

The Unified Carrier Registration Act of 2005

Informal Guidance for Interested Parties

Revised: January 30, 2008

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Disclaimer: The answers provided here are based on the informal interpretation of the Unified Carrier Registration Act of 2005 (“UCR Act”) by the Unified Carrier Registration Plan Board of Directors (“UCR Board”) and are subject to further interpretation by the UCR Board. The answers given here do not limit or restrict future UCR Board interpretations or the UCR Board’s implementation of the UCR Act or the Unified Carrier Registration Agreement (“UCR Agreement”).

A. Law

1. What is the law that governs the UCR Agreement?

The UCR Agreement is established by federal law in the UCR Act, which is part of the federal highway reauthorization bill known as the Safe, Accountable, Flexible, Efficient Transportation Equity Act, A Legacy for Users (“SAFETEA-LU”), Public Law 109-59, enacted August 10, 2005. The UCR Act is sections 4301 through 4308 of SAFETEA-LU. In particular, the structure of the UCR Agreement is set forth in section 4305 of the UCR Act, which enacts §14504a as a new section in 49 United States Code (“USC”).

2. What is the “transition termination date” mentioned in section 4303(c) of the UCR Act?

The UCR Act deals with a number of subjects in addition to the UCR Agreement. Among these is the final repeal of a remnant of federal economic regulation of motor carriers, that is, the distinction between interstate common and contract carriers. Section 4303 eliminated this distinction on January 1, 2007. This provision has nothing at all to do with the UCR Agreement.

3. What is the relationship between the Unified Carrier Registration Plan (“UCR Plan”) and the UCR Agreement?

The UCR Plan is the organization of State, Federal and industry representatives responsible for developing, implementing and administering the UCR Agreement. The UCR Agreement is the interstate agreement, developed under the UCR Plan, governing the collection and distribution of registration information and fees generated under the UCR Agreement (“UCR fees”).

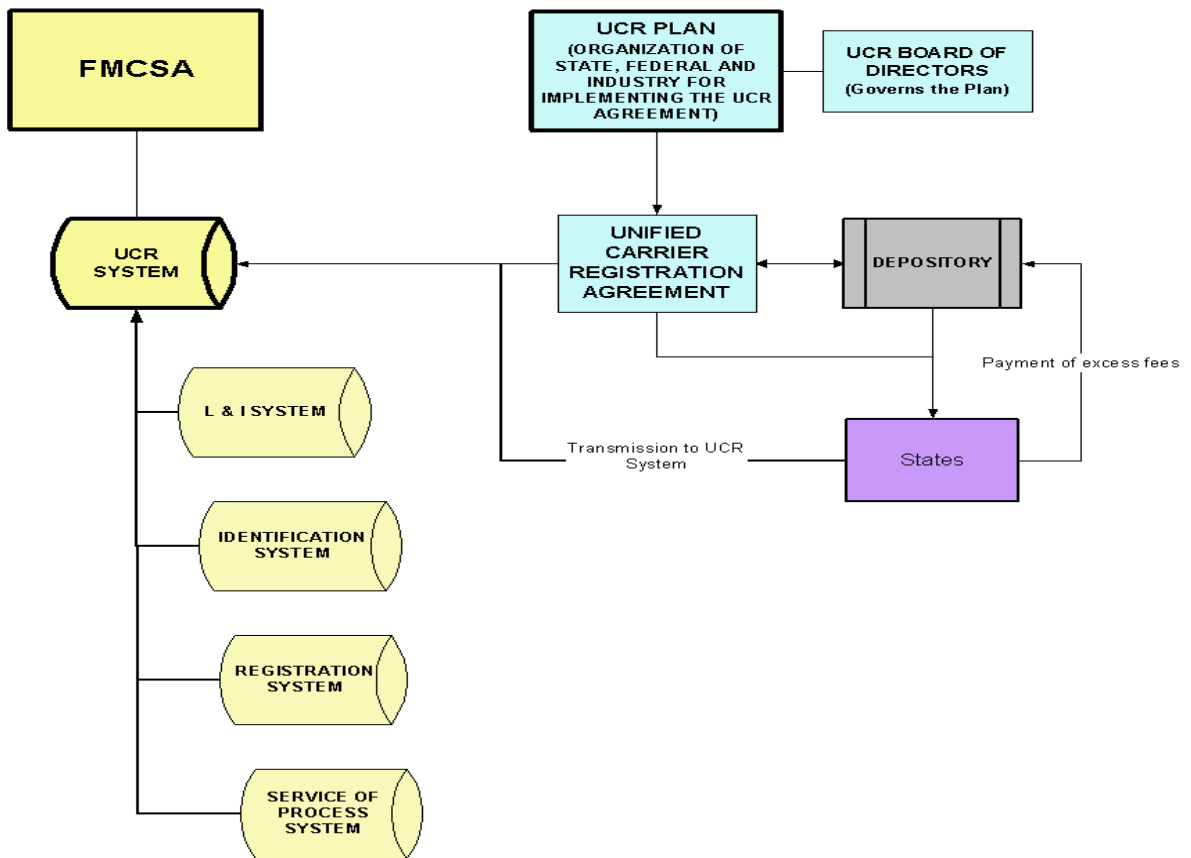
B. Relationship to UCRS

1. What is the relationship between the Unified Carrier Registration System (“UCRS”) established under section 4304 of the UCR Act and the UCR Agreement?

Despite their similar names, UCRS and UCR Agreement have little to do with one another, and the timetables for their implementation are not dependent upon one another. In addition to creation of the UCR Agreement, the UCR Act addresses the consolidation of a number of the currently separate motor carrier databases maintained by the Federal Motor Carrier Safety Administration (“FMCSA”) into a single on-line system to be known as the UCRS. *See the following flowchart.* The UCRS is a federal computer system of motor carrier data, which under the UCR Act was to be established during 2006 but will in fact require more time to complete.

The UCR Agreement is a base-state system administered by federal and state governments and by the motor carrier industry for the collection of fees levied on motor carriers and related entities. It is anticipated by some that future State enforcement of the UCR Agreement may be accomplished by accessing carrier data stored in the UCRS, but the mechanism for doing this is not yet established, and its precise nature remains unclear at this time.

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2. Is there any relationship between the fees under the UCRS and the UCR fees?

No. Section 4304 of the UCR Act imposes certain fees with respect to the UCRS (for example, on motor carriers first applying for federal authority and on some third parties accessing data in the system). Their only purpose is to provide funds to maintain the UCRS. These fees are collected by FMCSA and are federal monies; they have nothing at all to do with the UCR fees.

C. Hazardous Materials

1. Does the UCR Act of the UCR Agreement affect a State's annual registration of interstate and intrastate hazardous materials carriers or hazardous waste carriers?

No. As long as the hazardous materials or hazardous waste annual registration applies to all motor carriers and motor private carriers, whether interstate or intrastate, it is not considered an "unreasonable burden upon interstate commerce" under § 14504a(c), found in section 4305 of the UCR Act, because it applies whether or not the carrier is subject to jurisdiction under subchapter I of chapter 135, 49 USC. Likewise, States that are part of the Alliance for Uniform Hazmat Transportation Procedures could continue to require annual renewals and fees.

Note: The UCR Act simply does not deal with hazardous materials carriers or hazardous waste carriers. Interpretations in this document are not intended to mean that hazardous materials carriers or hazardous waste carriers are included in the UCR Agreement.

D. Intrastate Operations

1. Does the UCR Act prohibit States from regulating motor carriers that operate only in intrastate transportation?

No, the UCR Act does not affect a State's regulation of intrastate only carriers that do not handle interstate freight or provide interstate transportation.

2. The UCR Act prohibits States from doing certain things and imposing certain fees on interstate carriers with regard to intrastate operations. What are these?

Section 4305 of the UCR Act prohibits a State from requiring an interstate carrier, for-hire or private, to renew with it the carrier's intrastate authority or insurance filings or any other filings required of an intrastate carrier, except with respect to intrastate operations whose regulation has not been federally preempted (for example, authorization and rates for nonconsensual towing, and the transportation of household goods). Notice that a State only faces prohibitions with respect to various requirements it may have with respect to an interstate carrier's renewal of intrastate authority.

3. Does the UCR Act allow a State to continue to impose a requirement – and a fee – on an interstate carrier when it first obtains intrastate operating authority?

Yes. A State may still require an interstate carrier initially applying for intrastate authority to prove it has insurance coverage and charge an initial application fee.

The UCR Act draws a distinction between the requirements (including the requirement to pay a fee) a State may impose on an interstate motor carrier when it *initially* applies for intrastate operating authority, and those requirements which pertain to the *renewal* of the intrastate authority by an interstate carrier. For an *initial* application for intrastate operating authority, a State may continue to impose on an interstate motor carrier the application requirements, including the fees, and may not recoup such revenues under the UCR Agreement. For the *renewal* of an intrastate operating authority, a State may *not* continue to impose on an interstate motor carrier the application requirements, but *may* recoup under the UCR Agreement the revenues it loses from the discontinuance of such a program.

4. Does the UCR Act allow a State to require registration and payment of a registration fee from an interstate carrier for an intrastate permit that is issued on a yearly basis? That is, the permit is not renewed annually, rather it is only valid for one year from the date of issuance as compared to a registration for which an initial registration fee is paid and the registration remains valid until cancelled or revoked.

No, this is considered a renewal and the registration fee cannot be charged after the first initial registration. However, the State may recoup under the UCR Agreement the revenues it loses, based on calendar year 2004 revenues, from the discontinuance of the renewal registration fees.

5. Are a State's other fees and taxes affected by these provisions?

No. A State's other fees and taxes on motor carriers are not affected. In particular, the law contains a provision that specifically states that these federal provisions do not affect the rate of a fuel use tax a State may impose or the rate of its vehicle registration fees.

E. Prohibitions

1. The UCR Act prohibits States from doing certain things and imposing certain fees on interstate carriers. What are these?

In addition to the prohibitions noted in the answer to question D2, Section 4305 of the UCR Act prohibits a State from requiring an interstate carrier, for-hire or private, to register with it the carrier's interstate operations, to file information concerning the carrier's federally required insurance, to file the name of the carrier's federally required agent for service of process, and to pay any fee or tax from which a carrier engaged exclusively in intrastate operations is exempt.

2. Except under the UCR Agreement, can States require registration and/or collect fees from interstate motor carriers or interstate motor private carriers transporting property, for the carriers' interstate operations?

No. Under the UCR Act, States will not be able to register or collect fees from interstate exempt carriers and interstate private carriers. Also, under the UCR Act, the SSRS is repealed as of January 1, 2007, and States may no longer collect SSRS fees. The UCR Agreement was intended by Congress to replace revenues the States have derived from SSRS and certain other programs, and to provide the sole means for any State to recoup these monies. Whether or not a State elects to participate in the UCR Agreement, it may not engage in any of the activities prohibited by the UCR Act.

3. If an interstate motor carrier's interstate authority is revoked, is the motor carrier then subject to interstate registration by a State?

No, the motor carrier is still subject to the UCR Agreement. Enforcement of operations under a revoked interstate authority is not part of the UCR Agreement.

4. Will there be a credential for UCR registrants under the UCR Agreement?

No. There is no UCR Agreement credential requirement. Section 4306 of the UCR Act includes a general prohibition against State requirements on interstate motor carriers, motor private carriers, freight forwarders, or leasing companies to display any credentials in or on a commercial motor vehicle. Although there are a number of exceptions to this general prohibition, none apply to the UCR Agreement.

F. UCR Agreement

1. What will be included in the UCR Agreement, and who will put it together?

The UCR Act provides much of the framework for the UCR Agreement, and the rules under which the UCR fees will be collected and administered. To the extent that the UCR Act fails to supply what is necessary in this regard, it gives authority to the UCR Board to set such rules and procedures with respect to (at least) what information an entity subject to the UCR fees will need to submit to its Base State every year, the procedures by which an entity can change its Base State, how information will be transmitted from a Base State to the UCRS, transmission of UCR fees from a Base State to the UCR depository, and how the UCR Agreement may be amended.

2. What entities are subject to the UCR fees?

Except as noted in question F3 below, the UCR Agreement requires all motor carriers and motor private carriers transporting property are required to register with the United States Department of Transportation ("USDOT") as well as brokers, freight forwarders, and leasing companies (collectively referred to as UCR registrants) to pay UCR fees.

3. What entities are not subject to the UCR fees?

There are three types of entities that are not subject to UCR fees: (1) entities that receive USDOT numbers under the PRISM program as “registrants” but have no interstate operating authority; (2) purely intrastate carriers, that is, those that do not handle interstate freight or make interstate movements, unless the State has elected to apply the provisions of the UCR Agreement to such intrastate carriers; and (3) motor private carriers transporting passengers.

4. Are interstate motor carriers and interstate motor private carriers operating only small vehicles (gross vehicle weight rating (“GVWR”) or gross vehicle weight (“GVW”) of 10,000 pounds or less, or designed to transport 10 passengers or less, including the driver) subject to UCR fees?

No. Amendments to the definitions of motor carrier and motor private carrier made by section 4142 of SAFETEA-LU no longer require carriers that operate only such small vehicles to obtain operating authority from USDOT. Such carriers are also not required to obtain a USDOT number and are not subject to USDOT’s safety regulations.

5. What entities based in Canada, Mexico, or any other country are subject to the UCR Agreement?

Motor carriers, motor private carriers transporting property, freight forwarders, leasing companies, and brokers based in Canada, Mexico, or any other country that operate in interstate or international commerce in the United States, are subject to the UCR Agreement.

6. With regard to an unreasonable burden, does the transportation or service referred to in the phrase “motor carrier or motor private carrier providing transportation or service subject to jurisdiction under subchapter 1 of chapter 135” that is found in 49 USC, § 14504a(c)(1), mean all interstate transportation provided by an interstate motor carrier or interstate motor private carrier?

Yes, it means all interstate transportation of both regulated and exempt commodities as well as both regulated and exempt transportation services. Further, the UCR Agreement is intended to be inclusive of all interstate motor carriers and interstate motor private carriers transporting property and, therefore, it would make no sense to apply the “unreasonable burden” section to certain types of carriers and not to others.

Note: Subchapter 1 of chapter 135 contains §§ 13501 through 13508.

7. What is a UCR registrant's Base State under the UCR Agreement?

The UCR Agreement is a base-state system, under which a UCR registrant pays UCR fees through its Base State on behalf of all the participating States. A UCR registrant shall select its Base State using the following hierarchy:

- I. If your principal place of business state as completed in Section 1 of the form is AK, AL, AR, CA, CO, CT, DE, GA, IA, ID, IL, IN, KS, KY, LA, MA, ME, MI, MN, MS, MT, NC, ND, NE, NH, NM, NY, OH, OK, PA, RI, SC, SD, TN, TX, UT, VA, WA, WI, or WV, you must use that state as your base state.
- II. If your principal place of business state is not one of those listed above but you have an office or operating facility located in one of those states, you must use that state as your base state.
- III. If you cannot select a base state using (I) or (II) above, you must select your base state from (I) above that is nearest your principal place of business or select your base state as follows:
 - a. If your principal place of business state is DC, MD, NJ or VT or the Canadian Province of ON, NB, NL, NS, PE, or QC, you may select one of the following states: CT, DE, MA, ME, NH, NY, PA, RI, VA, or WV.
 - b. If your principal place of business state is FL or a state of Mexico, you may select one of the following states: AL, AR, GA, KY, LA, MS, NC, OK, SC, TN, or TX.
 - c. If your principal place of business state is MO OR THE Canadian Province of ON or MB, you may select one of the following states: IA, IL, IN, KS, MI, MN, NE, OH, or WI.
 - d. If your principal place of business state is AZ, HI, NV, OR or WY, or the Canadian Province of AB, BC, MB, or SK or a state of Mexico, you may select one of the following states: AK, CA, CO, ID, MT, ND, NM, SD, UT, or WA.

8. What will UCR registrants under the UCR Agreement have to do to comply?

A Registrant is required to register annually for the UCR Agreement and pay UCR fees

9. How will the administrative costs of the UCR Agreement be paid?

The UCR Act specifies that following the distribution of funds from the UCR depository to States that did not on their own collect all the revenue to which they were entitled in a given year, there is to be a distribution to pay the administrative costs of the UCR Agreement. The UCR Board will include in its recommendation of the level of UCR fees an amount to cover the administrative costs of the UCR Agreement.

G. UCR Board

1. Are meetings of the UCR Board open to the public?

Yes. Meetings of the UCR Board and its subcommittees are open to the public. Notice of UCR Board meetings will be published in the *Federal Register*.

2. *What subcommittees will the UCR Board establish, and how will these operate?*

The UCR Act requires the UCR Board to establish at least three subcommittees: an audit subcommittee, a dispute resolution subcommittee, and an industry advisory subcommittee. To date, the UCR Board has established an industry advisory subcommittee, and in addition, a revenue and fees subcommittee, a procedures subcommittee, a UCR systems subcommittee, and a UCR depository subcommittee. The UCR Act specifies few details of the operations of the UCR Board's subcommittees, except that the chair of each one is to be a member of the UCR Board and that each one is to include both government and industry representatives among its members. The exception is the industry advisory subcommittee, whose membership is to be entirely made up of industry representatives.

H. State Participation

1. *How does a State elect to participate in the UCR Agreement?*

To participate in the UCR Agreement – that is, to collect UCR fees – a State must signify to the USDOT its desire to do so by filing with the USDOT Secretary its plan for UCR Agreement administration. This is a one-time filing.

2. *What is the content of the plan a State must submit in order to participate?*

The UCR Act specifies that the plan filed by a State must set out which State agency will administer its UCR Agreement program, and that this agency will have the legal authority, resources, and qualified personnel necessary to do so. In addition, the plan must show that the State will use at least as much money for motor carrier safety programs, enforcement, or for UCR Agreement administration as the revenue it will derive from the UCR Agreement.

3. *May a State use the revenues it derives from UCR fees for intrastate motor carrier safety programs and enforcement?*

Yes. The UCR Act draws no distinction in this regard between programs that affect intrastate motor carriers and interstate motor carriers.

4. *Will a State need enabling legislation to participate in the UCR Agreement?*

That depends on a State's own constitution and statutes. However, a State generally requires legal authority to collect any fee. Some States may have authority under their existing statutes adequate to collect UCR fees. Others may already have enacted the UCR Agreement enabling laws.

5. *If a State needs and does not yet have enabling legislation, may it still elect to participate?*

Yes. A State may file with the USDOT its plan to administer the UCR Agreement prior to obtaining legal authority actually to engage in such administration. It is possible, however, that if without additional legislation a State lacks the authority to collect UCR fees, it might also lack the authority to elect to participate.

6. *Can a State that did not participate in SSRS elect to participate in the UCR Agreement?*

Yes.

7. *If a State did not participate in SSRS, can it derive any revenue from the UCR Agreement?*

Any State that did not participate in SSRS may elect to participate in the UCR Agreement, and if it does it may derive up to \$500,000 in annual revenues from UCR fees. In addition, such States may receive an amount up to the amount collected in 2004 from interstate exempt and intrastate registration fees.

8. *Is there a deadline by which a State must elect to participate in the UCR Agreement?*

Yes. The UCR Act specifies that if a State is going to participate in the UCR Agreement, it must file its plan to do so with USDOT by August 10, 2008, three years following the enactment of the UCR Act. If a State misses that deadline, it may never participate in UCR Agreement. As a practical matter, during the first two or three years of the UCR Agreement, the UCR Board may, by virtue of its role in determining the UCR fees, be obliged to set a deadline by which a State must file a plan with the USDOT if it is to participate in the UCR Agreement in the following UCR Agreement registration year.

9. *Once it elects to participate, may a State change its mind and withdraw from the UCR Agreement?*

Yes. The UCR Act specifies that a State may withdraw from UCR Agreement participation by either withdrawing the plan it filed with the USDOT or notifying the USDOT Secretary that it intends to withdraw. If a State does this, either before or after August 10, 2008, it may not thereafter participate in the UCR Agreement.

I. UCR Fees

1. *What are the UCR fees based on?*

For motor carriers and motor private carriers transporting property, the UCR fees are based only on the total number of commercial motor vehicles operated. The UCR fees for brokers, freight forwarders (those, that is, that do not operate motor vehicles – the UCR fees of those that do are based on fleet size), and leasing companies are levied at the smallest fee category. UCR fees depend not at all on the extent of a carrier's operations, only on the fact that it is engaged to some extent in interstate commerce. A carrier may, for example, have operations in just a few States, none of which participate in the UCR Agreement. Its UCR fees will be the same as a carrier that operates the same number of commercial motor vehicles but whose operations extend

to all participating States. Neither will it matter under the UCR Agreement which State is acting as a carrier's Base State – the level of UCR fees for a fleet of a given size will stay the same.

2. What vehicles are considered commercial motor vehicles for purposes of the UCR fees?

The number of commercial motor vehicles for purposes of determining a carrier's UCR fees is the number of commercial motor vehicles (power units and towed vehicles such as trailers) the carrier reported in the most recent Form MCS-150 it filed with FMCSA or the total number of commercial motor vehicles it owned or operated under long-term lease for the twelve-month period ending on June 30 immediately prior to the beginning of the UCR Agreement registration year for which the fees are being determined. A commercial motor vehicle is one that is operated in commerce and has a GVW or GVWR of at least 10,001 pounds or, in the case of a passenger vehicle, is one built to carry more than 10 persons, including the driver. It also includes a vehicle that transports hazardous materials in a quantity that requires placarding. It does not include, for this purpose, a vehicle that operates wholly in intrastate commerce.

3. May a carrier add other vehicles for UCR fee purposes if the carrier wants to?

A motor carrier may; a motor private carrier may not. For UCR fee purposes, a motor carrier may include in the number of its commercial motor vehicles those that operate wholly in intrastate commerce. A motor carrier may also choose to include its vehicles, both interstate and intrastate, with a GVW or GVWR of 10,000 pounds or less, or built to transport 10 persons or less, including the driver. A motor carrier might wish to add these vehicles because including them in the calculation of its UCR fees makes these vehicles subject to the vehicle-credential restrictions found in section 4306 of the UCR Act.

4. Will a motor carrier or motor private carrier subject to the UCR fees be required to file a supplemental report and fees if the size of its fleet increases or decreases during the year?

No. UCR fees will be set through a graduated structure of rates according to the number of commercial motor vehicles operated by a motor carrier or motor private carrier during the preceding year. Changes during the UCR Agreement registration year in the number of vehicles operated will not be reflected until the following year and the carrier will not need to report them currently.

5. How are the UCR fees going to be established?

The UCR Act requires the UCR Board to recommend every year to the USDOT Secretary the level of UCR fees to be effective the following year, and requires the USDOT Secretary to actually set the UCR fees within 90 days following the UCR Board's recommendation. This process requires formal notice and opportunity for public comment. Implicitly, in order for the UCR Board to make such a recommendation, the UCR Board must determine which States are going to participate in the UCR Agreement in the following year, what the aggregate of these States' UCR Agreement entitlement revenues may be (plus what amount of UCR Agreement administrative costs are to be recouped through the UCR fees), how many entities are subject to

the UCR Agreement and how many commercial motor vehicles they operate, and what structure of UCR fees will best serve to collect the revenue calculated to be needed.

6. Once UCR fees are set, under what circumstances might they be changed?

Resetting the UCR fees may be necessary if the States participating in the program have changed, if too much or too little revenue is collected under the program in a prior year, if the number of taxable entities or their fleet sizes have changed significantly, or if UCR Agreement administrative costs have risen. When resetting fees is necessary, the UCR Board will recommend the new fees and the USDOT Secretary will set them pursuant to a federal rulemaking.

7. What are UCR fees?

The program’s 2008 fees are based on the number of commercial motor vehicles operated by your company (trailers are also counted as a commercial motor vehicle). Brokers, leasing companies and freight forwarders pay a flat \$39 fee.

Bracket	Number of CMVs owned or operated by motor carrier or motor private carrier	Fee per company for motor carrier or motor private carrier	Fee per company for broker, freight forwarder or leasing company
B1	0-2	\$39	\$39
B2	3-5	\$116	
B3	6-20	\$231	
B4	21-100	\$806	
B5	101-1,000	\$3,840	
B6	1,001 and more	\$37,500	

J. UCR Depository

1. What is the role of the UCR depository?

The exact role of the UCR depository is still to be determined, but the UCR fees collected by a participating State under the UCR Agreement, at least to the extent they exceed the revenue to which the State is entitled under the program for the year, are to be forwarded by the State to the UCR depository for eventual distribution among other participating States. When more revenue is collected under the UCR Agreement during a year than all of the participating States in the aggregate are entitled to, the UCR depository is to retain the excess, which may go to satisfy State entitlements in the following year.

2. How will a participating State get its UCR Agreement revenues?

Each participating State will collect UCR fees from each UCR registrant that has designated the State as its Base State. A State will retain those collections until it has satisfied its UCR Agreement revenue entitlement, after which it will transfer additional collections it makes to the UCR depository. A State that does not collect enough to satisfy its entitlement will be paid the difference by the UCR depository from the funds transmitted to it by the States that have collected an excess.

K. Financial Responsibility

1. How is enforcement of financial responsibility laws for interstate motor private carriers of property or motor carriers to be accomplished?

With regard to the filing of proof of financial responsibility, the UCR Act has taken this area away from the States, and put it with the FMCSA as part of the Unified Registration System. However, a State may enforce its laws requiring liability coverage for any vehicle operating on the State's public ways. In other words, if an interstate motor carrier is found to be operating on a State's highways without liability insurance coverage, the State may take an action against that motor carrier. The State, including its political subdivisions, does not need to turn such enforcement over to the FMCSA.

2. Is verification of financial responsibility information a part of the registration process under the UCR Agreement?

Not at this time.

3. May a State require an annual insurance or surety bond filing by an interstate motor carrier that is operating under an intrastate authority from the State?

No. Under the UCR Act, a State may require the insurance or surety bond filing as part of the initial issuance of the intrastate authority, but not annually thereafter. A State may require the insurance company or surety company providing such coverage to notify the State whenever the

coverage is cancelled or not renewed. Additionally, nothing in the UCR Act prohibits a State from verifying the coverage as part of its internal review process of intrastate motor carriers.

L. Who Files Under the UCR Agreement

1. Who is subject to the UCR Agreement?

Any motor carrier that operates in interstate or international commerce is subject to the UCR Agreement. Included are many businesses that were not subject to the old Single State Registration System – private carriers, exempt carriers, regulated carriers that did not travel into SSRS states, brokers, freight forwarders and leasing companies. Carriers based in Canada and Mexico that operate in the United States are subject to the UCR Agreement.

2. How does a driveaway/towaway operation (no owned or leased CMVs) fall under the UCR Agreement and the fee structure?

Drive-away operations in interstate commerce require the person/company to file a UCR application and pay the lowest fee category of \$39. The drive-away vehicles are the freight and should not be looked at to determine if the freight being moved is a commercial motor vehicle.

3. Does an INTRASTATE only transporter of hazardous materials (regulated by USDOT) need to register under the UCR Agreement?

No.

4. Does a carrier using a van to haul placarded amounts of hazardous materials in interstate commerce need to file under the UCR Agreement no matter what the weight of the vehicle?

Yes

5. Is a motor carrier who operates only within a commercial zone transporting interstate freight required to file under the UCR Agreement?

Yes.

6. Is an exempt motor carrier, that is, one that hauls agricultural and other commodities exempt from federal operating authority requirements, required to file under the UCR Agreement?

If the carrier operates commercial motor vehicles, the answer is yes.

7. If a carrier's vehicles travel only in states that are not participating in the UCR Agreement, is the carrier still required to file under UCR Agreement?

Yes.

8. A seasonal carrier owns no vehicles but leases 25 commercial motor vehicles from Ryder for a 10-day period, 6 trucks for a 10-day period and 25 trucks for a 10-day period. Since each lease period is less than 30 days, would the carrier fall in the lowest UCR Agreement fee bracket (0-2 category) and pay \$39.

Yes.

9. Is John Doe operating as a motor carrier under the d/b/a John's Trucking and as a broker under the d/b/a John's Broker Service required to register twice under the UCR Agreement; once as a motor carrier and again as a broker? Would the same be true for a corporation such as JD, Inc., operating as a motor carrier under the d/b/a JD Trucking and as a broker under the d/b/a JD Brokerage?

In both instances, there is a single sole proprietor and a single corporation. That entity would only register once.

10. Is a person operating two separate legal entities (a motor carrier and also a broker) required to register twice under the UCR Agreement, once as a motor carrier and again as a broker?

Yes.

11. I own a household goods moving company that provides intrastate transportation under authority from my state, and provides interstate transportation under an agreement with a national van line. Under that agreement, the national van line leases my commercial motor vehicle(s) for each interstate move. Does my company need to register in the UCR Agreement?

No. However, the national van line that leases your commercial motor vehicles would have to register.

12. Would a towable forklift weighing 13,000 lbs need to be registered in the UCR Agreement?

Yes, if the forklift is in fact used in interstate commerce. The definition of a commercial motor vehicle is a towed vehicle with a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds.

13. A company operates vehicles owned by the Department of Energy. The company has its own USDOT number as a private carrier and provides the drivers for the vehicles. There is no lease agreement and the vehicles have no markings other than a U.S. Government license plate. The vehicles are being operated across state lines but do not stop at weigh stations. Do they register under the UCR Agreement? What fee bracket do they fall into?

The company is treated as a drive-away operation and will file a UCR application. The fee bracket will be the lowest fee category.

14. Suppose a carrier has a contract with the US Postal Service to haul mail interstate – is he exempt from the UCR Agreement?

No.

15. Under a long-term lease, who files the UCR application and counts the number of commercial motor vehicles, the leasing company or the motor carrier?

The motor carrier.

16. Does a company with customized transport vehicles file under the UCR Agreement?

Yes, if the customized transport vehicles fall within the definition of a commercial motor vehicle utilized in interstate commerce.

17. Are PODS (portable on demand storage) that are specially designed containers to store household goods considered trailers for counting commercial motor vehicles?

No.

M. How to Count Commercial Motor Vehicles

1. How do I count the number of commercial motor vehicles to report in columns A, B, C, and D of Section 4 on the UCR application form?

You have two options: (1) Use the number of commercial motor vehicles listed on the last MCS-150 form you submitted for your USDOT number; or (2) Use the number of commercial motor vehicles you operated for the 12-month period ending June 30 of the year immediately prior to the year for which the UCR registration is made.

N. General Questions

1. Will I need to carry a credential in the truck?

No. You are not required to carry any proof of compliance in the vehicle. You can carry the receipt for payment of the fees if you choose.

2. *I am out of business and don't need a USDOT number anymore. Should I file the UCR form?*

No. To have your DOT number cancelled, fill out items 1-16 of a new MCS 150 form, check the Out of Business box at the top of the form, sign and mail it to: FMCSA, Attn: USDOT Number Application, 1200 New Jersey Avenue SE, Washington, DC 20590. You can call FMCSA's toll free number at 1-800-832-5660 to have a MCS-150 form mailed to you.

3. *How does a company correct the information previously submitted to FMCSA on an MCS 150 form?*

If a company finds that it needs to correct or update the information it has earlier submitted to FMCSA on a Form MCS 150, the company should go to https://li-public.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION.prc_option and update the system using their previously assigned pin number or print the MCS-150 form and submit to FMCSA (or the carrier's base state IF the base state processes MCS-150s).

4. *What if I add more vehicles throughout the registration year?*

“Supplemental” applications are not required under the UCR Agreement. Vehicles added during a year will be paid for during the following registration year. The UCR Agreement requires the fee paid reflect the number of CMVs operated in the last reported MCS-150 form or in the preceding 12-month period. You must indicate which criteria you are using under Section 4 of the UCR application.

5. *What is freight forwarder?*

The term “freight forwarder” is an individual or company (other than as a pipeline, rail, motor, or water carrier) that receives shipments and combines them for transportation by a pipeline, rail, motor, or water carrier.

6. *What is a broker?*

The term “broker” is a person, other than a motor carrier or its employee, who acts as agent of the motor carrier for compensation to provide or arrange for motor carrier transportation.

7. *What is a leasing company?*

The term ‘leasing company’ means a lessor that is engaged in the business of leasing or renting for compensation motor vehicles without drivers to a motor carrier, motor private carrier, or freight forwarder.

8. *What is a registrant DOT number?*

States in the federal PRISM program are required to obtain a US DOT number from each entity that registers a vehicle with them under IRP. When an entity seeking to register a vehicle would not otherwise need a DOT number, such as an owner-operator without his own authority and permanently leased to a motor carrier, the state issues the entity what is referred to as a registrant DOT number. The holder of a registrant DOT number is not a motor carrier and is not subject to the UCR Agreement.

9. *What happens if I don't register under UCR?*

Enforcement officials across the nation may detain vehicles operated in interstate commerce and subject them to enforcement action. States may also be conducting audits to ascertain proper fees have been paid. The type of enforcement action will be dependent upon each individual state.

10. *Are companies that operate fire trucks and other emergency vehicles as part of their business subject to the UCR Agreement?*

No.

11. *Are companies that own service trucks, utility trucks, or commercial motor vehicles that haul a sewer/septic tank cleaning system that is part of the truck itself required to file a UCR application if those vehicles are used in interstate commerce?*

Yes.

12. *Are commercial motor vehicles operated by the federal, state, city, county governmental agency or an Indian tribe (a sovereign nation) required to be registered under UCRA?*

No.

13. *Are electric companies that are called out of state by governor for storm emergency required to have UCR?*

Yes, unless an executive order sets aside those requirements for that state.

14. *Are trash haulers required to file under UCR?*

No. Trash that is not being recycled is not considered property.

15. *Are trash haulers transporting recyclable materials in interstate commerce in commercial motor vehicles required to file under UCR?*

Yes.

16. Are agricultural plated commercial motor vehicles used in interstate commerce that are exempt from other registrations or specific safety requirements subject to UCR?

Yes.

17. A company fills out a UCR application claiming it is a motor carrier and broker. The company is paying for his operated vehicles only and not paying the \$39.00? Shouldn't he pay the \$39.00 for the broker operation as well?

No. The company would only file as a motor carrier.

18. A company uses only intermodal container chassis to transport steamship line containers. Will these chassis be counted under UCR for purposes of determining fees?

Yes. FMCSA states, "Intermodal container chassis are the flat trailer beds that cargo containers are loaded onto when being transported by truck." If the chassis which is being towed has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, the chassis are included in the count for UCR.

19. Would a mobile crane/well drilling equipment operating interstate be subject to registration under the UCR.

Yes.

20. Is a dealership that transports vehicles greater than 10,000 lbs GVW by driving them in interstate commerce to the owner, another dealership or to an auction required to file under UCRA?

Yes.

21. Can a state require a Form E for motor carriers exempt from federal operating authority requirements who must now register under UCR?

No.

22. Does the definition of motor private carrier include passenger operations?

No. Motor private carriers transporting passengers in interstate commerce are not required to register under the UCR Agreement.

23. If an entity has requested a refund from a State because it is not subject to the UCR Agreement and the State also determines that the entity is not subject to the UCR Agreement, must the State then refund the monies?

Yes.

24. May motor carriers, both for-hire and private that are exempted from UCR fees, be subject to the regulations of the State in which operations are being conducted?

Yes.

25. Is a motor carrier or motor private carrier transporting property that operates solely in Hawaii required to file and pay under the UCR Agreement?

Yes.

26. Are motor carriers or motor private carriers transporting property that are charitable and nonprofit organizations subject to the UCR Agreement?

Yes. Charities and nonprofit organizations are not exempt from filing and paying fee under the UCR Agreement.

27. Is a school bus operator who contracts to transport school children to and from school and school sanctioned functions required to register under UCR?

Yes, if the operator is providing transportation in interstate or foreign commerce.

Q& A added by UCR board

(Summary of Response by Procedures Committee to Letter Received from The Public Utilities Commission of Ohio dated August 15, 2008)

1. A carrier has a USDOT number (interstate) and occasionally transports freight across state lines. During a trip the carrier is moving freight between two points in the same state. They are not registered under UCR. Should a violation be listed on the inspection report for no UCR registration?

Violation for no UCR. The requirement to register under UCR exists whether the carrier's vehicle is loaded or empty at the time of the stop and regardless if the vehicle is crossing state lines at the time of the stop. Refer to L1 of the Q&A and 1.(k)(3) the definition of interstate commerce in the UCRA.

2. A carrier has a USDOT number (interstate) and is returning from dropping freight in another state. The vehicle is currently empty. The driver has no bills and his log book shows a drop in another state. The carrier is not registered under UCR. Should a

violation be listed on the inspection report for no UCR registration?

Violation for no UCR. Refer to L1 of the Q&A and 1.(k)(3) the definition of interstate commerce in the UCRA.

3. A carrier has a USDOT number (interstate) and is transporting trash across state lines. The carrier is not registered under UCR. Should a violation be listed on the inspection report for no UCR registration?

No violation if the carrier is strictly a trash hauler. Refer to N 15 of the Q & A. However, if the carrier has active interstate authority (as shown on L&I) and/or if the carrier self-declares itself (or has been proven) to transport commodities other than trash (as shown on the carrier's latest MCS 150), then the carrier is required to register under UCR.

4. A carrier has a USDOT number (interstate) and is transporting freight across state lines. They claim to have registered 2 vehicles with UCR as interstate and 20 as intrastate only. The carrier is registered under UCR. It can not be determined during a roadside inspection which vehicles are registered as interstate. Should a UCR violation be listed on the inspection report?

No violation. Refer to M1 and N4 of the Q&A.

5. A leased vehicle is stopped for an inspection. The carrier's name and USDOT number and the leasing company's name and USDOT number are both displayed on the vehicle. Both USDOT numbers are interstate. Neither USDOT number is registered under UCR. Should a violation be listed on the inspection report? Who should the violation(s) be listed against, carrier, leasing company or both?

Violation to carrier for no UCR. A separate violation would exist for the leasing company (how this is recorded would depend upon each respective state's enforcement authority and procedure). Refer to F2, I2, and L8 of the Q&A and to 10.(e)(2) the calculation of number of vehicles in the UCRA.

6. A construction company is doing roadwork on a bridge over a river between 2 states. They drive a rubber tire crane (off-road motorized construction equipment) greater than 10,001 GVW across the state line on a daily basis. The construction company does not have a USDOT number. They only have pickup trucks less than 10,000 GVWR and use contract carriers to move material and equipment between job sites. The construction company is not registered under UCR. Is the construction company required to be registered under UCR operating off-road motorized construction equipment in interstate commerce?

Violation to carrier for no UCR if the off-road motorized construction equipment is defined as a commercial motor vehicle. Refer to N20 of the Q&A and to the guidance questions 7 and 8 of 390.5 of the FMCSR.

7. *A private carrier is transporting property across state lines in a one ton truck greater than 10,001 GVWR. They have never been registered with USDOT and have no USDOT number. The carrier is not registered under UCR. Should a violation be listed on this inspection report for no UCR registration?*

Violation to carrier for no UCR. Refer to L1 of the Q&A.

8. *A for-hire bus with a maximum seating capacity of 11 people, including the driver, picks up passengers at an airport. Some of the passengers are from out of state. The passengers are transported 22 miles to a downtown drop off location. The carrier has a USDOT number (interstate) but is not registered under UCR. Should a violation be listed on this inspection report for no UCR registration?*

Violation for no UCR. Refer to I2 and L1 of the Q&A.

9. *A carrier is moving an empty intermodal container between two points in the same state to a train or ship yard to be sent internationally. The carrier is registered as an intrastate only carrier. The carrier is not registered under UCR. Should a violation be listed on this inspection report for no UCR registration?*

Violation for no UCR. Refer to N19 of the Q&A.

10. *A farmer is moving grain from his farm across state lines to a processing plant. He has a USDOT number (interstate) but is not registered under UCR. Should a violation be listed on the inspection report for no UCR registered?*

Violation for no UCR. Refer to L1 of the Q&A.

11. *The definition of a motor carrier includes, vehicles designed or used to transport more than 15 passengers, including the driver, and not used to transport passengers for compensation. Does this make a motor private carrier of passengers essentially a for-hire carrier according to the definition and then subject to UCR?*

Refer to N23 of the Q&A. The definition regarding a 15 passenger vehicle used by a motor private carrier has to do with the definition of a CMV, not a motor carrier, for purposes of applying the FMCSR (refer to 31132(1)(B) & (C) of the US Code and 390.5 of the FMCSR). For purposes of the UCR, the definition of a CMV is found in 31101 US Code and in 1.(e) of the UCRA.

12. **A carrier operated during 2007 as an interstate motor carrier but did not pay UCR for the year. Now the carrier has filed an application form for 2008.**

- *Can the state refuse to process the 2008 application until the 2007 obligation has been paid in full?*

Yes. The UCR Board by its own motion encourages States to require the justification of non-payment of 2007 fees before the carrier is allowed to pay the 2008 fees.

- *Can the state apply the funds submitted for 2008 to the amount due for the 2007*

(or any previous year that a carrier has not paid) UCR first making them legal for that year and then apply any remaining funds to 2008 and require the carrier to submit the rest of the funds necessary to pay for 2008?

Yes, if the applicant has approved the use of funds to be applied to a prior year filing requirement.

13. *Assuming a carrier had not paid UCR during 2007 but had paid for it for 2008. How should a violation for failing to pay 2007's UCR be written?*
- *Should it be one single violation for the entire year?*
 - *Should it be a separate violation for every day in which the company was operational regardless of whether or not a load was transported in commerce?*
 - *Should it be a separate violation for every day of the year that the company was operational and transported a load and if so, would it matter if the load was an interstate or intrastate load?*

Violations of UCR for prior years are entirely dependent upon an individual state's laws.