



Trucker Reality

By OOFI • Aug 08, 2022

Smart Brevity® count: 2 mins... 573 words

As academics and regulators offer solutions for freight efficiency from 30,000 feet up. We will look at these solutions from 6 ft. up from the pavement in the driver’s seat at the realities of trucking.

AB5 is in effect for California: what does it mean for owner-operators?



The bottom line: AB5 is now in effect and threatens the independent owner-operator status of thousands of truckers. While this directly impacts California owner-operators, it’s ramifications may impact all independent owner-operators who deliver loads into or out of California.

I don’t live in California: The potential impact may be far greater as many other states may adopt similar regulations.

- Simply put, if you are an owner-operator leased to a carrier, you will be reclassified as an employee.
- You and the carrier you are leased to are subject to all the requirements of an employee-employer relationship.
- It isn’t known what or how it will impact owner-operators under their own authority.

Yes, but: There is still much that is unknown at present about enforcement and whether there will be exemptions.

- **What’s next:** The California Trucking Association and OOIDA will pursue other legal issues to try and protect the independent contractor status.

Here are some potential options being discussed:

- Business as usual and wait and see what enforcement does
- Carriers cancel leases and report you as an employee
- 2-check model—One check for the use of the truck and another check for the driver. Driver must declare truck income separately
- Carrier may become a broker and use owner-operators with their own authority
- Business to Business model (B2B)—Unlikely as there is another test that must be met to claim (Borello test)

To go deeper: [Updated summary of AB5:](#)

I know it is nit-picking but let’s get it right.



Huh?

The National Highway Safety Administration (NHTSA) is upgrading safety standards on rear underride protection on tractor-trailers to help prevent crashes involving passenger vehicles.

Nit-pick: While I understand why NHTSA looked at this situation, I don’t understand how upgrading the rear underride can possibly “prevent” a crash.

- How is that going to “prevent” a crash?
- It can only mitigate the damage and possibly the severity of injuries to the occupants of a passenger vehicle that rear ends a trailer.

Safety Advocates are upset that NHTSA didn’t mandate stricter standards including requiring underride protection on the sides of all trailers and the front of the truck.

Drivers of passenger vehicles that hit the back of a trailer are more than likely at fault for such a crash.

- The new standard will protect passenger vehicles that are going 35 mph or less from going under the trailer.
- When making the case for the new standard, NHTSA states that in extreme underride crashes the passenger vehicle can underride the trailer to the extent that the end of the trailer enters the passenger compartment of the colliding vehicle.

Another nit-pick: Ok, I again understand what they are saying but the trailer is not entering into the passenger compartment, the passenger vehicle is intruding further under the trailer (Fault).

- I cannot think of one underride crash where the truck was backing up over 35 mph and crashed into a passenger vehicle and the trailer intruded into the passenger compartment.

So explain the reasoning behind the Advocates statement: “Unfortunately, today’s action allows trucking companies to choose a less safe course of action at the expense of road user safety”.

The bottom line: I might suggest that Advocates lobby for a required course on driving around big trucks before one is allowed to obtain a driver’s license—might work better and make more sense.

Feedback

Anonymously tell us what you thought of this newsletter. Your responses will help us create better content for you!

Was this edition useful?



[Click here to unsubscribe.](#)

This newsletter is powered by



Like this email style and format?

It’s called Smart Brevity®. Hundreds of orgs use it — in a tool called [Axios HQ](#) — to drive productivity with clearer workplace communications.