

Unified Carrier Registration Agreement



Updated: August 28, 2014

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ATTACHMENT A - STATE PLAN

ATTACHMENT B – REGISTRATION FORM

1. DEFINITIONS

- (a) "Administrator" means the Administrator of the FMCSA.
- (b) "Base State" See Section 8.
- (c) "Board" means the Board of Directors of the UCR Plan.
- (d) "Broker" means a person, other than a motor carrier or an employee or agent of a motor carrier, that as a principal or agent sells, offers for sale, negotiates for, or holds itself out by solicitation, advertisement, or otherwise as selling, providing, or arranging for, transportation by motor carrier for compensation.
- (e) "Commercial motor vehicle" (as defined under 49 UCS Section 31101) means a self-propelled vehicle used on the highways in commerce principally to transport passengers or cargo, if the vehicle:
 - (1) Has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater;
 - (2) Is designed to transport more than 10 passengers including the driver; or
 - (3) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. Section 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary.
- (f) "FMCSA" means the Federal Motor Carrier Safety Administration, an agency within the USDOT, and includes predecessor or successor agencies performing similar duties.
- (g) "Freight forwarder" means a person holding itself out to the general public (other than as a pipeline, rail, motor or water carrier) to provide transportation of property for compensation and in the ordinary course of its business:
 - (1) Assembles and consolidates, or provides for assembling and consolidating, shipments and performs or provides for break-bulk and distribution operations of the shipments;
 - (2) Assumes responsibility for the transportation from the place of receipt to the place of destination; and
 - (3) Uses for any part of the transportation a carrier subject to 49 U.S.C. Subtitle IV.
- (h) "Hazardous material" means a substance or material which has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated.
- (i) "Hazardous waste" means a material that is subject to the hazardous waste manifest requirements of the EPA specified in 40 CFR Part 262 or would be subject to these requirements absent an interim authorization to a State under 40 CFR Part 123, Subpart F.
- (j) "Interstate commerce" means trade, traffic, or transportation in the United States between:

- (1) A place in a State and a place outside of such State (including a place outside of the United States);
 - (2) Two places in a State through another State or a place outside of the United States; or
 - (3) Two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States.
- (k) "Intrastate commerce" means any trade, traffic, or transportation in any State that is not described in the term "interstate commerce" and is conducted wholly within a State.
- (l) "Intrastate renewal" means any type of requirement on an annual basis for intrastate authority, insurance filings or other authority related filing requirements necessary to operate within a State.
- (m) "Intrastate renewal fee" means any fee imposed on a motor carrier or motor private carrier for the renewal of the intrastate authority or insurance filings of such carrier with a State.
- (n) "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.
- (o) "Motor carrier" means a person providing motor vehicle transportation for compensation.
- (p) "Motor private carrier" means a person, other than a motor carrier, transporting property by motor vehicle when:
- (1) The transportation is as provided in 49 U.S.C. Section 13501;
 - (2) The person is the owner, lessee, or bailee of the property being transported; and
 - (3) The property is being transported for sale, lease, rent, or bailment or to further a commercial enterprise.
- (q) "Motor vehicle" means any vehicle, machine, tractor, trailer, or semi trailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the FMCSA, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service.
- (r) "Participating State" means a State that has complied with the requirements of Subsection (e) of 49 U.S.C. Section 14504a and that has not withdrawn from the UCR Plan.
- (s) "Principal place of business" means a single office or terminal designated by the company to serve as the a motor carrier's, motor private carrier's, broker's, leasing company's or freight forwarder's principal place of business. The principal place of business must be a location where the company is engaged in business operations and

where it maintains or can make available its business and safety records. A company may not designate as its principal place of business any location where the company is not engaged in business operations related to the transportation of persons or property. Post office box centers or commercial courier service establishments that receive and hold mail or packages for third party pickup may not be designated a principal place of business (other than by the courier service provider itself). A company may not designate the office of a consultant, service agent, or attorney as the motor carrier's principal place of business if the company is not engaged in operations related to the transportation of persons or property at that location. A company with a single place of business may designate only its actual place of business as the principal place of business.

- (t) "Registrant" under the provisions of this agreement means a motor carrier, motor private carrier, broker, leasing company or freight forwarder.
- (u) "Registration year" means a calendar year.
- (v) "Renewal period" means, with respect to a registration year, the period of August 1 through December 31 of the immediately preceding year.
- (w) "Secretary" means the Secretary of the USDOT.
- (x) "SSRS" means the Single State Registration System in effect on the date of enactment of the UCR Act of 2005.
- (y) "State" means a State of the United States or the District of Columbia.
- (z) "State Plan" means a document that:
 - (1) Identifies the State agency that has or will have the legal authority, resources, and qualified personnel necessary to administer the UCR Agreement in accordance with the rules and regulations promulgated by the Board; and
 - (2) Demonstrates that an amount at least equal to the revenue derived by the State from the UCR Agreement shall be used for motor carrier safety programs, enforcement, or the administration of the UCR Plan and UCR Agreement.
 - (3) The Board believes that the document included with these procedures as Attachment A is, when properly executed by a state, adequate to serve as the state's plan for purposes of the UCR agreement.
- (aa) "Unified Carrier Registration Agreement" or "UCR Agreement" or "UCRA" means the interstate agreement developed under the UCR Plan governing the collection and distribution of registration information and UCR fees paid by motor carriers, motor private carriers, brokers, freight forwarders, and leasing companies pursuant to 49 U.S.C. Section 14504a.
- (bb) "Unified Carrier Registration fees" or "UCR fees" means the fees determined by the Secretary based upon recommendation by the Board.

- (cc) "Unified Carrier Registration Plan" or "UCR Plan" means the organization of State, Federal, and Industry representatives responsible for developing, implementing, and administering the UCR Agreement.
- (dd) "Unified Carrier Registration System" or "URS" means the federal registration system established by 49 U.S.C. Section 13908.
- (ee) "U.S.C." means the United States Code.
- (ff) "USDOT" means the United States Department of Transportation.
- (gg) "Vehicle Registration" means the registration of any commercial motor vehicle under the International Registration Plan (IRP) as defined in 49 U.S.C. Section 31701 or any other registration law or regulation of a State or foreign country.

2. APPLICABILITY OF THE PROVISIONS OF THE UCR AGREEMENT

The UCR Agreement will apply to the following types of operations of passenger and property transportation in interstate commerce:

- (1) Motor carrier;
- (2) Motor private carrier of property;
- (3) Freight forwarder;
- (4) Broker; and
- (5) Leasing company.

3. STATE OPTION TO INCLUDE INTRASTATE CARRIERS IN THE UCR AGREEMENT

A State may elect to apply the provisions of the UCR Agreement to motor carrier and motor private carriers and freight forwarders subject to its jurisdiction that operate solely in intrastate commerce within the border of the State.

4. REGISTRANT OPTION TO INCLUDE INTRASTATE MOTOR VEHICLES

- (a) An interstate motor carrier or motor private carrier may opt to include motor vehicles under 10,001 gross vehicle weight and motor vehicles used in purely intrastate operations.
- (b) If motor vehicle(s) used purely in intrastate operations are not included in the vehicle fleet count under the UCR annual submission, it may subject those motor vehicles to be included in an annual renewal with the State(s).

5. STATE ELIGIBILITY TO PARTICIPATE IN THE UCR AGREEMENT

- (a) Forty-one states are eligible to participate in the UCR agreement because each state submitted to the Secretary a state plan prior to the August 10, 2008, deadline. Any state that failed to submit a state plan by that date, may not thereafter participate in the UCR agreement. A state may also require the enactment of its own enabling legislation to participate in the program.

6. STATE AMENDMENT TO THE STATE PLAN

If a participating state changes the agency that administers the UCRA, it shall file with the Secretary and the chair of the Board an amended state plan that reflects the change

7. STATE WITHDRAWAL OF THE STATE PLAN

A state that desires to withdraw from participation in the UCRA shall file a notice by the end of the current registration year of its intent to withdraw with both the Secretary and the chair of the Board. On the effective date of the notice, the State may no longer participate in the agreement or receive any portion of the revenues derived under the agreement. The Secretary shall immediately notify the chairperson of the Board of the impending withdrawal.

8. BASE STATE DESIGNATION

- (a) A motor carrier, motor private carrier, broker, freight forwarder, or leasing company subject to the UCRA shall choose a single base state, with which it shall register and pay its UCR agreement fees. The base state selection is made according to the following guidelines.
 - (1) If the principal place of business of an entity subject to the UCR agreement is a participating state, that state shall serve as the entity's base state.
 - (2) If the principal place of business of an entity subject to the UCR agreement is not located in a participating state, the entity shall choose for its base state any participating state in which the entity maintains an office or operating facility.
 - (3) If an entity does not have a principal place of business, office or operating facility in any participating state, the entity shall choose for its base state the participating state that is nearest to the location of the entity's principal place of business or select any participating state within their FMCSA region.
- (b) If an entity subject to the UCR agreement chooses a base state that does not meet the criteria established in this section, and that state accepts the entity's UCR agreement registration, any other participating state may object to the entity's base state designation.
- (c) Once an entity subject to the UCRA has chosen a base state under the provisions of this section, the entity may only change its base state under the provisions of Section 9.

9. CHANGE IN BASE STATE

- (a) Once an entity subject to the UCR agreement has chosen a base state under the provisions of Section 8, the entity may only designate another base state under one of the following circumstances:
 - (1) If the entity changes its principal place of business, and the new principal place of business is located in a participating state, the entity shall, effective with the next registration year following the change, choose that participating state as its base state. If the entity's new principal place of business is not in a participating state, the entity's base state shall not change.
 - (2) If the state in which the principal place of business of the entity is located becomes a participating state, the entity shall, effective with the first registration year in which the state is a participating state, choose that state as its base state.
 - (3) If the entity has chosen its base state under the provisions of subsection (a)(2) of Section 8, and the entity establishes a new office or operating facility in a participating state other than the participating state it has chosen as its base state, the entity may, effective with the next registration year, choose as its base state the state where the new office or operating facility is located.
 - (4) If the entity has chosen its base state under the provisions of Subsection (a)(3) of Section 8, and the entity establishes a principal place of business, office or operating facility in a participating state, the entity shall, effective with the next registration year, choose that participating state as its base state.
- (b) When an entity subject to the UCRA changes its base state under any of the provisions of this section, it shall, before the effective date of the change, notify the participating state that has been acting as its base state.

10. FORMS AND REGISTRATION

- (a) Annual Filing
 - (1) All registrants shall submit an annual filing of information required within the UCR Agreement.
 - (2) The registration period for a registration year shall begin on August 1.

- (3) Each registrant will be required to register with its base state before it begins to operate a commercial motor vehicle in interstate commerce. UCR fees shall not be prorated for partial year operation.
- (4) Only one annual submission is required of the registrant.
- (5) Each corporation, limited liability company, or similar legal entity is a separate legal entity and is treated as a separate registrant. Subsidiary or affiliate companies shall be required to file separately. Divisions within the company shall file as the single registrant.
- (6) The registrant who has registered under UCR Agreement shall not be required to make any additional filings during the registration year for addition or deletion of any commercial motor vehicles to the registrant's fleet.
- (7) A completed Unified Carrier Registration Form ("UCR form") (Appendix B) and payment of UCR fees shall be considered timely filed if both are submitted to the base state before December 31 of each calendar year. The annual submission will be considered timely filed if the registration is made through a national or regional electronic system.
- (8) For the purpose of submitting a registration no state shall require a registrant to submit, any information other than that required by the UCR form.
- (9) The registrant is required to maintain records adequate to substantiate the information reported by the registrant on its application. A registrant must maintain a list of all its vehicles and those subtracted from its UCR count as set forth on UCR forms 1 and 2 or in some other form. The appropriate state agency may request this information while conducting a compliance audit.
- (10) The Base State shall review the information contained on the UCR form to verify compliance with the UCR Agreement and notify the registrant of noncompliance.
- (11) If the registrant complies with the requirements as prescribed within the UCR Agreement, the Base State shall consider the annual submission complete.
- (12) Registrants are not required under this UCR Agreement to submit the name of a local agent for service of process, information relating to financial responsibility or information pertaining to interstate operations pursuant to 49 USC Sections 31138 or 31139.

(b) Payment of UCR Fees

- (1) The registrant shall pay UCR fees to its Base State. No UCR fees can be collected by another State or a State in noncompliance with the UCR Agreement.
- (2) Timely payment of UCR fees by the registrant through a national or regional electronic system shall be treated as compliant filing with the Base State.

- (3) Leasing companies (not a motor carrier), brokers and freight forwarders (who do not operate any commercial motor vehicles) shall be charged a UCR fee at the lowest bracket level for the registration year.
- (4) If the registrant is a motor carrier or a motor private carrier and a broker, leasing company or freight forwarder, the registrant shall be charged a UCR fee that is appropriate to the number of commercial motor vehicles operated by the entity.
- (5) Freight forwarders who operate a fleet of motor vehicles shall be treated as a motor carrier or a motor private carrier.

(c) Change in Status

- (1) If the registrant changes its principal place of business following the beginning of the registration year, notice must be provided to the current Base State. Such notification shall be considered to fulfill the requirement for notice to the Board for such change.
- (2) The Base State shall be notified of any name or address change of the registrant. This notice provision shall not require a supplemental UCR Agreement filing. The Base state may notify the registrant of any associated federal requirements.
- (3) The registrant shall notify the base state of a change of ownership that requires a new USDOT number to be issued. The new entity will promptly register and pay appropriate UCR fees as a new operation. If the change in ownership requires a new USDOT number to be issued, the new registrant will file the UCR form to its Base State and pay appropriate UCR fees as a new operation.

(d) Refunds

- (1) The base state shall not issue a refund of UCR fees to a registrant that changes or ceases its business operation after the beginning of the registration year.
- (2) The base state may issue a refund of UCR fees to a registrant that ceases its operations before the beginning of the registration year for which fees were paid. A written request shall be required before the refund can be issued. Any refunds issued by the Base State shall be deducted from the amount of UCR fees that the State shall be credited with collection for the registration year.

(e) Calculation of the Number of Commercial Motor Vehicles Owned or Operated For Determination of UCR Fees

- (1) The number of commercial motor vehicles owned or operated subject to the UCR fees are either 1) as reported on the most recently filed MCS-150 with the USDOT, or 2) the total number of commercial motor vehicles owned or operated for the twelve-month period ending on June 30 immediately prior to the beginning of the registration year.
- (2) The number of commercial motor vehicles owned or operated by a registrant or is controlled by the registrant under a long term lease (lease over 30 day

duration) shall be included in the registrants calculation of the fleet size. A vehicle that is operated by the registrant under a lease of 30 days or less shall not be included in this count.

- (3) Before issuing any documentation of UCRA compliance, the Base State may require the registrant to reconcile any discrepancy between the number of motor vehicles owned and leased as reported on the MCS-150 form most recently filed with the USDOT.
- (4) The registrant has the option to include self-propelled owned or leased commercial motor vehicles operated in intrastate or interstate commerce for compensation regardless of the weight of the vehicle or the passenger capacity.
- (5) Registrant may elect to exclude the number of commercial motor vehicles owned or leased that was operated exclusively in the intrastate transportation of property, waste or recyclable material.
 - (i) Commercial motor vehicles registered with IRP plates cannot be excluded from the vehicle count.
- (6) The registrant has the option to include the number of motor vehicles owned or leased used only in intrastate commerce regardless of the state in which vehicles might have been operated.

(f) Notification of UCRA Compliance

- (1) The participating State shall provide each registrant documentation of compliance of the UCRA. That documentation may be in the form of a paid invoice, letter, or other document supplied by the Base State or on behalf of the Base State by a national or regional electronic system. This document may not be required by a State to be displayed in or on any commercial motor vehicle.
- (2) No State shall require any registrant to display any documentation of UCRA compliance in or on any motor vehicle.
- (3) No State shall consider the failure of the registrant to display any documentation of UCRA compliance in or on the motor vehicle as an indication of noncompliance with UCRA.
- (4) A participating state shall promptly provide information concerning a registrant's compliance status with the UCR Agreement to the USDOT. This obligation is considered fulfilled if the information is made on behalf of the state by a regional or national system.

11. REGISTRATION UNDER THE UCR AGREEMENT AFTER RECEIVING INTRASTATE AUTHORITY FROM A STATE

If a motor carrier or motor private carrier has complied with State requirements to operate within the borders of a State including the payment of fees to that State and later in the

same registration year decides to operate in interstate commerce, the motor carrier or motor private carrier must comply with all the requirements of the UCR Plan.

12. INTRASTATE REGISTRATION FOR AN INTERSTATE OPERATION IN COMPLIANCE WITH THE UCR AGREEMENT

- (a) Once the registrant has complied with the filing requirements and payment of the UCR fees, the State may not require any additional payment of motor vehicle fees or issue any credentials for operations within or through the State for an annual intrastate renewal. Exception. This paragraph does not apply to intrastate transportation of waste and recyclable materials by any carrier; intrastate transportation by motor carriers of household goods, non-consensual tows; or passengers by non-charter bus.
- (b) The registrant must comply with any initial application filing, filing proof of insurance, tariff or reporting filing in effect by State law or agency rule. Any fee associated with these processes may also be charged.
- (c) No annual renewal of intrastate authority or other annual filing (including proof of insurance) may be required of a compliant UCR registrant.

13. FINANCIAL RESPONSIBILITY

The filing of evidence of financial responsibility of the motor carrier or motor private carrier operating in interstate commerce shall be established by the Secretary. Any State or any political subdivision of a State may not require the filing with the State of information pertaining to the financial responsibility of the motor carrier or motor private carrier for the transportation of property or passengers in interstate commerce.

14. ADMINISTRATION OF UCR FEES

The Board shall designate a depository for the collection of funds under the UCR Agreement.

- (a) Each participating State shall be entitled to a portion of the revenues derived from the UCR Agreement in accordance with the UCR Agreement.
- (b) A participating State may retain an amount of the gross revenues it collects from the registrants under the UCR Agreement equivalent to the portion of revenues to which the State is entitled.
- (c) Participating states shall submit a monthly financial report and shall submit any funds that were in excess of the annual registration revenue in accordance with P.L. 109-59 to the depository as identified by the UCR Board by the end of the following month.
- (d) All revenues a participating State collects in excess of the amount to which the State is entitled shall be forwarded to the depository.
- (e) The excess funds deposited in the depository shall be distributed by the Board as follows:
 - (1) On a pro rata basis to each participating State that did not collect revenues under the UCR Agreement equivalent to the amount the State is entitled, except the sum of the gross revenues collected under the UCR Agreement by

a participating State and the amount distributed to it from the depository shall not exceed the amount to which the State is entitled.

- (2) To pay the administrative costs of the UCR Plan and UCR Agreement after all distributions under subparagraph (1) of this paragraph have been made.

(f) Any excess funds held by the depository after distributions and payments shall be retained in the depository, and the UCR fees charged under the UCR Agreement to the registrants for the next UCR fee year shall be considered by the board in its recommendation of the fees for the next registration period.

15. ADMINISTRATION OF THE UCR AGREEMENT

(a) The UCR Plan shall have a Board of Directors consisting of members of representatives of the U.S. Department of Transportation, participating States, and the Motor Carrier Industry. The Secretary shall establish the Board.

(b) Composition of the Board.

The Board shall consist of fifteen (15) members appointed by the Secretary as follows:

- (1) FMCSA: One director from each of the FMCSA's four service areas (as those areas were defined by FMCSA on January 1, 2005) from among the chief administrative officers of the State agencies responsible for overseeing the administration of the UCR Agreement.
- (2) State Agencies: Five directors from the professional staffs of State agencies responsible for overseeing the administration of the UCR Agreement in their respective States. Nominees for these five directorships shall be submitted to the Secretary by the national association of professional employees of the State agencies responsible for overseeing the administration of the UCR Agreement in their respective States.
- (3) Motor Carrier Industry: Five directors from the Motor Carrier Industry. At least one of the appointees under this clause shall be a representative of a national trade association representing the general motor carrier of property industry. At least one of the appointees under this clause shall represent a motor carrier that falls within the smallest fleet UCR fee bracket.
- (4) Department of Transportation: The Deputy Administrator of FMCSA, or such other Presidential appointee from the Department as the Secretary may appoint.

(c) Officers.

The Board elects and recommends to the Secretary, for approval, a director as chairperson and one director as vice-chairperson of the Board. The chairperson and vice-chairperson shall serve in such capacity for the term of their appointments as directors.

(d) Terms of Directors.

The terms of the Board shall be as follows:

(1) Initial Terms: In appointing the initial Board, the Secretary shall designate five of the appointed directors for initial terms of 3 years, five of the appointed directors for initial terms of 2 years, and five of the appointed directors for initial terms of 1 year.

(2) Subsequent Appointments to the Board: After the initial term, all directors shall be appointed for terms of 3 years; except that the term of the Deputy Administrator or other individual designated by the Secretary under subparagraph (b) (4) of this section shall be at the discretion of the Secretary.

(e) Succession and Vacancies.

A director may be appointed to succeed him or herself. A director not so reappointed may continue to serve on the Board until his or her successor is appointed. A vacancy on the Board shall be filled by the Secretary from the departing director's same group as those described in subparagraphs (b) (1), (2) and (3) of this section.

(f) Board Responsibilities.

The Board shall issue rules and regulations to govern the UCR Agreement. The rules and regulations shall:

(1) Prescribe uniform forms and formats for:

- (A) The annual submission of the information required by a Base State of a registrant;
- (B) The transmission of information by a participating State to the URS;
- (C) The payment of excess UCR fees by a State to the designated depository and the distribution of UCR fees by the depository to those States so entitled; and
- (D) The providing of notice by a registrant to the Board of the intent of such entity to change its Base State, and the procedures for a State to object to such change under dispute resolution.

(2) Provide for the administration of the UCR Agreement, including procedures for amending the agreement and obtaining clarification of any provision of the UCR Agreement;

(3) Provide procedures for dispute resolution under the UCR Agreement that provide due process for all involved parties; and

(4) Designate a depository.

(g) Duties of the Chairperson.

The chairperson shall appoint an industry advisory subcommittee, audit subcommittee and a dispute resolution subcommittee. The chairperson may appoint any other subcommittee and task forces that the Board determined to be necessary.

(h) Compensation and Expenses.

- (1) Except for the representative of the USDOT appointed under paragraph (d)(1)(B)(iv) of § 14504a, no director shall receive any compensation or other benefits from the Federal Government for serving on the Board or be considered a federal employee as a result of such service.
- (2) All directors shall be reimbursed for expenses they incur attending meetings of the Board. In addition, the Board may approve the reimbursement of expenses incurred by members of any subcommittee or task force appointed under Subsection (j) of this section for carrying out the duties of the subcommittee or task force. The reimbursement of expenses to directors and subcommittee and task force members shall be under subchapter II of chapter 57 of title 5, U.S.C., governing reimbursement of expenses for travel by federal employees.
- (3) The chair of the Board shall prepare an agenda for each meeting of the Board, and shall distribute it to the members of the Board prior to the meeting.

(i) Meetings.

- (1) In general. The Board shall meet at least once per year. Additional meetings may be called, as needed, by the chairperson of the Board, a majority of the directors, or the Secretary.
- (2) Quorum. A majority of directors shall constitute a quorum.
- (3) Voting. Approval of any matter before the Board shall require the approval of a majority of all directors present at the meeting, except that a decision to approve the exclusion of carriers from the definition of the term 'motor carrier' under 49 USC Section 14504a(a)(5) shall require an affirmative vote of $\frac{3}{4}$ of all such directors.
- (4) A member of the Board shall not be represented by another and shall not vote by proxy.
- (5) Open meetings. Meetings of the Board and any subcommittees or task forces appointed shall be open to the public and subject to the provisions of Section 552b of title 5, U.S.C.
- (6) When it is not convenient for the members of the Board to meet in person, the chair may arrange for a Board meeting by teleconference. If it is not feasible for an individual member of the Board to attend a meeting of the Board, the member or the chair may arrange for the attendance of that member by telephone.
- (7) When a member of the Board shall have failed to attend three successive Board meetings, the chair may, with the concurrence of the Board, notify the Secretary of the fact, and request that the Secretary remove the member from the Board.

(j) Subcommittees.

- (1) The chairperson shall appoint an industry advisory subcommittee. The industry advisory subcommittee shall consider any matter before the Board and make recommendations to the Board.
- (2) Other subcommittees. The chairperson shall appoint an audit subcommittee, a dispute resolution subcommittee, and any additional subcommittees and task forces that the Board determines to be necessary.
- (3) Membership. The chairperson of each subcommittee shall be a director. The other members of subcommittees and task forces may be directors or non-directors.
- (4) Representation on subcommittees. Except for the industry advisory subcommittee (the membership of which shall consist solely of representatives of entities subject to the UCR fee requirements of Section 16 of this UCR Agreement, each subcommittee and task force shall include representatives of the participating States and the motor carrier industry.
- (5) Members of subcommittees shall serve at the pleasure of the chairperson of the Board.
- (6) A majority of subcommittee members present constitute a quorum.
- (7) Approval of any matter before the subcommittee shall require the approval of a majority of all members present at the meeting.

(k) Delegation of Authority.

The Board may contract with any person or any agency of a State to perform administrative functions required under the UCR Agreement, but may not delegate its decision or policy-making responsibilities.

(l) Liability Protections for Directors.

No individual appointed to serve on the Board shall be liable to any other director or to any other party for harm, either economic or non-economic caused by an act or omission of the individual arising from the individual's service on the Board or to any other party for harm, either economic or non-economic, if—

- (1) The individual was acting within the scope of his or her responsibilities as a director; and
- (2) The harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the right or safety of the party harmed by the individual.

16. UCR FEES AND REVENUE DISTRIBUTION

(a) Determination of UCR Fees.

- (1) The UCR fees shall be determined by the Secretary based upon the recommendation of the Board.

- (2) UCR fees charged to a registrant under the UCR Agreement shall be based on the number of commercial motor vehicles owned or operated by the registrant.
- (3) UCR fees charged to a broker or leasing company in connection with such a filing shall be equal to the smallest UCR fee charged to a motor carrier, motor private carrier, or freight forwarder.
- (4) The Board shall develop no more than 6 and no less than 4 brackets of carriers based on the size of fleet.
- (5) The UCR fee scale shall be progressive in the amount of the UCR fee.
- (6) The Board may ask the Secretary to adjust the UCR fees within a reasonable range on an annual basis if the revenues derived from the UCR fees are insufficient to provide the revenues to which the States are entitled or exceed those revenues.
- (7) The Secretary shall set the annual UCR fees and any adjustment of those UCR fees within 90 days after receiving the Board's recommendation and after notice and opportunity for public comment.

(b) Payment of UCR Fees to the Base State.

- (1) The registrant shall pay UCR fees to its Base State only. No other State shall collect UCR fees from a registrant who does not properly select its Base State as required by law and this UCR Agreement.
- (2) Payment by the registrant to an online system that indicates the Base State of the registrant shall be considered as payment to the Base State. UCR fees collected from that site shall be sent to the Base State.
 - (i) However, if a Base State is more than 30 days past due in payments owed to the UCR Depository, the online registration system shall not distribute said funds until such time as notified by the Chair of the Depository Subcommittee that such state is current in its obligations to the Depository.

(c) Payment from the Base State to the depository.

- (1) The Base State may retain an amount of the gross revenues it collects under the UCR Agreement equivalent to the portion of revenues to which the State is entitled.
- (2) All revenues a participating State collects in excess of the amount to which the State is entitled shall be forwarded to the designated depository. Excess UCR fees in the depository shall be distributed by the Board on a pro rata basis to each participating State that did not collect all of its entitled revenue.
- (3) No State shall receive more than the State is entitled under the law.

17. BASE STATE RECORD KEEPING

- (a) The Base State shall maintain copies of paper records of registrants based in that participating State, as submitted by the registrant. The records shall contain, but not be limited to, UCR forms, correspondence and payments.
- (b) Preservation of records maintained by the Base State.
 - (1) Required records shall be maintained by the Base State on paper, microfilm, microfiche or any other computerized or condensed record storage system, which meets the legal requirements of the Base State and shall be made available to any participating State upon request.
 - (2) Required records shall be maintained by the Base State for a minimum of three years.

18. MOTOR CARRIER RECORD KEEPING

- (a) A registrant is required to preserve the UCR records upon which the annual applications and renewals are based for three (3) years from the due date or filing date, whichever is later, plus any time period included as a result of State decisions or inquiries. The three (3) year period is the current calendar year and the prior two (2) calendar years.
- (b) Records may be kept on paper, microfilm, microfiche, or other computerized or condensed record storage system as required by the Base State.

19. AUDIT REQUIREMENTS

Beginning with the 2012 UCR Registration year states are required to perform audits on carriers who retreat from one payment bracket to a lower payment bracket, to verify that the company has properly deducted vehicles from its UCR payment.

- (1) States may audit any carrier that is subject to UCR registration requirements.
- (2) States will audit 100% of the carriers based within their state that have "retreated" from fee brackets B5 and B6 90 days after the end of the year of the registration (March 31st) for the UCR registration year.
- (3) States will audit 3% of the carriers based within their state that have "retreated" from Fee Brackets B2,B3, and B4 90 days after the end of the year of registration (March 31st) for the UCR registration year. The 3% requirement pertains to the total number of the "retreating" carriers in Fee Brackets B2-B4, and not to each individual Fee Bracket.
- (4) Registrants underpaying UCR fees for one or more registration years (as required by the Motor Carrier Record Keeping requirement) shall pay the difference. This section does not prohibit states from assessing fines or penalties in addition to the UCR fees.

(5) States shall send a report to the Chairman of the Audit Subcommittee by June 1st each year to indicate the number of audits and the findings in each bracket.

20. ENFORCEMENT

- (a) Civil Actions. Upon request by the Secretary, the Attorney General may bring a civil action in the United States district court described in paragraph (b) to enforce an order issued to require compliance with this section and with the terms of the UCR Agreement.
- (b) Venue. An action under this section may be brought only in a United States district court in the State in which compliance with the order is required.
- (c) Relief. Subject to 28 U.S.C. Section 1341, the court, on a proper showing shall issue a temporary restraining order or a preliminary or permanent injunction requiring that the State or any person comply with this section.
- (d) Enforcement by States. Nothing in this section shall:
 - (1) Prohibit a participating State from issuing citations and imposing reasonable fines and penalties pursuant to the applicable laws and regulations of the State on any motor carrier, motor private carrier, freight forwarder, broker, or leasing company for failure to:
 - (A) Submit accurate documentation and information as required under the UCR Agreement;
 - (B) Pay the UCR fees required; or
 - (C) Operate as an interstate motor carrier without being compliant with UCRA.
 - (2) Authorize a State to require a motor carrier, motor private carrier, or freight forwarder to display as evidence of compliance any form of identification in excess of those permitted under 49 CFR Section 14506 on or in a commercial motor vehicle.

21. CHANGES TO THE UCR AGREEMENT

Any recommendation for changes to the UCR Agreement shall be made in writing to the chairman of the Board. Upon receipt of the request, copies may be provided to each Board member and may be placed on the next Board agenda. Changes to the UCR Agreement can only be made with a majority vote from the Board.

Attachment A – State Plan

**UNIFIED CARRIER REGISTRATION AGREEMENT
STATE PLAN**

I, _____ [insert name and title of authorized person] _____ of the _____ [insert name of State agency, department, or bureau] _____, on behalf of the State of _____ [insert name of State] _____, (State) pursuant to Section 14504a of 49 U. S. Code (established by Section 4305 of the Unified Carrier Registration Act of 2005, Public Law 109-59), do hereby certify as follows:

1. The _____ [insert name of State agency, department, or bureau] _____ has or will have the legal authority, resources, and qualified personnel necessary to administer the agreement in accordance with the rules and regulations promulgated by the Board of Directors of the Unified Carrier Registration Plan pursuant to Section 14504a of 49 U. S. Code;
2. The State shall demonstrate that an amount at least equal to the revenue derived by the State from the Unified Carrier Registration Agreement shall be used for motor carrier safety programs, enforcement, or administration of the Unified Carrier Registration Plan and Unified Carrier Registration Agreement; and
3. The State intends to participate in the Unified Carrier Registration Agreement.

Signature: _____

Date: _____

UNIFIED CARRIER REGISTRATION FORM -Year

To register online go to WWW.UCR.IN.GOV

SECTION 1. GENERAL INFORMATION

DOT Number	MC or MX Number	FF Number	Telephone Number	Fax Number
Legal Name		E-Mail Address		
Doing Business Under The Following Name (DBA)				
Principal Place Of Business Street Address (See Instructions)				
Principal Business City		Principal Business State		Zip Code
Mailing Street Address				
Mailing City		Mailing State		Mailing Zip Code

SECTION 2. CLASSIFICATION – Check All That Apply

- Motor Carrier Motor Private Carrier Broker Leasing Company Freight Forwarder

SECTION 3. FEES DUE-BROKERS, FREIGHT FORWARDERS AND LEASING COMPANIES ONLY

Note: If your company is also a motor carrier or motor private carrier, skip this section and go to section 4.

For brokers, freight forwarders and leasing companies (not combined with a motor carrier entity), please submit the amount due of \$ _____ in the form of payment acceptable by your base state and go to Section 7.

SECTION 4. NO. OF MOTOR VEHICLES– MOTOR CARRIER & MOTOR PRIVATE CARRIER

Check only one box:

- The number of vehicles shown below has been taken from section 26 of your last reported MCS-150 form.
 The number of vehicles shown below is the total number owned and operated for the 12-month period ending June 30, _____.

LINE NO.	NUMBER OF STRAIGHT TRUCKS AND TRACTORS (COLUMN A)	(COLUMN B)	NUMBER OF MOTOR COACHES, SCHOOL BUSES, MINI-BUSES, VANS AND LIMOUSINES (COLUMN C)	TOTAL (COLUMN D)
1.				
2.	<u>Subtract:</u>			
	<ul style="list-style-type: none"> The number of vehicles on Line 1 in Column C above that has a vehicle capacity of 10 or less passengers, including the driver. (Optional) The number of vehicles on Line 1 in Column A above that is used only in intrastate commerce. 	()		
3.	<u>(Optional) Add</u> a number of vehicles <u>not shown on Line 1</u> above that are:			
	<ul style="list-style-type: none"> Commercial motor vehicles operating solely in intrastate commerce. (See instructions for definition of commercial motor vehicle.) Used in commerce to transport passengers or property for compensation and have a GVWR or GVW of 10,000 lbs or less, or a passenger capacity of 10 or less, including the driver. 			
4.	Total Number of Vehicles (Line 1 minus Line 2 plus Line 3)			

SECTION 5. FEE TABLE

Number of Vehicles	Amount Due	Number of Vehicles	Amount Due	Number of Vehicles	Amount Due
0-2		6-20		101-1000	
3-5		21-100		1001 or more	

SECTION 6. FEES DUE – MOTOR CARRIER & MOTOR PRIVATE CARRIER

Using the number of vehicles in Section 4, Line 4 above, enter the Amount Due from the table above.

\$

SECTION 7. CERTIFICATION

I, the undersigned, under penalty for false statement, certify that the above information is true and correct and that I am authorized to execute and file this document on behalf of the applicant. (Penalty provisions subject to the laws of the registration state.)

Name Of Owner Or Authorized Representative (Printed)

Date

Signature

Title

UNIFIED CARRIER REGISTRATION FORM – UCR-1
VEHICLES REMOVED IN INTRASTATE TRANSPORTATION
UCR REGISTRATION YEAR

(NOTE: This form is provided to assist you in maintaining required information. Carriers may also submit the requested data in electronic format or in a printout attached to this form. Contact your state agency for acceptable data formats.)

SECTION 1. GENERAL INFORMATION

USDOT Number	MC or MX Number	FF Number	Telephone Number	Fax Number
Legal Name		E-Mail Address		
Doing Business Under The Following Name (DBA)				
Principal Place Of Business Street Address (See Instructions)				
Principal Business City		Principal Business State		Zip Code
Mailing Street Address				
Mailing City		Mailing State		Mailing Zip Code

SECTION 2. CLASSIFICATION – *Check All That Apply*

- Motor Carrier Motor Private Carrier

SECTION 3. VEHICLES USED EXCLUSIVELY IN INTRASTATE TRANSPORTATION

The above described carrier hereby declares that the following vehicles are used exclusively for intrastate transportation of property, waste, or recyclable material:

Use reverse side if needed.

SECTION 4. CERTIFICATION

I, the undersigned, under penalty for false statement, certify that the above information is true and correct and that I am authorized to execute and file this document on behalf of the applicant. (Penalty provisions subject to the laws of the registration state.)

Name Of Owner Or Authorized Representative (Printed)	Date
Signature	Title

UNIFIED CARRIER REGISTRATION FORM UCR-1 Continued

USDOT Number	MC or MX Number	FF Number	Carrier Name
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Continued

UNIFIED CARRIER REGISTRATION FORM – UCR-2
VEHICLES OWNED AND OPERATED FOR
THE 12 MONTH PERIOD ENDING June 30, _____
UCR REGISTRATION YEAR _____

(NOTE: This form is provided to assist you in maintaining required information. Carriers may also submit the requested data in electronic format or in a printout attached to this form. Contact your state agency for acceptable data formats.)

SECTION 1. GENERAL INFORMATION

USDOT Number	MC or MX Number	FF Number	Telephone Number	Fax Number
Legal Name		E-Mail Address		
Doing Business Under The Following Name (DBA)				
Principal Place Of Business Street Address (See Instructions)				
Principal Business City	Principal Business State			Zip Code
Mailing Street Address				
Mailing City	Mailing State	Mailing Zip Code		

SECTION 2. CLASSIFICATION – *Check All That Apply*

Motor Carrier Motor Private Carrier

SECTION 3. VEHICLE LIST

The above described carrier hereby declares that the following vehicles are the total number owned and operated for the 12 month period ending June 30, 2012:

MAKE	MODEL/GVWR/ Number of Passengers	LICENSE PLATE NUMBER/STATE	VIN NUMBER
A: STRAIGHT TRUCKS AND TRACTORS			
B. MOTOR COACHES, SCHOOL BUSES, MINI- BUSES, VANS, AND LIMOUSINES			

Use reverse side if needed.

SECTION 4. CERTIFICATION

I, the undersigned, under penalty for false statement, certify that the above information is true and correct and that I am authorized to execute and file this document on behalf of the applicant. (Penalty provisions subject to the laws of the registration state.)

Name Of Owner Or Authorized Representative (Printed)	Date
Signature	Title

UNIFIED CARRIER REGISTRATION FORM UCR-2 Continued

USDOT Number

MC or MX Number

Lumber

| Carrier Name

VEHICLE LIST CONTINUED

