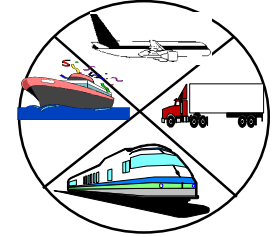


# Rollin' On™ . . .



A Facsimile Newsletter for the Transportation Industry

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## NEW LAWS FOR THE NEW YEAR

I have delayed getting out my first issue of *Rollin' On* for 1996, pending review of the new legislation that our beloved federal government has just bestowed upon us. Many of you already know a great deal about the changes, such as the establishment of the Surface Transportation Board which has replaced the I.C.C., so I will attempt to stay clear of the widely known stuff. Instead, the following is an overview of some of the other changes, such as:

**Intrastate brokerage** may no longer be regulated by the states. This change surprised a lot of people within the industry. Many people had questioned the wisdom of permissive regulation of intrastate brokerage when the commodities had been deregulated. Wonder no more.

Conversely, **freight forwarders** must now be registered. Previously, only household goods freight forwarders were required to be licensed. Additionally, a freight forwarder must register as a carrier if it provides service as a carrier. This new law, which partially repeals the 1986 law deregulating freight forwarders, will arguably level the playing field for brokers and freight forwarders.

**Tow trucks** involved in nonconsensual activity (e.g. "I'm sure I left my car right here") can now be regulated locally. This was a controversial area after TIRRA supposedly deregulated this activity. It will be comforting to once again hear "I'm from the gov-

### The Obligatory Disclaimer

This newsletter is distributed to shippers, carriers and third party intermediaries. It is for informational purposes, does not provide legal advice and does not create an attorney-client relationship.

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ernment and I'm here to help".

Unreasonable practice defenses for **undercharge claims** are now permitted for shipments after Sept. 30, 1990. This will assist in the defense of these distasteful claims. (The "I'll-send-Guido-to-visit-you" defense, preferred by many shippers, did not make it through Congress).

### Oprah Anyone?

Since there is a consensus—in Washington, where else—that all federal workers should get all of their back pay for the time they spent watching soaps at home during the four week shutdown (three by government, one by Mother Nature), it would only be fitting that all taxpayers be given a four week moratorium on paying their federal income taxes. In the final analysis, the deficit is not the only thing that needs to be lopped off in Washington. Enough ranting.

The regulation of **household goods** will no longer include office and trade association transportation.

In case you did not hear, the terms **motor common carrier** and **motor contract carrier** are no longer defined. There is a provision to allow reference to contract carriage prior to the enactment of this law, and to confirm that parties are still allowed to enter into transportation contracts.

Finally, on everyone's short list, a new rule will be issued for **fiber drum** packaging of liquid hazardous materials. All of you must be on the edge of your seats awaiting this new rule.

## Superior Fast Freight: Update

As reported in the last *Rollin' On*, several lawsuits were filed on behalf of Superior Fast Freight, claiming undercharges. The lawsuits, which total approximately 2000, were filed in various state and federal courts and in the L.A. bankruptcy court. Most of the lawsuits have not yet been served. I am acting as local counsel on behalf of the Transportation Claims and Prevention Council, Inc. (TCPC), a well known, shipper-based organization that has a long and successful record in defending these lawsuits. Good legal support, both statutory and judicial, combined with bugs in Superior's case, points to a favorable resolution for the shippers. And there may be a surprise in store for these neanderthals.

## CLAIMS & COSTS SEMINAR

March 19-20, WSU, Vancouver

Washington State University is sponsoring a two day seminar, one day on freight loss/damage claims and one day on returns/costs. Both instructors are certified claims professionals: Robert Gleason of Seattle, an ICC-licensed practitioner (name change soon!) and John Carlsen, a local claims inspector. This is an excellent learning opportunity for our local transportation industry. For more information call Lynn Mathers, CLE, WSU (360) 737-2156. FYI: I am a member of the WSU Transportation Advisory Committee.

That's all for now. To shippers, carriers, agents and other third parties, keep the cargo rollin'!!

## Short Bio

Admitted to the bars of the states of Oregon, Alaska, Florida and Massachusetts. Practicing law for over 15 years and emphasizing transportation law, business law and related litigation.