



LOCATIONS:

Tuesday, Nov. 12

Tulsa, OK

Wednesday, Nov. 13

Ada, OK

Thursday, Nov. 14

Weatherford, OK

Tuesday, Nov. 19

Oklahoma City, OK

Wednesday, Nov. 20

Enid, OK

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**Thank you for joining us for the 2019 OPMCA
Round Table Meetings!**



**OKLAHOMA PETROLEUM MARKETERS
& CONVENIENCE STORE ASSOCIATION**

**Committed to the Success of Oklahoma's Petroleum
Wholesalers and Retailers.**

Contact Us!

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Executive Director

Candace@opmca4you.com

Hannah Fite

Director of Member Services

Hannah@opmca4you.com

Connect With Us!

OPMCA

www.opmca4you.com

Facebook

[Facebook.com/Oklahoma Petroleum Marketers](https://www.facebook.com/Oklahoma-Petroleum-Marketers)

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OPMCA Office

6420 N. Santa Fe, Suite B, Oklahoma City, OK 73116

Phone: (405) 842-6625 (800) 256-5013

Fax: (405) 842- 9564

OPMCA also has available meeting space that is open to members!



DATES TO SAVE IN 2020:

2020 OPMCA Day at the Capitol & Luncheon

March 2020

Oklahoma State Capitol

Date & Time TBD

2020 OPMCA Annual Convention

May 5, 2020

Oklahoma City, OK

Online Registration will open January 2020

2020 Oklahoma Super Trade Show

May 6, 2020

Oklahoma State Fair Park Pavilion

Oklahoma City, OK

For booth information: www.oksupertradeshow.com

2020 PMAA Washington Conference and Day on the Hill

May 13-15, 2020 (Wednesday-Friday)

Day on the Hill is May 14, 2020 (Thursday)

The Mayflower Hotel

Washington, District of Columbia

2020 OPMCA Annual Business Meeting Luncheon

June 2020

Location, Date & Time TBD

2020 OPMCA Fall Outing

September 14-15, 2020

Shangri La Golf Club, Resort and Marina

31000 South Highway 125, Monkey Island, OK 74331



57th Legislature, 2nd Regular Session

Legislative Deadlines

Deadline for Requesting the Drafting of Bills and Joint Resolutions

Friday, Dec. 13, 2019

Deadline for Introduction of Bills and Joint Resolutions

Thursday, Jan. 16, 2020 at 4:00 pm

Second Regular Session of the 57th OK Legislature Convenes

Monday, Feb. 3, 2020

Deadline for Third Reading of a bill or joint resolution in the House of Origin

Thursday, March 12, 2020

Deadline for Third Reading of a bill or joint resolution in the House opposite the House of Origin

Thursday, April 23, 2020

Sine Die Adjournment (No Later Than 5:00 pm)

Friday, May 29, 2020

**Oklahoma Corporation Commission
Petroleum Storage Tank Division
Fall 2019 Update**

Notice of Proposed Rulemakings and Proposed Rules Amending Chapters 15, 25, 26, 27 and 29

Issuance of the Notices of Proposed Rulemaking ("NOPRs") for Chapters 15, 25, 26, 27 and 29 were approved by the Oklahoma Corporation Commissioners, September 18, 2019, during a regular meeting of the Commission. The NOPRs and current version of the proposed rules have been placed on the OCC website at <http://www.occeweb.com>.

The Petroleum Storage Tank Division will hold technical conferences on:
October 24, 2019, 1:30 p.m.
December 3, 2019, 1:30 p.m.

Both conferences will be held in Courtroom 301, Third Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. All parties interested in the proposed rules are urged and welcome to attend. One or more of the Commissioners may be present at the technical conference and may participate in the dialogue with the rulemaking participants regarding the subject of the proposed rulemaking.

The Commission invited all interested persons to submit comments regarding the proposed changes to the Rules on or before November 15, 2019. Those persons interested in submitting comments should file with the Commission's Court Clerk at least (3) copies of their comments (an original for the Court Clerk and a copy for the filer), referring to Cause No. RM 201900006. A file stamped copy of the comments should be either sent via email to Travis N. Weedn (Travis.Weedn@occ.ok.gov) or hand delivered to the Commission's Judicial and Legislative Services Division, Fourth Floor, Jim Thorpe Office Building. The comments will be made available for public inspection during regular business hours of the Court Clerk, 8:00 a.m. to 4:30 p.m., and/or may be downloaded at no cost to the end user from the Commission's imaging system at <http://imaging.occeweb.com/imaging/OAP.aspx>.

The Commission, in a public hearing, shall consider the adoption of the proposed permanent rules at 9:30 a.m. on December 10, 2019, in Courtroom 301, Third Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

Facility Portal Update

The Facility Portal is the website that owners and operators will now utilize to conduct most of their business with the Petroleum Storage Tank Division. It is the same website currently used for Operator Training – just a new section. Simply click on the profile icon located in the upper right corner of the screen to request access to the Facility Portal section. Beginning July 1, 2019, paper forms will no longer be accepted and must be submitted electronically through the PST Portal. The login link and instructions for access can be found on the Petroleum Storage Tank Division's webpage at www.occeweb.com. If you have questions or need help registering please call the Administration Department at (405) 521-4683.

Upcoming Federal Regulatory Compliance Deadlines

New Electronic Logbook Requirement for Recording Driver Hours of Service December 16, 2019

COMPLIANCE DEADLINE:

All CDL drivers currently using written logbooks to record hours of service must switch to an approved ELD device no later than **December 16, 2019**.

All CDL drivers currently using automatic onboard recording devices to record hours of service must switch to an approved ELD device no later than **December 16, 2019**.

ELD EXEMPTIONS:

There are two exemptions available under the final rule applicable to drivers hauling petroleum products are:

- **Short Haul Exemption** - Drivers who use the 100 air-mile radius exemption from keeping written HOS logbooks are not required to use an ELD ("Short Haul" exemption). Under the short haul exemption, the ELD requirement will not apply to any driver who:
 - Starts and returns to the same location within 12 hours of going on duty,
 - Drives no more than 11 hours during a shift,
 - Takes ten consecutive hours off between shifts, and
 - Travels no further than a 100 air-mile radius from the original starting location at the beginning of the shift.

The short haul exemption also provides additional flexibility for drivers who must occasionally drive beyond the 100 air-mile radius limit. Under the rule, a short-haul driver can drive beyond the 100 air-mile radius 8 times within each 30-day period without losing the ELD exemption. The driver would, however, be required to keep a written HOS log for each day travelled beyond the 100 air-mile radius limit. This "exemption within an exemption" is useful for drivers who must travel longer distances for product due to terminal outages or supply shortages or allocations.

- **Model Year Exemption** - Drivers of vehicles with engines manufactured before model year 2000 are not required to use an ELD. The model year of the engine must be used to meet this exemption and not the Vehicle Identification Number. The 2000 model year cut off was put into place because most vehicles manufactured prior to 2000 do not have an engine control module (ECM), which is required for ELD operation.

COMPLIANCE TRIGGER:

Compliance with the ELD requirement is on a per driver basis. The determining factor is whether the driver is required to keep written logbooks to record hours of service and the model year of the vehicle being used. This means that some drivers within a company fleet may be required to use an ELD while others drivers will not.

Example: If a driver qualifies for the short haul 100 air-mile exemption from keeping written logbooks, then that driver will not be required to use an ELD. Moreover, a driver qualifying for the short haul exemption is allowed to drive beyond the 100 air-mile radius up to 8 times over a rolling 30-day period without being required to use an ELD. Instead, the driver records the hours of service for those trips in excess of the 100 air-mile radius in a written logbook. All other days within the rolling 30-day period where the driver remains within the 100-air mile radius need not be recorded in a written logbook or ELD.

Example: If a driver stays with the short haul 100-air mile radius and returns to the point of origin at the end of the shift and goes off duty after 14 hours, then the driver does not qualify for the short haul exemption and is required to record HOS on an ELD. This is true even if the driver never goes beyond the 100-air mile radius. Why? Because it is not enough to simply stay within the 100- air mile radius to qualify for the short haul exemption. Drivers also must go off duty after 12 hours and get 10 consecutive hours of rest before beginning the next shift.

Example: If a driver operates a vehicle equipped with a model year engine manufactured before the year 2000, then the ELD requirements do not apply to that driver. If the driver switches to a vehicle with a 2000 model year engine or newer, then the driver must use an ELD.

Example: If a driver is required to keep a written logbook to record hours of service and drives a vehicle with a 2000 model year engine or newer, the driver must use an ELD.

In other words, the FMCSA looks at the driving criteria of each individual driver to determine applicability of the ELD requirement and not at the company as a whole. This limitation in the rule is important to understand because many ELDs come with fleet functionality capabilities that are not needed if only one or two drivers within a company qualify for ELD compliance. Less expensive standalone ELD devices are available in this case.

INTERSTATE VS. INTRASTATE DRIVERS:

Many petroleum marketers are asking whether they are exempt from the ELD requirement because they operate solely in intrastate transportation (they don't cross state lines). The answer is "probably no". The majority of states adopt the federal HOS regulations by reference and make them applicable to their intrastate drivers. A few states may vary their ELD requirements including extending the compliance date, but most follow the FMCSA rule. Marketers should call their state motor carrier office to see how the ELD rule applies in their state for intrastate drivers. Go to:

<https://www.fmcsa.dot.gov/protect-your-move/state-law-enforcement> for a list of state motor carrier contacts.

ELD EQUIPMENT REQUIREMENTS:

The FMCSA only allows the use of ELD equipment that is certified and compliant with all the technical specifications for functionality and operation required under the rule. Once these specifications are met, manufacturers register their ELD with the FMCSA and it is included on the agency's approved device list. Petroleum marketers may not use any ELD device that is not included on the FMCSA list. There are currently more than 50 ELD devices on the FMCSA approved device list. Keep in mind that many of these devices were developed for the long-haul transportation market and may not be suitable for short haul operational needs. One size does not fit all when it comes to ELD selection. It is important to familiarize yourself with the functional operation of any ELD to make sure it is the right one for you. You will pay

more for an ELD with all the long-haul bells and whistles that you likely won't need. Go to: <https://eld.fmcsa.dot.gov/List> for the list of FMCSA approved ELD devices.

DRIVER TRAINING:

Drivers must be trained on how to use ELD equipment. Drivers must understand and be able to use ELDs by the required deadline, including how to annotate and edit RODS, certify RODS, and collect required supporting documents. Drivers will also need to know how to display and transfer data to safety officials when requested. ELD vendors generally provide training information for drivers based on the specific model they sell.

Final Rule: Overtime Update

January 1, 2020

On September 24, 2019, the U.S. Department of Labor announced a final rule to make 1.3 million American workers newly eligible for overtime pay.

The final rule updates the earnings thresholds necessary to exempt executive, administrative and professional employees from the Fair Labor Standards Act's (FLSA) minimum wage and overtime pay requirements and allows employers to count a portion of certain bonuses/commissions towards meeting the salary level. The new thresholds account for growth in employee earnings since the thresholds were last updated in 2004.

In the final rule, the Department is:

- raising the "standard salary level" from the currently enforced level of \$455 per week to \$684 per week (equivalent to \$35,568 per year for a full-year worker);
- raising the total annual compensation requirement for "highly compensated employees" from the currently enforced level of \$100,000 per year to \$107,432 per year;
- allowing employers to use nondiscretionary bonuses and incentive payments (including commissions) paid at least annually to satisfy up to 10% of the standard salary level, in recognition of evolving pay practices; and
- revising the special salary levels for workers in U.S. territories and the motion picture industry.

Additional information:

Fact Sheet: https://www.dol.gov/whd/overtime2019/overtime_FS.htm

Frequently Asked Questions: https://www.dol.gov/whd/overtime2019/overtime_FAQ.htm

A webinar from the Small Business Legislative Council is now available at the following link: <http://sbcl.org/member-reports/newest-final-overtime-regulations-2019-webinar/>

Link is labeled "For Members' Guests" – the username and password will be as follows:

Username: 2019

Password: FinalRegulations

FMCSA Driver Drug and Alcohol Clearinghouse Online Database Registration
January 6, 2020

Complete information: <https://clearinghouse.fmcsa.dot.gov/>

The Clearinghouse is secure online database that will give employers, FMCSA, State Driver Licensing Agencies, and State law enforcement personnel real-time information about CDL driver drug and alcohol program violations, thereby enhancing safety on our Nation's roadways. An act of Congress directed the Secretary of Transportation to establish the Clearinghouse.

Materials for:

- Employers
- Owners-Operators
- CDL Drivers
- Medical Review Officers
- Substance Abuse Professionals
- Consortium/Third-Party Administrators

OSHA Illness and Injury

February 1, 2020

Complete information: <https://www.osha.gov/recordkeeping/index.html>

OSHA Recordkeeping & Reporting Requirements – Amendments
Forms 300, 300A, 301
Electronic Submission of Records

EPCRA Tier II Reports for Bulk Plants and Gas Stations Due

March 1, 2020

Complete information: <https://www.epa.gov/epcra/tier-ii-forms-and-instructions>

Updated forms now available.

Got Questions? Contact Mark S. Morgan, PMAA Regulatory Counsel at mmorgan@pmaa.org.



The Oklahoma Petroleum Marketers & Convenience Store Association is excited to announce that an ABLE Commission approved training course for Alcohol and Tobacco sales is available!

This course will prepare all employees to sell single-strength beer and wine and tobacco to customers, meeting standards set forth by ABLE. **The online training service is FREE and available to all Association members.**

The link to the ABLE Training is <http://www.ok-able-training.com/>

- Username – OPMCA
- Password – AbleCompliance2018

Once the training course is completed by an employee, the following steps will need to be taken:

- Type in the name as presented on ABLE license application (the certificate will self-date)
- Once filled out, print the certificate
- An employee's supervisor **MUST** sign the certificate for verification purposes
- A copy of the signed training certificate **MUST** be filed at the location(s) the employee works at along with the ABLE issued license

As the laws are currently written, before October 1, 2018 an employee can receive a license without completion of a training program. However, on or after October 1, 2018, all new employees and any employee who has had a license expire will need to apply for a new license through the ABLE Commission; the employee will receive a temporary 30-day license before their permanent license is issued. Once the temporary license is obtained, they will have 14 days to complete an approved training program authorized by the ABLE Commission and receive proof of completion.

The training takes about 40 minutes to complete.

Once you begin the training, you must finish the test at that time or you will be forced to start over.

If you have any questions, please contact the OPMCA office.

OPMCA

6420 N. Santa Fe, Suite B
Oklahoma City, OK 73116
(405) 842-6625



By April 1, 2020, every home will receive an invitation to participate in the 2020 Census. Once the invitation arrives, you should respond for your home in one of three ways: online, by phone, or by mail.

Overall Timeline

Counting every person living in the United States is a massive undertaking, and efforts begin years in advance. Here's a look at some of the key dates along the way:

- **January 2020:** The Census Bureau begins counting the population in remote Alaska.
- **April 1, 2020:** Census Day is observed nationwide. By this date, every home will receive an invitation to participate in the 2020 Census. Once the invitation arrives, you should respond for your home in one of three ways: online, by phone, or by mail. When you respond to the census, you tell the Census Bureau where you live as of April 1, 2020.
- **April 2020:** Census takers begin visiting college students who live on campus, people living in senior centers, and others who live among large groups of people. Census takers also begin conducting quality check interviews to help ensure an accurate count.
- **May 2020:** The Census Bureau begins visiting homes that haven't responded to the 2020 Census to make sure everyone is counted.
- **December 2020:** The Census Bureau delivers apportionment counts to the President and Congress as required by law.
- **March 31, 2021:** By this date, the Census Bureau will send redistricting counts to states. This information is used to redraw legislative districts based on population changes.

Census Day 2020

April 1 is Census Day, a key reference date for the 2020 Census. When completing the census, you will include everyone living in your home on April 1. Census Day will be celebrated with events across the country.

Yes, I'll support the OPMCA PAC!

My 2019-2020 OPMCA PAC Contribution Amount: _____

Your participation in the OPMCA PAC is critical. It is needed and important, BUT it is voluntary. We hope that you will consider being a member of the OPMCA PAC. Please remember that your contribution must be **CASH, PERSONAL CHECK or PERSONAL CREDIT CARD!**

Contributor Statement for Individual

Individual Name: _____

Mailing Address: _____

City, State, Zip: _____

Phone: _____ Email: _____

Company Name: _____

Occupation: _____

The contribution listed above is for a campaign in the State of Oklahoma, and the contribution was freely and voluntarily given by me from my personal property. I have not directly or indirectly, been compensated or reimbursed for the contribution.

Signature of Contributor: _____ Date: _____

Please select contribution type: _____ Cash _____ Personal Check _____ Personal Credit Card

Credit Card Authorization

Cardholder's Name: _____

Cardholder Billing Address: _____

Credit Card Number: _____

Expiration Date: _____ Authorization Code: _____

Please make personal checks payable to:

OPMCA PAC, 6420 N. Santa Fe, Suite B, Oklahoma City, OK 73116

Questions? Contact Candace McGinnis @ 405-842-6625 or candace@opmca4you.com.

PMAA MARKETER SBC PAC FUND

The Petroleum
Marketers Association
of America invites you
to do your part



Some senators and representatives have stepped forward to defend and promote the interests of independent petroleum marketers. Often they do so because they know marketers back home and they have an appreciation for the business.

When legislators go to bat for marketers, we must be prepared to go to bat for them.

It is critically important that we help these senators and representatives secure re-election. PMAA's Small Business Committee (SBC) PAC Fund was created for this purpose. When legislators go to bat for marketers, we must be prepared to go to bat for them. PMAA's SBC PAC believes it is the duty of every petroleum marketer to contribute something to the PAC. Please donate and demonstrate that you "get it." Government unchecked is dangerous for every business.

Your contribution will...

- Help elect individuals who are supportive of small business and independent petroleum marketers;
- Support PMAA's legislative and regulatory agenda;
- Remind legislators that petroleum marketers are a political force;
- Recognize the unique aspects of the jobber/distributor class of trade and of heating oil dealers;
- Enable PMAA to say "yes" when supportive candidates ask for our help;
- Assist PMAA to stand up to organizations that represent interests contrary to those of independent petroleum marketers and that are actively building campaign war chests to defeat pro-small business candidates.

\$2,500 PLATINUM CLUB

Contributor is invited to all special PMAA SBC PAC recognition receptions and receives one complimentary registration (up to \$500) to a PMAA SBC fundraiser event and a complimentary subscription to the *PMAA Journal*.



\$1,000 EXECUTIVE'S CLUB

Contributor is invited to all special PMAA SBC PAC recognition receptions and receives one complimentary registration (up to \$200) to a PMAA SBC fundraiser event and a complimentary subscription to the *PMAA Journal*.



\$500 CHAIRMAN'S CLUB

Contributor is invited to all special PMAA SBC PAC recognition receptions and receives a complimentary subscription to the *PMAA Journal*.



\$250 CENTURY CLUB

Contributor is invited to all special PMAA SBC PAC recognition receptions.

Dear Brad & Tim,

I permit you to solicit me annually for the PMAA SBC. I support the PAC, and my personal check or credit card number is attached.

There is no minimum contribution requirement. The amount given by a person or a refusal to give will not benefit or disadvantage the person being solicited. Federal law prohibits the acceptance of any corporate contributions to the PAC. If a corporate donation is received, it will not be processed and will be returned to the donor. Make your check payable to the PMAA SBC. Federal law requires the following information from contributors:

PERSONAL CREDIT CARD # (☐ VISA, ☐ MASTERCARD, OR ☐ AMEX) _____

EXPIRATION DATE _____ SIGNATURE _____

☐ \$2,500 PLATINUM CLUB ☐ \$1,000 EXECUTIVE'S CLUB ☐ \$500 CHAIRMAN'S CLUB ☐ \$250 CENTURY CLUB ☐ OTHER AMT. _____

Donate online at www.pmaa.org/sbcpac

PERSONAL CONTRIBUTIONS ONLY: Thank you for your support! Contributions to the SBC PAC are not tax deductible.

Mail this to PMAA Small Business Committee, 1901 N. Fort Myer Drive, Suite 500, Arlington, VA 22209, or send this to Sabrina Pitcher at the PMAA office. Email: spitcher@pmaa.org or Fax: (703) 351-9160. You will be invoiced upon receipt.