

UCR USDOT[#]

UNIFIED CARRIER REGISTRATION AND THE USDOT[#]

HOW THEY IMPACT ILLINOIS FARMERS

MARCH 2008 – PROVIDED BY ILLINOIS FARM BUREAU[®]

1 DO THESE APPLY TO ILLINOIS FARMERS?

Yes, if the farmer operates a commercial vehicle in interstate commerce. There is no exemption for farmers for the UCR or USDOT[#].

2 WHAT ARE THESE PROGRAMS FOR?

The fees associated with the Unified Carrier Registration (UCR) are used by states to enforce “safety” (Motor Carrier Safety Regulations) and “fitness” (insurance) regulations. The registration of vehicles (under the USDOT Number program) allows enforcement agencies to track all vehicles operated by an individual carrier in order to establish the safety record for the carrier’s entire fleet.

3 WHERE DID THE UCR COME FROM?

Unified Carrier Registration (UCR) was established by federal law, in the *Unified Carrier Registration Act of 2005*, which was part of the federal highway reauthorization bill known as the *Safe, Accountable, Flexible, Efficient Transportation Equity Act, A Legacy for Users* (SAFETEA-LU.) It replaces the Single State Registration System (SSRS) in participating states, including Illinois. Though about 10 states do not participate, carriers in those non-participating states must still register in an adjoining state.

4 WHEN DID THEY TAKE EFFECT?

In Illinois, truckers were first required to register under UCR by October 15, 2007. Registration is an annual requirement. The renewal period for 2008 ends May 1. The USDOT[#] has been around since about 1980. New entrants must register for both prior to beginning interstate operations.

5 WHO IS SUBJECT TO THE UCR & USDOT[#]?

Regulated for-hire motor carriers and unregulated private and exempt carriers, as well as brokers, freight forwarders, and leasing companies who operate commercial vehicles in interstate commerce are required to register and pay fees.

6 WHO IS NOT SUBJECT TO THEM?

Purely intrastate motor carriers are not subject to either. States that participate in UCR can elect to extend the requirements of UCR to their intrastate carrier population. Illinois has chosen not to.

7 HOW DO I FIGURE OUT IF I HAVE TO REGISTER MY OPERATION UNDER EITHER PROGRAM?

To be required to register, your operation must include at least one vehicle that meets the following two conditions:

A. It must be a “commercial vehicle”.

That has nothing to do with for-hire hauling. Instead, it is generally based on the vehicle’s size. Virtually every farm truck and truck/trailer combination is considered a “commercial vehicle.”

For purposes of the UCR and the USDOT[#] registration, a commercial vehicle is one vehicle or a combination of vehicles that is operated in commerce (includes farming) and has a gross vehicle weight rating (GVWR) of at least 10,001 pounds or, in the case of a passenger vehicle, is one built to carry 9 or more persons (for hire) or 16 or more persons (not for hire), including the driver. It also includes a vehicle that transports hazardous materials in a quantity that requires the vehicle to be placarded.

B. It must be used in “interstate commerce”.

Federal regulations define it as follows [49CFR390.5]:

Interstate commerce means trade, traffic, or transportation in the United States—

(1) Between a place in a State and a place outside of such State (including a place outside of the United States);

(2) Between two places in a State through another State or a place outside of the United States; or

(3) Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States

Farming is commerce (you're trying to make a buck), so that part is easy. The more difficult distinction is whether the truck is operated on an "interstate" basis.

Your operation can be considered "interstate" in either of two ways. Crossing the state line is clearly an interstate move. However, traveling point-to-point within the State of Illinois is also considered interstate if the load you're hauling is part of an interstate shipment (generally, cargo that originates in one state and is ultimately destined for another state or country.)

8 DO THE UCR & USDOT[#] APPLY IF MY OPERATION MEETS EITHER DEFINITION—COMMERCIAL OR INTERSTATE?

No, it must meet both definitions.

9 I DON'T REALLY HAVE A COMMERCIAL TRUCK, JUST A "FARM"-PLATED TRUCK.

The term "commercial" has nothing to do with "for-hire" hauling or the license plate. For purposes of the UCR and the USDOT[#], a farm truck is considered "commercial" generally based on its size—if it is over 10,000 pounds GVWR or a combination vehicle (truck & trailer) with a GCWR over 10,000 pounds. Neither does the "farm" plate determine intrastate or interstate status.

10 SO, IF I'M HAULING GRAIN TO AN ELEVATOR OR A RAIL TERMINAL THAT THEN SHIPS IT OUT OF STATE, I NEED TO REGISTER UNDER THE UCR AND USDOT[#] PROGRAMS?

If it is probable that the grain a farmer delivers to a location in Illinois will ultimately be delivered out-of-state, then it is also probable that regulators—

state and federal—will consider that farmer's delivery as the first leg of an "interstate" move, requiring registration.

The reverse (improbability) is also true. If an in-state grain elevator resells the bulk of its grain to in-state users (e.g.: livestock feeders, feed mills, ethanol plants, millers) then it is improbable that regulators would consider deliveries to that elevator from within Illinois to be interstate moves and those trucks would not be subject to registration. In between is a lot of "gray."

11 WHAT IF I HAUL TO AN ETHANOL PLANT OR SOYBEAN PROCESSOR IN ILLINOIS THAT THEN SHIPS PRODUCT OUT OF STATE?

Generally, that would be considered intrastate, not interstate. Because the raw commodity (e.g.: corn or soybeans) would be transformed into some other product (i.e.: ethanol, DDGs, soybean oil or meal), the routing "map" is reset from the geographic point where it is processed.

12 DOES THE UCR REPLACE THE USDOT NUMBER?

No. The UCR is in addition to that requirement. The USDOT[#] is the federal identification. The UCR is the state identification and fee system (though it's done through a federal program to ensure uniformity among states.) If you need one, you'll also need the other.

13 ARE THERE FEES ASSOCIATED WITH REGISTRATION?

For the USDOT[#], no; for the UCR, yes. For motor carriers, the fee is based on the total number of commercial motor vehicles operated in interstate commerce. (They differ for brokers and freight forwarders.) The UCR fee is not dependant on the range of a carrier's operations, only on the number of commercial vehicles it operates in interstate commerce. For 2008, the fees are the same as they were for the prior year:

- 0-2 Vehicles \$39
- 3-5 Vehicles \$116
- 6-20 Vehicles \$231
- 21-100 Vehicles \$806
- 101-1000 Vehicles \$3,840
- 1001 or more \$37,500

14 HOW IS THE NUMBER OF VEHICLES COUNTED?

The UCR considers non-motorized vehicles (trailers) as well as power units. For example, a truck-tractor/semitrailer combination is counted as two (2) vehicles. Typically, use the number of commercial vehicles operated in interstate commerce in the 12-month period ending June 30 of the prior year or the number entered on form MCS-150 when applying for the USDOT#.

15 WILL THERE BE A CREDENTIAL FOR CARRIERS UNDER THE UCR?

No. In section 4306, SAFETEA-LU includes a general federal prohibition against state requirements on interstate motor carriers to display any credentials in or on a commercial motor vehicle. Although there are a number of exceptions to this general prohibition, none seems to apply to UCR. The implication is that Congress did not intend for there to be any UCR credentialing.

The USDOT# registration requires that the carrier's name and USDOT# be displayed on each power unit.

Unlike the USDOT number, the UCR does not require its information to be displayed on the vehicle nor is there any paperwork to carry with the vehicle.

16 HOW DO I REGISTER FOR THE UCR?

Complete the form provided by the Illinois Commerce Commission (ICC). Illinois' UCR form and instructions are available on the ICC website or you may call them to request a copy.

[See the end of this pamphlet for additional information.]

There is currently no means of registering directly online. With current software, the .pdf application form can be filled out on your computer, then printed out to return to the ICC; or you may simply print out the blank form and complete it by hand, writing your responses on the paper form.

Once completed, either:

- mail it in along with your check to the ICC or
- fax it back to the ICC at 217-785-1448 and make payment using VISA or MasterCard.

17 IF I NEED THE UCR, WILL I NEED THE USDOT NUMBER, TOO?

Yes. In fact, you will be required to have the USDOT# before you can register for the UCR.

[See the end of this pamphlet for additional information.]

18 I'M JUST GETTING STARTED IN INTERSTATE HAULING, WHAT CAN I EXPECT UNDER THE UCR AND USDOT# PROGRAMS?

New-entrants into interstate motor carrier operations should register under both the UCR and the USDOT# programs before they begin interstate operations.

Under a Congressional requirement stemming from the 9/11 terrorist incident, first-time applicants for a USDOT Number from the federal government will almost certainly undergo a new-entrant audit within 18 months of their application—but likely not before at least three months in the business.

All first-time carrier applicants for a USDOT Number will be automatically enrolled in the FMCSA New Entrant Safety Assurance Program. This program requires new entrants to pass a safety audit and maintain acceptable roadside safety performance over an initial 18-month period before they are given permanent registration status. [FMCSA]

19 WHAT IS A NEW-ENTRANT AUDIT AND HOW WILL IT BE CONDUCTED?

USDOT auditors—or IDOT auditors working on behalf of the federal government—will notify the carrier of a pending audit and arrange a time for the meeting. The auditor will visit the carrier's place of business and ask to see records required to be kept under Federal Motor Carrier Safety Regulations regarding the carrier's safety management system. Those records include but are not limited to:

- Driver Qualifications;
- Driver Duty Status;
- Vehicle Maintenance;
- Accident Register; and
- Controlled Substances and Alcohol use and testing requirements.

Most Illinois carriers who have undergone a new-entrant audit report it to be more of an educational experience than a regulatory

enforcement. Serious violations, however, could result in fines or penalties.

20 AS A NEW-ENTRANT CARRIER, DO I GET A BREAK ON FIRST YEAR FEES?

No. Fees for the UCR are not prorated so carriers newly entering interstate commerce late in the calendar year will owe the same fee as those who registered early.

Since new entrants don't have a prior year's experience on which to base the number of interstate vehicles in their fleet (needed to calculate the UCR fee), they can instead base that number on the count used to complete form MCS-150—the form used to obtain the USDOT Number. That form calls for "The number of vehicles that will be operated in the U.S."

[See the end of this pamphlet for additional information.]

21 WHAT ARE SOME OF THE OTHER REGULATIONS I NEED TO BE AWARE OF IF I'M DRIVING MY TRUCK OUTSIDE OF ILLINOIS.

Some of the things that you'll need to keep in mind include but are not limited to:

- "Farm" license plates are accepted in all states adjoining Illinois, but not so other plate types. Consider permanent registration under the International Registration Plan (IRP) or a temporary "trip permit."
- Permanent registration under the International Fuel Tax Agreement (IFTA) or a temporary "fuel permit."
- Prohibition on the use of the Non-CDL farm semi driver license outside of Illinois.
- Loss of the Illinois exemption from having to have a rear bumper on farm trucks.

ADDITIONAL INFORMATION

UCR

For more information about the UCR program in Illinois and for a copy of its registration form, visit the Illinois Commerce Commission website at <http://www.icc.illinois.gov/downloads/public/mc/UCR.pdf>. Faxed registrations can typically be completed in one day.

ILLINOIS COMMERCE COMMISSION

527 East Capitol Avenue, Springfield, IL 62710 -- Phone: 217-782-2593 or 217-782-4654

USDOT Number

More information about the USDOT number is available by calling 1-800-832-5660 or on the USDOT website at <http://www.fmcsa.dot.gov/forms/forms.htm>. Registration can be completed instantly online. Paper-based registration is available, but often takes three weeks to complete.

FEDERAL MOTOR CARRIER SAFETY ADMIN.

3250 Executive Park Drive, Springfield, IL 62615 -- Phone: 217-492-4608 or 800-832-5660

DOT Audits

For more information about the DOT audit program in Illinois, contact:

ILLINOIS DEPARTMENT OF TRANSPORTATION, OFFICE OF MOTOR CARRIER SAFETY

3215 Executive Park Drive, PO Box 19212, Springfield, IL 62794-9212 -- Phone: 217-782-1811

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