



# OWNER-OPERATORS

## CALIFORNIA SUPREME COURT DECISION THREATENS YOUR RIGHT TO EXIST

A recent California Supreme Court decision has established what is termed an A-B-C test for proper employment classification within the state. In order for you to be classified as an independent contractor (owner-operator/sub-hauler), three tests **MUST** be passed. Fail one and you are classified as an employee. The second part of the test is virtually impossible for most to pass. The three tests are:

- A. That the worker is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact; and
- B. That the worker performs work that is outside (different then) the usual course of the hiring entity's business; and
- C. That the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed.

**Most owner-operators (regardless of name such as sub-haulers, pullers, full-unit etc.) who contract their work through brokers/motor carriers cannot pass the "B" part of the test because both are in the business of trucking and would therefore be under state labor law classified as an employee of the broker/motor carrier and will lose their independence!**

## WHAT CAN YOU DO?

The Western States Trucking Association (WSTA) has filed a federal lawsuit to protect your ability to continue to operate as an independent businessperson. Filing the lawsuit is just the start of the litigation effort.

The association is also aggressively engaged in trying to work toward a legislative fix that would nullify the Supreme Court decision at least temporarily through the "I'm Independent Coalition".

You have invested heavily in a new truck, trailer, authority, licensing, taxes, insurance, drug-testing and much more. By contributing to the WSTA legal fund or becoming a member or better yet, both, you can help us fight this fight!

WSTA is a 78 year old non-profit trucking association based here in California where 45 percent of our approximate 1,000 active members own/operate just one-truck. We offer many useful benefits and services to small businesses.

Again, your help is needed in order to protect your right to exist.

To contribute and/or join the association, please complete the attached forms. You can also go online to the association website at [westrk.org](http://westrk.org) to join, contribute or learn more about all of our Dynamex Decision efforts.



# WSTA LEGAL FUND CONTRIBUTION

YOUR DONATIONS ARE  
NEEDED!

## WSTA FIGHTS FOR ITS MEMBERS

Court decisions, legislation, and bad regulations are crippling truck owners everywhere! Join us as we aim to change the game in your favor!

Contribute to Either our F4A\*/Dynamex Decision Legal Fund or the WSTA General Legal Fund.

The F4A/Dynamex Fund is WSTA's effort to stop the implementation of the A-B-C employment test in California for independent contractor motor carriers and those who utilize this valuable small business model.

### Please complete this form to contribute to WTSA Legal Fund:

Company/Donor Name: \_\_\_\_\_

Company Name (if individual): \_\_\_\_\_

Occupation (if individual): \_\_\_\_\_

Email Address: \_\_\_\_\_

Dollar amount of your contribution: \_\_\_\_\_

Apply donation to:  F4A Legal Fund (Dynamex Case Ruling)  
 General Legal Fund

Credit Card Number: \_\_\_\_\_

Expiration (MM/YY): \_\_\_\_\_

Security Code: \_\_\_\_\_

Cardholder Name: \_\_\_\_\_

Card Billing Address: \_\_\_\_\_

City: \_\_\_\_\_

ZIP: \_\_\_\_\_

Your Contact Phone: \_\_\_\_\_

Please complete and mail this form to WSTA, 334 N. Euclid Ave., Upland CA 91786

\*F4A stands for the Federal Aviation Administration Authorization Act. In 1994, Congress laid down an important principle for the commercial trucking industry: that the federal government – not individual states – should determine the rules for interstate and intrastate trucking. The law prohibits states from enacting or enforcing policies "related to a price, route, or service of any motor carrier." The Supreme Court has repeatedly recognized that this language is expansive and applies to anything with a significant effect – direct or indirect – on motor carrier prices, routes or services.

# MEMBERSHIP APPLICATION

\*\$48 of membership dues are used to cover the cost of publishing the association magazine – *Western Transportation News*. By signing this application you agree to subscription terms.

Membership Dues			
Trucks/ Pumps	Trlrs	Scheduled Dues	
		Semi-Ann.	Annual
1	3	\$186.00	\$341.00
2	6	\$201.00	\$368.50
3	9	\$216.00	\$396.00
4	12	\$231.00	\$423.50
5	15	\$246.00	\$451.00
6	18	\$261.00	\$478.50
7	21	\$276.00	\$506.00
8	24	\$291.00	\$533.50
9	27	\$306.00	\$561.00
10+	30+	\$321.00	\$588.50

**All Asset & Non-Asset Based Brokers Dues**

**Annual - \$500**

\*Brokers With More Than 6-Trucks Should Utilize the Membership Dues Schedule Above.

**Affiliate Dues**

**Annual - \$500**

**Retired Dues**

**Semi-Annual - \$60**  
**Annual - \$110**

TYPE OF TRUCKING OPERATION		WHICH ASSOCIATION SUBDIVISION IS OF MOST INTEREST TO YOU?
<input type="checkbox"/> Construction	<input type="checkbox"/> Logging	<input type="checkbox"/> California Construction Trucking Alliance <input type="checkbox"/> California Concrete Pumpers Alliance <input type="checkbox"/> Coalition of American-Latino Truckers <input type="checkbox"/> West State Alliance (Port of Oakland) <input type="checkbox"/> Heavy-Haul Conference <input type="checkbox"/> AFFILIATE MEMBER (\$500), \$50 ea. additional location <small>(1) Please download the media kit from our website for additional benefits and advertising rates</small> <small>(2) Please attach a brief description of your business (around 100-150 words) to be used for introducing your company to our members.</small>
<input type="checkbox"/> General Freight	<input type="checkbox"/> Cattle	
<input type="checkbox"/> Port Drayage	<input type="checkbox"/> Hotshot	
<input type="checkbox"/> Heavy-haul	<input type="checkbox"/> Auto Transport	
<input type="checkbox"/> Agricultural	<input type="checkbox"/> Household Goods	
<input type="checkbox"/> Cross-border (International)	<input type="checkbox"/> Broker	
	<input type="checkbox"/> Other _____	

COMPANY INFORMATION	
<input type="checkbox"/> Number of Power Units _____	<b>US DOT#</b> _____
<input type="checkbox"/> Number of Trailers _____	<b>CA#</b> _____
<b>Company Name</b> / Nombre de Compania _____	<b>Corporate Structure</b> / Estructura Corporativa <input type="checkbox"/> LLC <input type="checkbox"/> Corporation <input type="checkbox"/> Sole Proprietor
<b>Primary Contact</b> / Contacto Primario _____	<b>Position</b> / Posición _____
<b>Address</b> / Domicilio _____	<b>Web Site URL</b> / Dirección URL _____
<b>City</b> / Ciudad _____	<b>State</b> / Estado _____ <b>Zip</b> / Código _____ <b>County</b> / Condado _____
<b>Phone</b> / Telefono _____	<b>Cell</b> / Celular _____ <b>Fax</b> _____
<b>E-mail</b> / Correo Electrónico _____	<b>Sponsor's Name</b> / Nombre de Patrocinador _____

SEND ME MORE INFORMATION ON	
<input type="checkbox"/> Discounted DOT Drug & Alcohol Testing Services	<input type="checkbox"/> Motor Carrier Support Services
<input type="checkbox"/> Drug & Alcohol Supervisory Training	<input type="checkbox"/> FMCSA Pre-employment Screening Program (PSP)
<input type="checkbox"/> PrePass	<input type="checkbox"/> Driver Qualification Files
<input type="checkbox"/> Michelin Tire Program	<input type="checkbox"/> Operating Authority (State and/or Federal)
<input type="checkbox"/> Goodyear & Dunlop Tire Program	<input type="checkbox"/> HOS Refresher Training
<input type="checkbox"/> WSTA Insurance Services	<input type="checkbox"/> Other _____
<input type="checkbox"/> Occupational-accident	<input type="checkbox"/> I would like to receive WSTA's weekly e-newsletter with industry news updates. <input type="checkbox"/> I would like a Membership Services Representative to contact me. <input type="checkbox"/> I wish to <b>opt out</b> from receiving WSTA's <i>Western Transportation News Magazine</i> .
<input type="checkbox"/> Health	
<input type="checkbox"/> General Liability	
<input type="checkbox"/> Workers Compensation	
<input type="checkbox"/> Broker Bonding (CA Construction Bond & Federal)	

PAYMENT DETAILS	
<input type="checkbox"/> <b>ANNUAL</b> / Anualmente <input type="checkbox"/> <b>SEMI-ANNUAL</b> <small>See Membership Dues Chart on Left</small>	<b>Total Amount:</b> \$ _____ Due <small>If paying by credit card you are agreeing to this amount</small>
<input type="checkbox"/> <b>Check</b> (Payable to WSTA) <input type="checkbox"/> <b>MasterCard</b> <input type="checkbox"/> <b>Visa</b> <input type="checkbox"/> <b>American Express</b> <input type="checkbox"/> <b>Discover</b>	
<b>Card No.</b> / No. de Tarjeta: _____	<b>Sec. Code</b> / Código de seguridad: _____ <b>Exp. Date</b> / Expira: _____
<b>*Signature</b> / Firma: _____	<b>Date</b> / Fecha: _____

**DUES ARE TAX DEDUCTIBLE**

WSTA Bylaws can be viewed at westrk.org

**TO JOIN:** Fill out the adjacent membership application, mail, scan, or fax with correct payment or credit card information to:

**WESTERN STATES TRUCKING ASSOCIATION**

334 N. Euclid Ave  
Upland, CA 91786

**Office (909) 982-9898**  
info@westrk.org  
Fax: (909) 985-2348

**MEMBERSHIP SERVICES DIRECTOR**  
**RUDY NAVARRETE**  
(909) 329-5673  
(Español)

**INTERSTATE MOTOR CARRIERS DOT AUTHORITY & COMPLIANCE UNIT**  
**JOE RAJKOVACZ**  
(909) 982-9898

**ADVERTISING & TECHNOLOGY**  
**RICH ROTH**  
(909) 982-9898

**DRUG TESTING PROGRAM**  
**SANDY MEDINA**  
(909) 982-8409  
(Español)

**INSURANCE SERVICES**  
**CHRIS MITCHELL**  
**ARMANDO GUZMAN**  
(Español)  
(909) 982-9898