointing out how the judicial environment has become “unbelievably skewed” against the industry.

Insurance costs are also a major concern, with Bauer noting an increasing propensity of insurance carriers to completely leave states due to liability concerns is alarming.

“Our efforts are really this industry standing up and saying, ‘enough is enough’ to the plaintiffs’ bar, which has perverted justice and turned civil litigation into a profit center to line their pockets,” said Bauer. “The costs are borne by everyone, not just trucking companies, but consumers in the form of higher insurance rates and higher prices for everyday goods.”

The Nitty Gritty

As the surge in nuclear jury verdicts intensifies, various states have successfully pushed through reforms.

During this 2024 state legislative session, in Indiana, the “seatbelt gag rule,” which prevented jurors presiding over an auto accident lawsuit from knowing whether the injured party was wearing one and thereby led to unfair jury verdicts, was ended.

Persistence was an important factor, along with requiring “constant, unrelenting information sharing with legislative leaders,” and emphasizing how businesses and individuals were being impacted, said Indiana Motor Truck Association President Gary Langston.

“It took three legislative sessions to get the seat belt admissibility language passed,” he said. The first two attempts, though not successful, established a stronger base to start the next effort for the third session. Langston said they were also able to develop a coalition of stakeholders who were impacted by lawsuit abuse.

“Each attempt gave us additional opportunities to better inform the legislators about how their constituents are consumers being impacted by exorbitant lawsuit amounts being imposed on the transportation industry,” said Langston.

Last year, Iowa passed legislation to put a \$5 million cap on noneconomic damages.

Having a member in every legislative district was the most powerful grassroots tool, said Iowa Motor Truck Association President and CEO Brenda Neville. She also credited the association’s volunteer leaders and members in educating lawmakers in their three years effort.

She commended their legislative leaders for their support who were “consistent” and “unwavering.” She added, “The trial bar is a very formidable opponent and many state legislatures are filled with trial lawyer legislators from both sides of the aisle, which make these lawsuit abuse initiatives very difficult and challenging. So, you really do need to have the right political landscape.”

Florida enacted last March a landmark legislation to protect consumers and businesses from trial lawyer tactics. Some of the reforms include increasing transparency in civil proceedings by reducing the ability of plaintiffs’ attorneys to introduce fictitious and inflated medical bills at trial.

“Phantom damages are but one of the tactics used by the plaintiffs’ bar to create a pervasive climate of lawsuit abuse that has sent insurance rates soaring to unsustainable levels,” Bauer said.

The tort reforms in Florida were almost 20 years in the making, said Alix Miller, president and CEO of Florida Trucking Association. Miller credited strong leadership and support at the legislative and executive level, preparedness and communication with the business level community, and long-term education.

“Before the pandemic, the supply chain crisis and even hurricanes in Florida, the public didn’t really understand the essential nature of the trucking industry,” said Miller. The association took the opportunity to launch a strategic communication plan so Floridians (elected officials and general public) would understand the crucial role of the trucking industry, and how, when it financially suffers, consumers suffer as well.

“If trucking companies are being targeted by billboard attorneys, via nuclear verdicts and the perpetual cycle of settlement mills in Florida,” Miller said, “that cost – or even worse, supply chain delays for the more important of commodities – trickles down to everyone in the state.”

To be successful, Miller said, they had to find a way to change the paradigm on how tort reform has pitted trial lawyers against insurance companies.

“This would not be a fight pitting wealthy trial lawyers, insurance companies with household names, and billion-dollar corporations,” she said. “It needed to be a fight about people, families and small business. The fight needed to defend the backbone of the American economy, not manage a food fight among the Goliaths of wealth and power.”

Miller said that the FTA engaged with not just the trucking industry, but also small business owners to hear the impact and rising cost of lawsuit abuse. “It was our members who testified in front of legislators and legislative committees to share their stories. And in the end, it was our members who joined the Governor to sign the most comprehensive tort reform package in the country into law,” she said.

Other states such as West Virginia, Georgia, Montana, Texas, and Louisiana have also enacted tort reform to mitigate the escalation of litigation costs.

Moving The Needle

There’s still a lot of work to do. Wisconsin Gov. Tony Evers earlier this month vetoed a bill to put a \$1 million cap on awards for noneconomic damages from commercial motor vehicle settlements.

As a bill aimed to protect small businesses, since most members are small carriers and family businesses, Neal Kedzie, president at Wisconsin Motor Carriers Association, expressed his disappointment, adding he plans to reconvene with coalition business partners over the next few months to strategize.

Kedzie said a formidable obstacle to overcome are the Wisconsin trial attorneys heavily advertising against the trucking industry and promoting lawsuits against carriers on media outlets.

“Though I’m disappointed that we didn’t have our tort reform passed, I’m encouraged that we had it pass both houses of the state legislature and make its way to the governor’s desk on our first attempt,” said Kedzie. “I believe that in time, we will be successful.”

As other states push for reform measures, Langston said it’s important to get legislators other than just those who serve on the judiciary committees involved in understanding the reptile theory tactics that trial lawyers use to divert a jury’s attention from the facts of the trial.

“The story to focus on is the impact of lawsuit abuse to the small business,” said Miller. “98% of trucking companies operate with 20 trucks or less. One fender bender can put an entire company out of business. Spend the time to humanize the industry.”

Bauer said ATA will work with any stakeholder that wants to enact reform. “In any effort to take unfair advantages from plaintiff’s attorneys, you are going to get their best efforts to distort our arguments and keep their gravy train going,” he said.

Bauer pointed out that even rational arguments can get twisted to misleading messaging. For example, in over half the states, it is still not permissible to introduce evidence that a plaintiff was not wearing their seatbelt at the time of an accident.

“These are falsifications we are fighting against as we continue our lawsuit abuse campaign,” he said. “We are not close to completion, in fact, we’re just getting started.”

Pamella De Leon is a senior editor of Commercial Carrier Journal. Reach her at pamelladeleon@randallreilly.com.

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INDUSTRY NEWS

CLEARINGHOUSE STATUS AND CDL DOWNGRADES

As established in the first Clearinghouse final rule, drivers with a “prohibited” Clearinghouse status are prohibited from operating a commercial motor vehicle (CMV) on public roads. The second Clearinghouse final rule (Clearinghouse-II) further supports this by ensuring that drivers with a “prohibited” Clearinghouse status do not continue to hold a commercial driver’s license (CDL) or commercial learner’s permit (CLP).

Beginning November 18, 2024, State Driver Licensing Agencies (SDLAs) will be required to remove the commercial driving privileges from the driver’s license of an individual subject to the CMV driving prohibition. This would result in a downgrade of the license until the driver completes the return-to-duty (RTD) process. Note: SDLAs with legislative authority currently have the option to voluntarily query the Clearinghouse and downgrade CDLs for prohibited drivers and may do so before the November 18, 2024 compliance date. Learn more about the second Clearinghouse final rule at: <https://www.regulations.gov/document/FMCSA-2017-0330-0036>. To learn more about the Drug and Alcohol Clearinghouse, go to: <https://clearinghouse.fmcsa.dot.gov>.



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