



MARCELLO & KIVISTO

LLC

# TRANSPORT CENTER UPDATE

August 2011

Vol. 3, Issue 6

## FREE MK SEMINAR

Don't miss out! On September 28, 2011, Marcello & Kivisto, LLC is hosting a FREE seminar on Trucking Safety and Litigation Issues. Speakers include Natalie P. Hartenbaum, MD, MPH, FACOEM, the president and Chief Medical Officer of OccuMedix, Rebecca Brewster, President and COO of ATRI, Pam Jones with Vigillo and Doug Marcello. The above speakers will be discussing commercial driver medical examinations, CSA and aggressive defense against medical claims.

The seminar will be held at the Carlisle Country Club. Registration is from 9:00 a.m. to 9:30 a.m. and the seminar will begin at 9:30 a.m. and will end at 3:00 p.m. Lunch is included.

Reserve your spot today! You can RSVP by calling (717) 240-4686 or emailing Lori Ashnoff at [lashnoff@cdl-law.com](mailto:lashnoff@cdl-law.com).

## Fair Share Act Becomes Law

On June 23, 2011, Governor Corbett signed the Fair Share Act into law. The Fair Share Act generally bars the application of joint and several liability. However, joint and several liability will still apply in the following actions:

- intentional torts;
- fraud;
- Where the defendant is found to be 60% or more liable;



### MK CONTACT INFORMATION

**Marcello & Kivisto, LLC**  
1200 Walnut Bottom Rd.  
Third Floor, Suite 331  
Carlisle, PA 17015

T: (717) 240-4686

F: (717) 258-4686

[www.cdl-law.com](http://www.cdl-law.com)

[Transportation Legal News  
Blog](#)

Douglas Marcello, Esq.  
[dmarcello@cdl-law.com](mailto:dmarcello@cdl-law.com)

Sonya Kivisto, Esq.  
[skivisto@cdl-law.com](mailto:skivisto@cdl-law.com)

Angela N. Rainey, Esq.  
[arainey@cdl-law.com](mailto:arainey@cdl-law.com)

Alyssa Adams, Esq.  
[aadams@cdl-law.com](mailto:aadams@cdl-law.com)

### M&K Upcoming Events:

**Sept. 28th** - M&K's  
FREE Transportation  
Seminar in Carlisle,  
PA. For more  
details check out the  
article on the left hand  
side of the newsletter.

For more current  
updates on events,

- Involving a release or threatened release of a hazardous substance under the Hazardous Sites Cleanup Act; or
- Where the defendant has violated Section 497 of the Liquor Code.

A joint and several liable defendant who has paid more than their proportionate share of the damages is entitled to contribution from other defendants who have paid less than their proportionate share. To see a copy of the bill's language click [here](#).

## PA Worker's Compensation Law Broadens

House Bill 440 of the Pennsylvania General Assembly amends the Pa Worker's Compensation Law to permit sole proprietors, partners of a partnership and members of a limited liability company to purchase worker's compensation insurance that is equivalent to that which employers provide to employees under Article III. To see a copy of the bill click [here](#).

## CSA Update: Hazardous Material Criteria Intervention Threshold Changed

On August 3, 2011, FMCSA announced that it has refined the criteria used to determine whether or not a motor carrier is subject to more stringent Hazardous Materials threshold. The changes were made so that FMCSA could more accurately identify motor carriers who transport hazardous materials subject to placard.

Prior to the change, the threshold applied to motor carriers based only upon how they were registered. Now, the threshold applies to motor carriers who are determined to be carrying placardable quantities of hazardous materials based upon operational evidence.

A motor carrier who meets one of the following criteria will be subject to the hazardous materials

follow M&K on [Facebook](#) and [Twitter](#).

### Upcoming Events in the Industry:

**Sept. 11th-17th** - National Truck Driver Appreciation Week.

**Sept. 19th-22nd** - TMC Fall Meeting and Supertech, in Raleigh, NC. For more information click [here](#).

**Sept. 20th-22nd** - Safety & Human Resources Conference & Exhibition, in Albuquerque, NM. For more information click [here](#).

**Sept. 26th-29th** - 2011 CVSA Annual Conference & Exhibition, in Austin, TX. For more information click [here](#).

### Updated ATRI Compendium of Idling Regulations

ATRI has updated it's Compendium of Idling Regulations. The ATRI has compiled a list of state and local regulations regarding idling. In order to obtain a copy click [here](#).

### Documents and Resources Available From M&K

If you are interested in obtaining copies of the following, please call or

threshold:

- Inspection within the last 24 months that identified the motor carrier as carrying a placardable quantity of hazardous materials;
- Review and/or safety audit within the last 24 months that identified the motor carrier as carrying placardable hazardous materials; and
- The motor carrier has a hazardous materials permit.

For more information click [here](#).

## Congratulations to all TDC Drivers

On June 10-11<sup>th</sup>, the Pennsylvania Truck Driving Championships (TDCs) were held at Harrisburg Area Community College. Drivers from all across Pennsylvania competed in the two day competition. The TDCs consist of a written test portion, a pre-trip inspection portion and a driving skills course.

The winners of the Pennsylvania TDCs competed in the National Truck Driving Championships (NTDCs) earlier this month. The NTDCs were held August 9th through August 13th in Orlando, Florida.

Marcello & Kivisto would like to congratulate all of the drivers who participated in the TDCs. It is quite an accomplishment just to qualify to participate. Congratulations to the Grand Champion of the Pennsylvania TDCs, Dean Herb, with Giant Food Stores, LLC and Grand Champion of the NTDCs, Paul Phillips with Con-Way Freight.

Click [here](#) to see a slide show from the NTDCs in Orlando, Florida.

## Let Us Know...

Please let us know if you requested a copy of Jerry Waddell's control chart or other informative

email.

- Hours-of-Service Rules Safety Impact 2010 Analysis compiled by ARTI in May 2010

- Accident preparedness DVD and/or forms

- Powerpoint presentation regarding CSA 2010 presented by ATA

- Powerpoint presentation by Dr. Hickman regarding Distracted Driving Study presented at M&K Seminar

To see M&K's recent case results and articles click [here](#).

### Other Resources

FMCSA Distracted Driving Instructional Videos click [here](#).

[PA Motor Trucking Association](#)

[American Trucking Association](#)

[Trucking Industry Defense Association \(TIDA\)](#)

[Federal Motor Carrier Safety Administration](#)

[PA Travel Information To-Go](#)

[National Traffic and Road Closure Information](#)

For more resources click

DVDs and documents from our office and have not yet received them. Recently, we made upgrades to our computer system which may have resulted in your request inadvertently being misplaced or lost. Upon notification, we will promptly see that you receive the requested information. Our apologies for the delay and inconvenience.

## Free Presentations for Your Driver Meetings

We provide FREE presentations at driver's meetings geared toward our client's topics of interests. Recently, we finished filming a mock trial cross-examination of a driver as part of a new presentation.

Please let us know if you are interested.

### LET US KNOW WHAT YOU THINK

We want to focus our articles on the issues and concerns of our subscribers. If you have suggestions for our newsletter please do not hesitate to contact us.

## About Our Firm

Founded in 2005, **M&K, LLC** is dedicated to and focused upon transportation law and the needs of their transportation clients. Since opening in 2005, **M&K, LLC** has expanded its office to provide clients with the attention and availability they deserve.

[here](#)

#### STAY CONNECTED:

You can now follow, M&K, LLC on the web!



[Transportation Legal News Blog](#)

#### QUOTE OF THE MONTH

"Where liberty dwells,  
there is my country."

~Benjamin Franklin



**DISCLAIMER: The Information Contained in this Newsletter is NOT Legal Advice.**

