

THE CARRIER

MICHIGAN MOVERS ASSOCIATION
FIRST QUARTER 2012



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THE CARRIER

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EDITORIAL INFORMATION

The Carrier is a quarterly newsletter published by the MMA. MMA is a membership organization that promotes the interests of Michigan Movers Association through, interaction, education, information and legislative advocacy. Advertising opportunities are available. Acceptance of advertising does not imply endorsement or approval of the product or services advertised. The MMA Board of Directors reserves the right to refuse any ad that they consider inappropriate and does not hold to the standards and principles of the association. We accept unsolicited manuscripts but reserve the right to edit due to space limitations. Opinions expressed by guest writers do not necessarily reflect views of the MMA or Eurich Management Services. Please send address changes, membership inquiries, and advertising requests to MMA, 3225 W. St. Joseph, Lansing, Michigan 48917. Phone: (517) 327-9207, Fax: (517) 321-0495, Email: DonnE@eurich.com.

ADVERTISING INFORMATION

The newsletter is mailed to all MMA members and is produced quarterly. For ad submission deadlines and any questions regarding advertising, call 517.327.9207.

BENEFITS

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SIZES AND SINGLE RATES

Back Cover	7.5" x 10"	\$465
Full Page	7.5" x 10"	\$435
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PRODUCTION SPECS

Trim size is 8.5x11. Live copy should be at least 1/2" from trim edge. Bleeds may be included on full page ads and must extend 1/4" beyond trim size on all four sides. Preferred file formats: High resolution PDF or TIF. Those retaining graphic design services should note that proofs will be submitted via email and should be returned to MMA within 24 hours with all corrections noted on proof.

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MICHIGAN MOTOR CARRIER ADVISORY BOARD

This Board serves in an advisory capacity to the Michigan Public Service Commission on policy and procedural matters which impact the Michigan trucking industry. The Board Members are appointed by the Commission for a term of one year.

All meetings are open to the public and are held at the
MICHIGAN PUBLIC SERVICE COMMISSION
6545 Mercantile Way, Lansing, MI
Hearing Room A at 9:30 a.m.

2012 MEETING SCHEDULE

MARCH 15, 2012

MAY 17, 2012

JULY 19, 2012

SEPTEMBER 20, 2012

NOVEMBER 15, 2012



PRESIDENT'S MESSAGE

DAVE MORSE
MORSE MOVING AND STORAGE

Happy New Year to each of you, I hope you are all keeping those resolutions and that business projections are going as planned. I would also like to thank each of you who made it to the Soaring Eagle for the annual conference and board meeting. I want to especially thank the MMA staff for doing a great job of setting everything up and to our vendors who help support our program. Please make sure we are supporting our vendor members by including them in your purchasing process.

At the board meeting we found out that the association continues to operate profitable and has a healthy reserve going forward. Through the board's instructions we will be refunding profits from last year to the membership. Also the intent is to refund any future profits to members. Our goal going forward is to operate breakeven. We decided not to pursue a rate increase this spring. If you find it necessary for your business to file a rate increase, you can request an exception to the tariff up to 20% above the published rates. Feel free to contact the MMA office for details on how

THROUGH THE BOARD'S INSTRUCTIONS WE WILL BE REFUNDING PROFITS FROM LAST YEAR TO THE MEMBERSHIP.

to do this. The board also set up a committee to look into starting a PR campaign to help educate the consumer on the need to hire a reputable mover. As we move into the political season we have partnered up with the Michigan Chamber and plan to invest some PAC money where it makes the most direct impact.

If you missed this year's annual meeting you missed a lot of fun along with helpful information. You won't want to miss next year's. Thank you for again for allowing me to serve as your president and please feel free to contact me at 734.740.2070 or dmorse@morsemoving.com with any concerns or question. Your inquiry will receive my immediate attention.



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LEGISLATIVE UPDATE



INFRASTRUCTURE TOPS GOVERNOR'S AGENDA

The infrastructure package of legislation is the practical next step following Governor Snyder's special message in late October. It would restructure the delivery of road and transit services at the state and local level. It would require "best practices" for recipients to demonstrate for future funding, and require more transparent reporting of benchmarks and progress. It would also raise revenue through registration fees and a wholesale tax on fuel to preserve our transportation resources at acceptable levels instead of a sharp and predictable decline in quality and utility for a leading state.

The following bills were all introduced on January 26, 2012. Senate Bills 918, 919 and 920 were referred to the Senate Appropriations Committee. The rest of the bills were referred to either the House or Senate Standing Committee on Transportation.

INDIVIDUAL BILLS

House Bill 5298 (Olson)/ Senate Bill 918 (Kahn) Would convert the current fuel taxes to a wholesale tax. Limits in the bill would ensure the tax could neither increase nor decrease more than one cent per year after the initial year. The current rate of 19 cents per gallon would be replaced by a wholesale tax with the effective rate of 28.3 cents per gallon. The current diesel discount of four cents per gallon plus numerous other exemptions for vehicles owned by local governments, school buses, transit agencies and non-profit agencies would also end. The bill is projected to raise \$541 million annually, but this is contingent on travel trends and future fuel efficiency. This bill needs to be accompanied with House Bill 5299 (Olson)/Senate Bill 920 (Kahn) amending the Motor Carrier Fuel Tax Act.

House Bill 5299 (Olson)/Senate Bill 920 (Kahn) Would amend the Motor Carrier Fuel Tax Act to fully complete the conversion to a wholesale tax. This is necessary to complete the larger policy goal

in Request No. 04244' 11. This bill strikes the current fuel tax of fifteen cents for qualified commercial motor vehicles along with other fuel tax rates. These would be replaced by the wholesale rate in House Bill 5298/Senate Bill 918.

House Bill 5300 (Gilbert and Olson)/Senate Bill 919 (Kahn) Would increase statewide registration fees for most passenger vehicles by 67%. Weight-based fees for commercial trucks would increase 25% (but those are likely to also be affected by loss of the diesel discount in Request No. 04244'11). This would raise an estimated \$500 million for transportation purposes. This bill would also dedicate revenue to the Michigan Transportation Fund and also to the new Commercial Corridor Fund. There is a schedule of distributions which shifts the proportion of funding to the two funds so that the Commercial Corridor Fund will receive all the registration fee revenue by the 2021 fiscal period.

House Bill 5302 (Roy Schmidt)/Senate Bill 913 (Kowall) Would amend Public Act No. 51 of 1951 to link future funding of local road agencies to adoption of best practices similar to Request No. 04249'11. The requirement would not take effect until September 30, 2015.

House Bill 5303 (Talabi) Would create the Commercial Corridor Fund that would be funded by the revenue bills in the package. The intent is to align Michigan's funding formula to recognize the federal functional class of roads. The basic effect would be to prioritize roads which are vital for economic activity and growth. This bill would also provide that starting January 1, 2015, local road agencies which received less than \$50,000 in funding in 2012 would have those funds shifted to their respective counties. They would no longer receive the funds directly unless local voters decided to continue the direct distribution.



HAND-HELD MOBILE PHONE BAN FOR CMVs

EFFECTIVE JANUARY 3, 2012

The Federal Motor Carrier Safety Administration (FMCSA) recently enacted a ban on the use of hand held cellular phones by Commercial Motor Vehicle (CMV) drivers operating any CMV. The State of Michigan previously adopted to follow the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Michigan CMV therefore, Michigan drivers must also comply with this recent ban.

While studies quoted in the FMCSA rule did not indicate if just talking and listening on a cellular telephone (whether hand-held or hands-free) while driving poses a significant risk, many of the tasks necessary to operate the cellular phone do increase risk. The simple act of taking one's eyes off the road, if only for a brief period of time as well as the act of reaching and dialing (again resulting in eyes off the road) causes the most significant distraction and therefore the most risk. The chances of being involved in a safety critical event are multiplied by three when a driver is reaching for something and increased six times when the driver is dialing a cellular telephone. Therefore, this ban is an attempt to reduce the prevalence of distracted driving resulting in crashes, fatalities, and injuries involving drivers of CMVs.

FREQUENTLY ASKED QUESTIONS

Q ARE WIRED OR WIRELESS EARPIECES ALLOWED?
Yes. Hands-free use of a mobile telephone is allowed using either a wired or wireless earpiece or the speakerphone function of the mobile telephone. Wireless connection of mobile telephone to the vehicle for hands-free operation of the telephone, which would allow the use of single-button controls on the steering wheel or dashboard, would also be allowed.

Q ARE HOLDERS OF A COMMERCIAL DRIVER'S LICENSE (CDL) SUBJECT TO THE REGULATION ONLY WHEN DRIVING A CMV, AS DEFINED IN 49 CFR 383.5, OR ANY VEHICLE?
CDL holders are subject to the Federal rule only when driving a CMV.

Q ARE CMV DRIVERS ALLOWED TO USE PUSH-TO-TALK MOBILE COMMUNICATIONS EQUIPMENT WHILE DRIVING?
Yes, Provided the driver does not reach for, dial, or hold the actual mobile telephone in his/her hand while driving and the driver is able to touch the button needed to operate the push-to-talk feature from the normal seated position with the safety belt fastened. Generally, the use of this type of communications equipment does not require drivers to take their eyes off of the forward roadway because the button used to enable the driver to communicate can be operated from the normal seated position with the safety belt fastened. For example, if the mobile phone is mounted in a cradle or similar device near the driver, or there is a remote push-to-talk button near the vehicle controls to allow the driver to communicate without reaching for, dialing, or holding the actual mobile telephone in his/her hands while driving, the equipment may be used.

Q IS DIALING A PHONE NUMBER ALLOWED UNDER THIS RULE?
No. Dialing a mobile telephone while operating a CMV is prohibited by the rule. A driver can initiate, answer, or terminate a call by touching a single button on a mobile telephone, earpiece, steering wheel, or instrument panel — comparable to using vehicle controls or instrument panel functions, such as the radio or climate control system.

Q CAN A DRIVER REACH FOR MOBILE TELEPHONE EVEN IF HE/SHE INTENDS TO USE THE HANDS-FREE FUNCTIONS?

No. In order to comply with this rule, a driver must have his or her mobile telephone located where the driver is able to initiate, answer, or terminate a call by touching a single button while the driver is in the seated driving position and properly restrained by a seat belt. If the mobile telephone is not close to the driver and operable while the driver is restrained by properly installed and adjusted seat belts, then the driver is considered to be reaching for the mobile phone, which is prohibited by the rule.

Q CAN A DRIVER USE A MOBILE TELEPHONE WHEN THE VEHICLE IS STOPPED BUT WITH THE ENGINE RUNNING?

Maybe. FMCSA states that “driving” means operating a CMV on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays, therefore, mobile phone use is not allowed. Driving does not include operating a CMV when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

Q WHAT IS REQUIRED OF THE EMPLOYER IN TERMS OF COMPANY POLICY OR TRAINING?

The rule does not require motor carriers to establish written policies in terms of company policy or training programs for their drivers. However, employers are prohibited from allowing or requiring their drivers to use hand-held mobile phones. A motor carrier may establish policies or practices that make it clear that the employer does not require or allow hand-held mobile telephone use while driving a CMV in interstate and intrastate commerce. The carrier is responsible for its drivers’ conduct.



EMPLOYERS MAY BE REQUIRED TO POST NOTICE ADVISING EMPLOYEES OF RIGHT TO UNIONIZE

BY MICHAEL R. BLUM
FOSTER SWIFT COLLINS & SMITH

On August 26, 2011, the National Labor Relations Board (the “Board”) published a final rule requiring all employers covered by the National Labor Relations Act (the “Act”) to post a notice detailing employees’ rights under the Act. The original posting deadline of November 14, 2011 was first extended to January 31, 2012 and again extended to April 30, 2012 upon request of a federal court in the District of Columbia, which is handling a lawsuit filed by the National Association of Manufacturers (NAM) over the posting requirement.

Unless blocked by the Court, most private sector employers covered by the Act will be required to post a notice on April 30, 2012 containing, among other things:

- Notification that employees have the right to form, join or assist a union.
- Notification that employees have the right to discuss their wages, benefits and other working conditions with co-workers or a union.
- A summary of other employee rights under the Act, with examples of violations of those rights by employers or unions, and an affirmation that unlawful conduct will not be permitted.
- Information about the Board, the Board’s contact informa-

EMPLOYERS WILL BE REQUIRED TO POST THE NOTICE PHYSICALLY IN THEIR FACILITIES...

tion, and details on how to file a charge with the Board.

- Notice of the 6-month statute of limitations for filing charges with the Board.

The text for the actual notice can be downloaded from the NLRB’s website (www.nlrb.gov).

Employers will be required to post the notice physically in their facilities; and employers who customarily post notices to employees regarding personnel rules or policies on an internet or intranet site will be required to post the Board’s notice on those sites as well. In addition, employers will be required to post the notice in foreign languages where 20 percent or more of an employer’s workforce is not proficient in English.

Although the Board does not have the authority to fine employers for failing to post, it can find the failure to post to be an independent unfair labor practice charge and also be used to support any other charge. In addition, failure to post the required notice may be found to be grounds for tolling the statute of limitations.

DIGITIZE, ECONOMIZE AND MODERNIZE



How would you like to spend less time in the back office doing mundane clerical work and more time making strategic decisions that would help to improve your business? Better yet, what if you could do things more efficiently so you could save both yourself and your employees time and base your business decisions on better, more accurate information?

Even in today's digital economy, many business owners still deal with a ton of paper records which carry with them a significant cost that goes unrecognized to many business owners. Consider these facts:

- Professionals spent 5-15 percent of their time reading information, but up to 50 percent looking for it.
- The average document gets copied 19 times.
- 7.5% of all documents get lost. 3% of the remainder get misfiled.
- It costs up to \$20 in labor to file a document over its lifetime. That amount increases by \$100 to find a misfiled document and \$200 to reproduce a lost document.

Fortunately, there is a solution. For years, large corporations have been utilizing Document Management Systems, which are software applications designed to organize your digital files and

EVEN IN TODAY'S DIGITAL ECONOMY, MANY BUSINESS OWNERS STILL DEAL WITH A TON OF PAPER RECORDS WHICH CARRY WITH THEM A SIGNIFICANT COST...

quickly and efficiently scan your paper records into a single, highly searchable, digital archive. Better yet, your entire document repository can then be securely accessed from any location with an Internet connection and easily backed up in case of theft, fire, flood, or other disaster.

The good news is that with increased demand, the price of these systems has reached a point where it is affordable even for small businesses. One example of a Document Management System is Content Central by Ademero. The Shumaker Technology Group, Michigan's Ademero Gold Certified Partner, understands the unique needs of the Moving industry and is proud to offer any member of the Michigan Movers Association 15% off the price of Content Central. To learn more, visit shumakergroup.com/go.php?id=17.

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TARIFF RESOURCES

The current Tariff 1000 and 4000 are available on the MMA website at www.mimovers.org.

Click on “Documents” then select “MMA Tariff 1000 or Tariff 4000.”

Periodic updates to these documents will be made as they are published.

If you have any questions, please contact the MMA office at (517) 327-9207.

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New England	4.150	4.161	4.221	0.060	0.318
Central Atlantic	4.128	4.142	4.208	0.066	0.333
Lower Atlantic	3.930	3.966	4.063	0.097	0.360
Midwest	3.857	3.848	3.914	0.066	0.253
Gulf Coast	3.860	3.886	3.992	0.106	0.336
Rocky Mountain	3.841	3.857	3.919	0.062	0.221
West Coast	4.121	4.164	4.326	0.162	0.434

WHEATON WORLD WIDE MOVING ACQUIRES BEKINS VAN LINES



In a move creating the fourth largest household goods carrier in the United States, Wheaton Van Lines, Inc. is completing the acquisition of Hillside, Illinois based Bekins Van Lines. The asset purchase agreement is in process and the transition of ownership is expected to be complete by mid March 2012.

When the acquisition is final, both brands — Wheaton World Wide Moving and Bekins Van Lines — will continue to be operated as separate brands with combined operational efficiencies. The new Bekins will be headquartered in Indianapolis, also the corporate headquarters of Wheaton. Together, the brands will increase the van line's agency base from 240 agents across the country to approximately 370 nationwide.

The acquisition is designed to bolster both brands and bring increased operational capabilities to bear for the combined company's entire client base — including private individuals and corporate clients. Approximately 38 employees will be added to Wheaton's corporate staff in Indianapolis bringing the total number of corporate employees to about 175. Bekins offices in Hillside, Ill. will be shut down.

"It's rare to have an opportunity to acquire a brand like Bekins, a company that truly helped to create the moving and storage industry, an innovator in that space and brand that's so well recognized," said Mark Kirschner, CEO of Wheaton Van Lines. "Consolidation in the relocation industry is inevitable as the market shrinks with the economy. But acquiring the Bekins brand and becoming partner to 130 Bekins agents will allow the van line to grow its market

share overall and put us in an even better position to compete moving forward."

ABOUT WHEATON WORLD WIDE MOVING AND BEKINS VAN LINES

Wheaton Van Lines, Inc. is one of the world's most highly regarded providers of transportation services. Wheaton Van Lines now owns two household goods relocation brands, Wheaton World Wide Moving and Bekins Van Lines. With annual combined revenue in excess of \$250 million, the van line is now the fourth largest household goods carrier. Headquartered in Indianapolis, Ind., The Wheaton and Bekins brands offer private and corporate domestic and international household goods relocation services as well as special commodities and logistic services. The United States Military also is one of the company's largest customers. Wheaton Van Lines, Inc. is partner to approximately 370 Wheaton and Bekins agents nationwide.

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STAPLES BUSINESS ADVANTAGE PROGRAM

Save money on office supplies with Staples. MMA members can receive an average of 50% off the list price on thousands of items available in the Staples Full Line Catalog and an additional 5% off the prices in the Staples Low Price Catalog. Imagine how convenient it would be to place orders, track orders, get a spending analysis, and much more, with just the push of a button. It's all possible via Staples web-based ordering system.

EDUCATION PROGRAMS

MMA offers an annual convention in mid-winter, and periodic seminars on the Tariff and related topics to help members obtain professional continuing education.

INSURANCE PROGRAMS

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FORMS

MMA members can purchase forms specific to the moving industry and the MMA Tariff. Take advantage of discounts on items like Bills of Lading to log books.

CREDIT CARD PROGRAMS

Let Paymentech help you with your company's processing needs. There are no monthly minimums, no annual fees, 24/7 customer service and technical support. Contact Cameron Meadows directly at 800-824-4313, extension 3548 to sign up.

TARIFF REGULATION

As an MMA member, your moving company can participate in the MPSC 4000 Tariff, which the MMA administers. We are also available to help you file independent actions.

MEMBERSHIP DIRECTORY

Each year, the MMA produces a Membership Directory for distribution to all MMA members. This directory contains the MMA by-laws, all MMA member moving companies and our partner service providers, upcoming MMA events, and scales located throughout Michigan.

UNEMPLOYMENT TAX AUDITS

Is your company paying too much in unemployment insurance tax to the state? Unemployment Services Inc. (USI) can provide your company with a FREE analysis of your current unemployment tax rate to ensure the rate is appropriate based on your company's size and claims filed. USI also helps fight claims and arbitrate claims for a company. To get started, fax the front page of your unemployment Tax Rate Determination form the current year to the attention of Kent Downey at 248- 926-8902. Please be sure to include your name and telephone number on all correspondence. If you have any questions, please contact Kent Downey 248-926-8900.

MMA WEBSITE – WWW.MIMOVERS.ORG

The MMA website is a great source for members. We keep members current on events, member services, legislation and regulation, and news affecting the moving industry.