[NOT YET SCHEDULED FOR ORAL ARGUMENT]

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SMALL BUSINESS IN TRANSPORTATION COALITION, INC.,

Petitioner, **No. 26-1297**

v.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, et al.

Respondents.

PETITIONER'S MOTION FOR EXPEDIATED MERITS REVIEW.

I. INTRODUCTION

Petitioner petitions this Court for emergency expedited merits review of (1) Respondent FMCSA's September 1, 2026 Unified Carrier Registration (UCR) Fee Rules (for the remainder of 2026) & 2027 and all years thereafter **(Exhibit A)**; and (2) Respondent FMCSA's pattern and practice of releasing truckers' personally-identifiable information (PII) to the so-called UCR System Plan (UCRSP) and its technical platform vendor without their knowledge and consent in furtherance of the implementation of said rules, which went into effect on October 1st, 2026 and constitute violations of the Privacy Act of 1974, 5 U.S.C. § 552(a) ("Privacy Act")

and Respondent FMCSA's established 2007 policy on UCR-related data releases **(Exhibit B)**.

Petitioner seeks to lawfully establish and legalize the "Unified Carrier Registration System Plan and Agreement" (UCRSPA) through regulatory reform, enable its transfer over to USDOT Control as the law calls for, and to protect truckers' PII and data privacy rights pursuant to the Privacy Act. Petitioner prays the Court will order FMCSA to promulgate a direct final rule as required by Congress, and terminate the ongoing Privacy Act violations, which are arbitrary and capricious because they are contrary to USDOT's aforementioned data release protocol, which is grounded in a bona fide application of the "routine use" exemption thereto when state governments directly receive truckers' PII without their explicit knowledge and consent.

The UCR System is an annual Federal program for registering USDOT numbers of entities operating in interstate commerce with the states since 2007. Registrants pay UCR System fees, depending on their fleet size, through the online "National Registration System," to all 41 participating states.

I. STATEMENT OF FACTS

A. Interstate motor carriers are required to comply with multiple registration requirements under 49 U.S.C. §§ 31134, 13908, 14504a, 49 CFR Subpart E - Subpart E—"Unified Registration System" & 49 CFR Part 367 Standards for Registration with States.

On September 1, 2026, FMCSA published a final fee rule for the 2027 UCR year and all subsequent years codified at 49 CFR § 367.50 [91 FR 56063, Sept. 1, 2026], which raised UCR fees on all motor carriers and private motor carriers of property engaged in interstate commerce. This rule replaced and reclassified the previous final fee rule established by FMCSA on June 17, 2024, through which, FMCSA had also raised UCR fees, for what has now turned out to be only the 2025 and 2026 UCR years, codified then, at 49 CFR § 367.50 [89 FR 51276, June 17, 2024]. FMCSA has reclassified the 2025 and 2026 UCR fee rule as 49 CFR § 367.40, effective October 1, 2026.

According to the FMCSA census, there are, as of October 21, 2026, 704,230 active entities operating in interstate commerce required to pay UCR fees or face enforcement action. Every day, hundreds of new entrant carriers commence operations in interstate commerce and are told by FMCSA and state agencies they must pay UCR fees before operating across state lines.

B. Petitioner previously filed a Petition for Rulemaking ("2025 Petition") with FMCSA on the basis that the UCR System is unlawful because the Secretary never promulgated the regulations required by Congress to establish the UCR System as mandated by 49 U.S.C. § 13908 of the Unified Carrier Registration Act of 2005 ("UCR Act").

On May 26, 2025, Petitioner filed its 2025 Petition with Respondents pursuant to 49 CFR § 389.31 asserting the Secretary Under § 13908 was required by Congress to establish the UCR System by rule within one year of 2005:

> *(a)Establishment of Unified Carrier Registration System.—The Secretary, in cooperation with the States, representatives of the motor carrier, motor private carrier, freight forwarder, and broker industries and after notice and opportunity for public comment,* ***shall issue within 1 year after the date of enactment of the Unified Carrier Registration Act of 2005 regulations to establish an online Federal registration system, to be named the "Unified Carrier Registration System", to replace—***
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> *(1)the current Department of Transportation identification number system,* ***the single State registration system*** *under section 14504 (emphasis added);*

However, FMCSA instead merely recommended members of the UCRSP Board of Directors (BOD) to the Secretary, highlighting authority granted under 49 U.S.C. § 14504a – UCRSPA. Appointments were announced in the Federal Register on May 12, 2006, under Docket No. FMCSA-2006 24555 (71 FR 27777). However, the rulemaking required by law was never conducted, making the current iterations of 49 CFR §§ 367.40 & 367.50 unlawful.

Thereafter, the UCRSP BOD unlawfully wrote and implemented the UCR Agreement in 2007 (actually citing §13908 therein) and recommended a UCR fee structure to the Secretary. FMCSA then began its pattern and practice of unlawfully promulgating UCR fee regulations, a practice that continues to this day. The UCR BOD has "withdrawn" the UCR Agreement, yet FMCSA still enables

collection of UCR fees under 49 CFR § 367.40 and 49 CFR § 367.50 without lawful authority as of October 1, 2026.[1]

Petitioner originally sought to merely rectify the illegal status of the UCR system by filing its 2025 Petition with FMCSA. Petitioner offered its legal team's formal legal opinion in a trademark matter that the UCR system was never lawfully established as a basis for the 2025 Petition. Petitioner then filed an application to exempt small businesses in the interim, which was ignored by Respondents.

C. Respondents have unlawfully promulgated 49 CFR §§ 367.40 & 367.50 after Petitioner faithfully noticed Respondents through the 2025 Petition and its previous Petition for Review before this Court (Case No. 25-1290) that they had failed to duly promulgate regulations that were required by the UCR Act to legally establish and operate the UCRSPA.

On November 10th, 2025, Respondents rejected Petitioner's argument that the UCR System is illegal, suggesting FMCSA was not required to establish the UCRSPA through regulation under §13908 within one year; that they acted properly when making UCR BOD appointments, allowing the BOD to compose the UCR Agreement, and by setting UCR fee rules.

D. Respondents knowingly, arbitrarily & capriciously offered a specious rationale for their denial of Petitioner's 2025 Petition for remedial rulemaking through their November 10, 2025 notice, referring to a second, irrelevant, yet similarly-named Federal interstate motor carrier registration program called "Unified Registration System" (URS).

[1] https://prod-public-ucr-docs-governing-documents.s3.amazonaws.com/UCR%20Agreement%20-%20Feburary%202020%20.pdf

Thereafter, they unlawfully promulgated the 2027 UCR fee rule, which is the subject of this Petition for Review.

Respondents argue the original 1995 version of §13908 was only intended to combine three of four then-existing systems into one, which would later be known as URS, and refuse to recognize the 4th requirement for state registration of interstate motor carriers.

Nevertheless, when Congress passed the UCR Act in 2005, it retained the rulemaking requirement from the pre-existing §13908 and explicitly directed the Secretary "…***shall issue within 1 year after the date of enactment of the Unified Carrier Registration Act of 2005 regulations to establish an online Federal registration system, to be named the "Unified Carrier Registration System."*** (emphasis added).

Respondents refuse to acknowledge that this requirement to establish this online Federal registration system "to be named the Unified Carrier Registration System" applies to the UCRSPA. Instead, they erroneously claim Congress created two separate UCR systems within the UCR Act identically called "Unified Carrier Registration System," and did not intend to require the Secretary to promulgate regulations to establish the UCRSPA, the system for state registration of interstate carriers, because the prior Single State Registration System (SSRS) had purportedly already expired.

E. Respondents have, for over eight years, knowingly, arbitrarily, and capriciously violated the Privacy Act by releasing truckers' PII, including Social Security Numbers, to a private technical platform company and the non-state governmental enterprise known as UCRSP in violation of their own 2007 UCR Data Release Policy who mishandled truckers' PII through at least one major data breach discovered by Petitioner and faithfully reported to Respondents in 2019.

In 2019, Petitioner discovered and reported to Respondent FMCSA that UCRSP administrators had mishandled truckers' PII through a massive data breach **(Exhibit C)** released daily without truckers' knowledge and consent, which is beyond the scope of the "routine use" exemption and violates the Privacy Act. Petitioner has since discovered this practice is contrary to the Respondents' own aforementioned data release policy.

From 2007 to 2018, FMCSA released truckers' data to the Indiana Department of Revenue (INDOR), which served as the UCRSP's technical platform vendor. Indiana was a UCR-participating state eligible under FMCSA policy to receive data transfers. The UCRSP then retained a private company called Seikosoft in 2018 to replace INDOR. Neither UCRSP nor Seikosoft qualifies to receive PII data under FMCSA's data release policy or the Privacy Act because they are not state governments.

II. THE PARTIES

A. Petitioner is the Small Business in Transportation Coalition, Inc. (SBTC), a national 501(c)(6) transportation industry trade association.

B. Respondents are the U.S. Government, the United States Department of Transportation (USDOT), and the Federal Motor Carrier Safety Administration (FMCSA), which regulates interstate transportation.

III. ARGUMENT

A. Respondents erred in determining that 49 U.S.C. § 13908 does not apply to the UCRSPA and unlawfully promulgated 49 CFR §§ 367.40 & 367.50 on September 1, 2026.

This is a case about chronic misinterpretation of the UCR Act by Respondents. The saga starts with section 103 of the Interstate Commerce Commission (ICC) Termination Act of 1995 [Pub. L. 104-88, 109 Stat. 888, Dec. 29, 1995] (ICCTA) and the original iteration of 49 U.S.C. § 13908[2]:

On January 1, 1996, the ICCTA took effect. Once ICC was dissolved, authority to regulate interstate carriers was transferred to USDOT's Federal Highway Administration (FHWA) and then to the Office of Motor Carrier Safety[3] until FMCSA was created on January 1, 2000. In the interim, FHWA published an Advance Notice of Proposed Rulemaking (ANPRM) in the Federal Register (Vol.

[2] USCODE-2023-title49-subtitleIV-partB-chap139-sec13908.pdf
[3] https://www.federalregister.gov/agencies/office-of-motor-carrier-safety

61, No. 166 / Monday, August 26, 1996; FHWA Docket No. MC-96-25; RIN 2125-AD91)[4].

The original 1995 version of §13908 directed the Secretary to "***replace*** *the current Department of Transportation identification number system, the* ***single State registration system*** *under section 14504, the registration system contained in this chapter, and the financial responsibility information system under section 13906* ***with a single, on-line, Federal system*** *(emphasis added)."*

In fact, this is exactly what Dixie Horton of FHWA stated in her June 4, 1997 letter to National Conference of Transportation Specialists, holding the intent was for all four registration programs to be combined, including the replacement for the SSRS, which was not to be a separate program outside of Federal control:

> *"As you know, the Federal Highway Administration (FHWA) is presently considering rules to propose in furtherance of Section 13908 of the ICC Termination Act of 1995. That Section directs the Secretary of Transportation to replace three existing federal motor carrier registration/information systems (the USDOT identification number system, the FHWA for-hire registration system, and the FHWA for-hire insurance information system),* ***and, possibly a fourth, the Single State Registration System (SSRS), a State program.. Section 13908 also mandates that the replacement system be single, on-line and Federal*** (emphasis added)."

[4] https://www.govinfo.gov/content/pkg/FR-1996-08-26/html/96-21351.htm

The Secretary did not promulgate the required regulation within the 24 month period set by Congress… or at any time between 1996 and 2005.

The UCR Act was enacted as part of Title IV of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) [Pub. L. 109-59, 119 Stat. 1714, Aug. 10, 2005] and contains eight sections, including Sec. 4304. Unified Carrier Registration System and Sec. 4305. Registration of motor carriers by States.

Through their November 10, 2025 denial, in Case 25-1290, and elsewhere[5] for nearly two decades, Respondents have argued Congress intended through the UCR Act that there should be two identically-named "Unified Carrier Registration System(s)," one, Federal, and another, for the states that is purportedly beyond USDOT jurisdiction[6], when all facts and evidence suggest the opposite. Respondents base their authority to promulgate the new 49 CFR §§ 367.40 & 367.50 on this specious and imaginary dichotomy that Congress never intended.

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[5] i.e. FMCSA's James Davis wrote to FleetLegal.com on September 18, 2007 claiming: *"Despite the similarity in the names, the UCR System to be established by FMCSA under the provisions of 49 U.S.C. 13908 is distinct from the Unified Carrier Registration Plan and Agreement. The UCR Agreement is an interstate agreement established and administered in accordance with the provisions of 49 U.S.C. 14504a by the UCR Plan, an organization with its own board of directors. There is no statutory basis for your view that the several provisions enacted by SAFETEA-LU mentioned in your notes must be implemented by FMCSA to enable the UCR Plan and Agreement to be implemented."*

[6] On October 23, 2007, FMCSA's then-Deputy Administrator David Hugel claimed in a letter to the then-UCR Board Chair that the UCRSP is "an independent agency" despite no such status being grounded in law. The UCRSP is not an independent commission with paid commissioners, so this claim seems contrary to 49 U.S.C. § 14504a (d) (3)Compensation and expenses.— (A) "In general.— Except for the representative of the Department appointed under paragraph (1)(B)(iv), 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."

In reality, FMCSA knows they are directed to appoint the UCR BOD and set the UCR fees. For two decades, they have issued legal advice and directives to the UCRSP. FMCSA knows that there is only one bona fide UCR System, the system that replaced the predecessor FHWA-administered SSRS fee program because they publish this on their website[7]:

> ***What is the Unified Carrier Registration (UCR) system and how do I sign up?***
>
> ***Answer:***
> *Created by the Unified Carrier Registration Act of 2005 (UCR Act - 49 United States Code (USC) section 14504a), it replaces the former system for registering and collecting fees from the operators of vehicles engaged in interstate travel – the Single State Registration System (SSRS). Carriers can apply for their UCR and find more information online.*
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> *Last Updated: March 29, 2019*

Sec. 4304 of the UCR Act is codified as 49 U.S.C. § 13908. By Respondents' own admission, it applies to state registration of interstate motor carriers. If Congress meant for the UCR System to only be for Federal registration of interstate motor carriers by USDOT and not state registration of interstate motor carriers by the UCRSP pursuant to the UCR Agreement, as the Respondents purport, then Congress would not have retained §13908 as part of a law called the UCR Act and would not have named and codified Sec. 4305 of the UCR Act as

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7 https://www.fmcsa.dot.gov/faq/what-unified-carrier-registration-ucr-system-and-how-do-i-sign

"49 U.S.C. § 14504a - Unified Carrier Registration **System** plan and agreement (emphasis added)."

The fact that Congress inserted the word "System" (capitalized) in the title of 49 U.S.C § 14504a is prima facie evidence that state registration of interstate motor carriers is very much a part of the UCR System referred to in Sec. 4304 of the UCR Act revised and codified as 49 U.S.C. § 13908. The UCRSPA were clearly meant to fall under the UCR System and be the fourth component of the online Federal registration system (state registration of interstate motor carriers), not separate from it:

> *(a)Establishment of Unified Carrier Registration System.—The Secretary, in cooperation with the States, representatives of the motor carrier, motor private carrier, freight forwarder, and broker industries and after notice and opportunity for public comment,* ***shall issue within 1 year after the date of enactment of the Unified Carrier Registration Act of 2005 regulations to establish an online Federal registration system, to be named the "Unified Carrier Registration System",*** *to* ***replace***—
>
> *(1)the current Department of Transportation identification number system, the* ***single State registration system under section 14504; [1]***

What Respondents are really referring to is their similarly named URS that deals with three of the four programs referenced in both the 1995 and 2005 versions of 49 U.S.C. § 13908. Respondents' position that §13908 **only** applies to Federal registration of interstate motor carriers and **not** state registration of

interstate motor carriers, the fourth program referenced in 49 U.S.C. § 13908, is therefore **erroneous and unlawful**.

Because §13908 called for the Secretary to establish the UCRSPA as part of the UCR System within one year and the Secretary never did, the UCRSPA are illegal and so are the current 49 CFR §§ 367.40 & 367.50 fee rules.

The fact that the UCR Act's 2005 revised iteration of §13908 calls for the Secretary to cooperate with the States and industry representatives, which, along with FMCSA, comprise the UCRSP, shows that §13908 was enacted primarily in furtherance of the 2005 UCRSPA governing state registration of interstate motor carriers, which was to replace SSRS effective January 1, 2007. This rebuts Respondents' arguments that SSRS had already ended before Congress enacted the UCR Act and Sec. 4304, which became the revised 49 U.S.C. § 13908.

Otherwise, if §13908 really only applied to Federal registration of interstate motor carriers and not state registration of interstate motor carriers as the Government asserts, then no such requirement to cooperate with the states would be referenced as a matter of Federalism and the Supremacy Clause; that is, Congress would merely direct Respondents to create a new online Federal registration system for interstate motor carriers as a matter of regulating interstate

commerce through Federal registration of interstate motor carriers under the Commerce Clause (U.S. Const. art I, § 8, cl. 3).

B. <u>Expedited merits review is appropriate and necessary because independent truckers and motor carriers are being induced to pay unlawful 2027 UCR fees as of October 1, 2026 and are in jeopardy of being stopped by law enforcement and forced to pay civil penalties, and/or fines, and/or be arrested and imprisoned for "non-compliance" as of January 1, 2027 and because new entrant interstate truckers' PII is being released, which entails, invasions of privacy, possible unfair debt collection practices, and/or identity theft.</u>

1. Petitioner is likely to succeed on the merits.

The Petitioner is likely to establish that Respondents unreasonably, arbitrarily, and capriciously denied Petitioner's 2025 Petition and unlawfully promulgated the new 49 CFR §§ 367.40 & 367.50 rules because the rulemaking sought was required by Federal Law (49 U.S.C. § 13908). Petitioner argues the 2027 UCR enforcement which will begin nationwide on January 1, 2027 is unlawful because UCRSPA were **<u>never</u>** lawfully established by regulation pursuant to 49 U.S.C. § 13908; ergo, the UCR BOD appointments, the UCR Agreement developed by the unlawful UCR BOD, and all fee rules since 2007 (including the new September 1, 2026 49 CFR §§ 367.40 & 367.50 fee rules) are illegal; and there is currently no bona fide "UCR Agreement" in full force and effect upon which, Respondents may lawfully base the new 49 CFR §§ 367.40 & 367.50 fee rules.

First, the UCR Agreement is fruit of a poisonous tree because the whole system was illegally implemented. Second, even if the UCR Agreement had been issued lawfully, it has since been "withdrawn[8]" by the UCRSP BOD. Respondents therefore cannot lawfully issue a fee rule and impose mandatory fees that rest on an interstate agreement that is illegal and has been withdrawn.

The Petitioner is likely to establish that Respondents have unreasonably, arbitrarily, and capriciously brushed aside Petitioner's Privacy Act concerns and unlawfully continue, on a daily basis, to release truckers' PII without their knowledge and consent to the unestablished non-state government UCRSP entity and their apparently private, third-party data-mining company vendor, which sells "debt collection software,"[9] in violation of Respondents' own 2007 UCR data release policy. This release cannot be reasonably construed as "routine use" under the Privacy Act.

On November 10, 2025, Respondent FMCSA wrote to Petitioner suggesting the UCR Act did not prohibit data exchanges between FMCSA and the UCRSP, yet this practice is clearly contrary to the Respondents' own 2007 policy memo on such data exchanges, which were to be limited from the onset to FMCSA transferring truckers' PII data **only** to bona fide UCR-participating state

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[8]https://prod-public-ucr-docs-governing-documents.s3.amazonaws.com/UCR%20Agreement%20-%20Feburary%202020%20.pdf

[9] https://www.seikosoft.com/simplicity

governments, which would be "routine use." Justice requires this Honorable Court terminate this unlawful data release practice to protect truckers from further invasion of privacy, reckless mishandling of their PII, and identity theft.

We ask the Court note that on October 13, 2026, Petitioner filed a *"Request to OIG for FMCSA Data Release & Security Audit of UCR.gov"* (**Exhibit D**) with the USDOT Inspector General. As such audits can take years to commence and conduct, Justice calls for an expedited legal remedy to 'stop the bleeding.'

C. Respondents have violated the Fourth & Fifth Amendments and the UCR Act by failing to duly promulgate statutorily required regulations, which lawfully establish the UCRSP, oversee its finances, and control data/data access as intended by Congress.

Once the Court concludes that §13908 applies to the UCRSPA and that UCRSPA was **never** lawfully established by regulation, then it becomes clear that the Secretary had specific implementing and supervisory obligations including:

- ***(b) Role as Clearinghouse and Depository of Information-"compliance with the provisions of section 14504a".***
- ***(d) Fee system- Implementation of a fee system to cover "the costs of administration of the unified carrier registration agreement.***
- ***(e) Use of Fees for Unified Carrier Registration System.- "Fees collected under this section may be credited to the Department of Transportation appropriations account"***

By merely appointing a UCRSP BOD and setting UCR fees without first lawfully establishing the UCR System through regulation and properly

implementing the enabling legislation, Respondents have falsely caused interstate motor carriers to believe they are legally required to pay UCR fees subject to --and under threat of-- civil penalties, fines, arrest and imprisonment.

Respondents have enabled the unlawful UCRSP to create an illegal mechanism for the states to forcibly take truckers' property as civil penalties or fines, and falsely arrest truckers, in some states, under the guise of lawful state law enforcement for failure to pay "mandatory" UCR fees. This violates truckers' **Fourth Amendment** right against unlawful seizures. Unlawful collection of UCR fees also violates the Federal due process protections imbedded in the **Fifth Amendment.** This practice "under color of law" may even give rise to Federal *Bivens* actions or civil rights lawsuits under 42 U.S.C. § 1983.

Respondents have failed to act faithfully in accordance with a duty imposed on them by law to make the illegal UCR System, including the UCRSPA, legal. Indeed, Respondents have allowed the chameleon UCRSP BOD to refer to themselves in applications to the United States Patent and Trademark Office (USPTO) and the Federal Register as a "Non-Profit Association," a "Non-Profit Organization," and a "Quasi-Governmental Agency," changing their spots to suit their needs. They now falsely refer to the illegal UCR Agreement as an "Interstate

Compact" despite the fact that the UCR Act supports no such designation[10] and not even one of the 41 state legislatures has ever ratified the UCR Agreement as such.

Respondents have enabled the unlawful UCRSP to unlawfully shakedown and collect over $2 billion from independent truckers, motor carriers, and brokers for nearly 20 years under the guise of wielding lawful and coercive governmental authority with impunity.

Respondents have failed to exercise supervisory control over the "Federal" UCRSP as required by statute and have failed to control the UCR Depository through USDOT Accounts as the law requires; instead, they allow billions of trucker taxpayer dollars to be held in private bank accounts and be privately invested without statutory authority.

Respondents refuse to admit the "UCR Agreement," under which purported authority UCR fees are collected, was **never** properly set up and has been "withdrawn" by the UCRSP BOD. Yet Respondents continue to promulgate fee

[10] In the 2005 SAFETEA-LU Conference Report, the phrase "interstate compact" appears exactly 16 times. None of these references, however, appear in the UCR Act portion of the law (pp. 609-622), which appears as "Subtitle C—Unified Carrier Registration Act of 2005." Petitioner contends Congress expressly uses the term "interstate compact" whenever it means to describe interstate agreements as bona fide interstate compacts. Congress specifically chose not to call the UCR Agreement an interstate compact in this bill. Additionally, the National Center for Interstate Compacts (https://compacts.csg.org/database/) does not list the UCR Agreement as an interstate compact in their database of 271 bona fide interstate compacts.

rules and allow UCR fee collection to continue daily since October 1, 2026, and for twenty years.

D. The equities tip decidedly in the public's favor.

Although Petitioner has considered seeking an emergency stay against further 2026 fee collection under 49 CFR § 367.40 and 2027 fee collection, SBTC has concluded that public safety on the highways outweighs an immediate stay, especially since certain UCR participating states like California have already been defunded.[11] If the expedited merits review relief sought is granted, it will not prejudice or cause any substantial injury to Respondents or the states in any way.

E. The proposed expedited merits review is necessary to immediately terminate the Respondents' unlawful enabling of this rogue UCRSP and the unlawful release of PII data in violation of the Privacy Act.

Petitioner's request for expedited merits review is reasonable and prudent to address Respondents' continued enabling of this rogue UCRSP and the unlawful release of PII data to Seikosoft in violation of the Privacy Act. Petitioner encourages Respondents to issue an immediately effective Direct Final UCR Rule that lawfully establishes the UCRSPA without delay to minimizing UCR fee collection downtime in the interest of public safety. In fact, we encouraged

[11] https://www.fmcsa.dot.gov/newsroom/trumps-transportation-secretary-sean-p-duffy-announces-consequences-californias-failure and https://www.fmcsa.dot.gov/newsroom/trumps-transportation-secretary-sean-p-duffy-gavin-newsom-illegal-trucking-licenses-times

Respondents to do so earlier this year, and we encourage them again here before the Court orders them to do so in the interests of law, justice, and public safety.

V. CONCLUSION

Petitioner's members are being forced to pay unlawful 2026 & 2027 UCR fees in the fourth quarter of 2026 and are at risk of being assessed civil penalties, fines, and/or being arrested and imprisoned under various states' UCR enforcement laws **(Exhibit E) as of October 1, 2026 and January 1, 2027, respectively.** Petitioner contends Respondents are knowingly and intentionally enabling the unlawfully implemented UCRPA through their new 49 CFR §§ 367.40 & 367.50 as of October 1, 2026, and are arbitrarily and capriciously releasing Petitioner's members' PII, including Social Security Numbers, daily to that rogue unlawful system, in violation of the Privacy Act and their own long-standing data release policy.

Petitioner has a substantial likelihood of success on the merits and could seek an emergency stay on the fee rule. Petitioner merely seeks expedited merits review as to the legality of the UCRSPA and the new UCR fee rules recently promulgated and Respondents' related data release practices, which we believe are beyond the scope of the Privacy Act.

Because the liberty and property interests of over 700,000 independent truckers, carriers, and brokers are now at stake as of October 1, 2026, there are unlawful PPI releases daily, and there will be further irreparable daily harm once 2027 UCR enforcement begins on January 1, 2027, Petitioner prays the Court will approve this request for expedited merits review.

Respondents have engaged in an egregious pattern and practice of ignoring Federal Law, including withholding UCR-related documents from Petitioner's Executive Director in violation of the Privacy Act and the Freedom of Information Act (FOIA) for nearly ten years.[12] Petitioner has sued Respondents twice over unreasonable and unlawful delays[13]. Respondents unreasonably delayed Petitioner's UCR exemption application, we believe, to hide the illegality of the nearly two-decade old UCR System from public scrutiny, which Petitioner discovered in 2024 through a records request to the state of Indiana.

Indiana's UCR state law referencing its authority to participate in the UCRSP actually references §13908 **(Exhibit F).** Indeed, twelve other states

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[12] Respondent FMCSA delayed and failed to complete Petitioner's Executive Director's FOIA request for nearly 10 years in an egregious attempt to hide UCR-related documents from Petitioner. FOIA Control No. 2017-0251 has been the oldest open FMCSA FOIA request according to OST. There is reason to believe FMCSA continues to withhold records despite its recent "final production." Mr. Lamb may pursue judicial review to challenge noncompliance with FOIA/the Privacy Act and ask the Office of Special Counsel to investigate pursuant to 5 U.S.C. § 552.

[13] SMALL BUSINESS IN TRANSPORTATION COALITION v. U.S. DEPARTMENT OF TRANSPORTATION et al (1:2019cv01311); and
SMALL BUSINESS IN TRANSPORTATION COALITION v. U.S. DEPARTMENT OF TRANSPORTATION et al (1:2020cv00883).

through their statutes, orders, rules and UCR state plans concur that the UCRSPA are indeed an integral part of §13908 and that the UCRSPA cannot be separated from the UCR System: Connecticut **(Exhibit G)**, Georgia **(Exhibit H)**, Wisconsin **(Exhibit I)**, Missouri **(Exhibit J)**, Nebraska **(Exhibit K)**, Tennessee **(Exhibit L)**, Idaho **(Exhibit M)** and current UCR Chair's state of Massachusetts **(Exhibit N)**.

UCRSP admitted in its original RFP for a depository vendor **(Exhibit O):**

> *"DESCRIPTION UNIFIED CARRIER REGISTRATION SYSTEM*
>
> *...A stated purpose of the UCR Act was to establish an online Federal registration system for the registration of interstate commercial motor vehicles, as defined in 49 USC § 13 _____. One purpose of the new UCR System is to replace the previously existing single State registration system. Pursuant to the UCR Act, the Secretary of the United States Department of Transportation appointed 15 members to act as the Board of Directors for the Unified Carrier Registration Plan (the "UCR Board") and to implement the online registration system.* ***In order to fulfill its obligations, the UCR Board is creating a system to effect the registration of commercial motor vehicles through one Federal portal*** (emphasis added)."

This shows the UCRSP BOD knew very well that the UCRSPA was always meant to be part of "one Federal portal."

Respondent FMCSA's statements in their May 19, 2005 URS rulemaking, which was released **before** the UCR Act was enacted on August 10, 2005, show their rejection of the need for rulemaking is specious, at best:

"FMCSA would integrate three of the four systems stipulated under 49 U.S.C. 13908(a) into a new unified system. Also as directed by that statutory provision, we have considered integration of the fourth system, the Single State Registration System (SSRS) under section 14504. We find that registration and financial responsibility compliance information currently generated by the SSRS is fully duplicated by the information collected under the proposed Unified Registration System ***and we preliminarily endorse the concept of integrating this fourth system under this rule...*** *As amplified in the subsequent "Single State Registration System" discussion,* ***we specifically seek public comment on fee structures or alternative measures that would permit full integration of the SSRS into the Unified Registration System*** *and, in turn, would allow elimination of the SSRS program, while preserving the reimbursement and apportionment levels mandated by 49 U.S.C. 13908(d). We also seek public comment on the advisability of recommending legislative change in a report to Congress under 49 U.S.C. 13908(e)(3) in order to create greater latitude for incorporating the SSRS program .into the Unified Registration System proposed here* (emphasis added)."[14]

It appears Respondents simply refused to alter this course, adjust, and adapt to Congress' UCR Act directives in the revised 2005 version of 49 U.C.R. § 13908. As a result, this unlawful implementation of the UCR Act has cost the industry well over $2 billion in unlawful UCR fees. Petitioner therefore respectfully seeks an expedited merits review order ordering Respondents to immediately commence the rulemaking directed by Congress and comply with the Privacy Act.

[Signature on Following Page]

[14] https://www.federalregister.gov/documents/2005/05/19/05-9692/unified-registration-system

Respectfully submitted,

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Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of October 2026 a copy of the foregoing Petitioner's Motion for Expediated Review was filed with the Court and served on all counsel of record through CM/ECF.

/s/ Laurence L. Socci
Laurence L. Socci
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Counsel for Petitioner

CERTIFICATE AS TO PARIES, RULINGS AND RELATED CASES

A. ***Parties and amici*** – Petitioner is the Small Business in Transportation Coalition. Respondents are the Federal Motor Carrier Safety Administration, the United States Department of Transportation, and the United States of America.

No intervenors or amici appeared below or have, thus far, appeared in this Court.

B. ***Rulings under review*** – Petitioner seeks review of the Respondents' Final Rule Notice, posted in the Federal Register on September 1, 2026 and Respondents' pattern and practice of releasing truckers' personally identifiable information (PII) to the so called UCR System Plan and its technical platform vendor without their knowledge and consent in furtherance of the implementation of said rules, which went into effect on October 1, 2026, and constitute violations of the 5 U.S.C. § 552(a) and Respondents' established 2007 policy on UCR - related data releases.

C. ***Related cases*** – There is currently a related case, 25-1290, however, Petitioner filed a motion with the Court to withdraw that case.

/s/ Laurence L. Socci

Laurence L. Socci

Form 6. Certificate of Compliance with Type-Volume Limit

Certificate of Compliance with Type-Volume Limit,

Typeface Requirements, and Type-Style Requirements

1. This document complies with the [type-volume limit of Fed. R. App. P. 26(d)(1)(E), and Fed. R. App. P. 26(d)(2)(A) because, excluding the parts of the document excepted by Fed. R. App. P. 32(f):

_X_ this document contains **5190 words,** or

___ this motion uses a monospaced typeface and contains [state the number of] lines of text.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because:

_X_ this document has been prepared in a proportionally spaced typeface using Microsoft Word 365 in 14 Point Times New Roman, or

____ this document has been prepared in a monospace typeface using [state name and version of word processing program] with [state number of characters per inch and name of style type].

Signature:/s/ Laurence L. Socci

Attorney for Small Business in Transportation Coalition

Date: October 27, 2026

■ b. Remove the definitions for "Labor cost at standard", "Labor-rate standard", "Labor-time standard", "Material cost at standard", "Material-price standard" and "Material-quantity standard";
■ c. Revise the definition for "Production unit"; and
■ d. Remove the definitions for "Standard cost" and "Variance".

The revisions read as follows:

9903.301 Definitions.

(a) * * *

* * * * *

Actual cost. See 9904.401–30.

* * * * *

Production unit. See 9904–418–30.

* * * * *

PART 9904—COST ACCOUNTING STANDARDS

■ 3. The authority citation for part 9904 continues to read as follows:

Authority: Pub. L. 100–679, 102 Stat. 4056, 41 U.S.C. 422.

Subpart 9904.407 [Removed and Reserved]

■ 4. Remove and reserve subpart 9904.407.

Subpart 9904.418—Allocation of direct and indirect costs

■ 5. In § 9904.418–30, add paragraph (a)(5) to read as follows:

§ 9904.418–30 Definitions.

(a) * * *

(5) *Production unit* means a grouping of activities which either uses homogeneous inputs of direct material and direct labor or yields homogeneous outputs such that the costs or statistics related to these homogeneous inputs or outputs are appropriate as bases for allocating variances.

* * * * *

■ 6. In § 9904.418–50:
■ a. Revise paragraph (a)(2)(i); and
■ b. Add paragraph (h).

The revision and addition read as follows:

§ 9904.418–50 Techniques for application.

(a) * * *

(2) * * *

(i) Standard costs may be used for estimating, accumulating, and reporting costs of direct material and direct labor only when standard costs and related variances are appropriately accounted for at the level of the production unit and paragraph (h) of this section; or

* * * * *

(h) *Standard costing.* (1) A labor-rate standard may be set to cover a group of direct labor workers who perform disparate functions only under the conditions in either paragraph (h)(1)(i) or (ii) of this section:

(i) Where that group of workers all work in a single production unit yielding homogeneous outputs (in this case, the same labor-rate standard shall be applied to each worker in that group).

(ii) Where that group of workers, in the performance of their respective functions, forms an integral team (in this case, a labor-rate standard shall be set for each integral team).

(2) A contractor's established practice with respect to the disposition of variances accumulated by production unit shall be in accordance with paragraph (h)(2)(i) or (ii) of this section:

(i) Variances are allocated to cost objectives (including ending in-process inventory) at least annually. Where a variance related to material is allocated, the allocation shall be on the basis of the material cost at standard, or, where outputs are homogeneous, on the basis of units of output. Similarly, where a variance related to labor is allocated, the allocation shall be on the basis of the labor cost at standard or labor hours at standard or, where outputs are homogeneous, on the basis of units of output; or

(ii) Variances which are immaterial may be included in appropriate indirect cost pools for allocation to applicable cost objectives.

(3) Where variances applicable to covered contracts are allocated by memorandum worksheet adjustments rather than in the books of account, the bases used for adjustment shall be in accordance with those stated in this paragraph (h).

■ 7. In § 9904.418–60, add paragraph (j) to read as follows:

§ 9904.418–60 Illustrations.

* * * * *

(j) Contractor J accumulates, in one account, labor cost at standard for a department in which several categories of direct labor of disparate functions, in different combinations, are used in the manufacture of various dissimilar outputs of the department. Contractor J's department is not a production unit as defined in 9904.418–30(a)(5) of this Cost Accounting Standard. Modifying its practice so as to comply with the definition of production unit in 9904.418–30(a)(5), it could accumulate the standard costs and variances separately,

(1) For each of the several categories of direct labor; or

EXHIBIT
tabbies
A

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 367

[Docket No. FMCSA–2025–0655]

RIN 2126–AC72

Fees for the Unified Carrier Registration Plan and Agreement

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: FMCSA amends the regulations governing the annual Unified Carrier Registration (UCR) Plan and Agreement registration fees that participating States collect from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. On September 18, 2025, the UCR Board recommended a fee increase for the 2027 registration year and subsequent registration years. This recommended increase averages 20 percent over the fee structure adopted for 2025 and retained for 2026, with varying increases ranging between $9 and $9,329 per entity, depending on the applicable fee bracket. Although the fees for registration year 2027 are increased, they are less than those in effect during registration years 2019 through 2022. FMCSA adopts the recommended fee increase.

DATES: Effective October 1, 2026.

Petitions for Reconsideration of this final rule must be submitted to the FMCSA Administrator no later than October 1, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Riddle, Director, Office of Registration, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, *FMCSAMCRS@dot.gov*.

SUPPLEMENTARY INFORMATION: FMCSA organizes this final rule as follows:

I. Availability of Rulemaking Documents
II. Executive Summary
III. Abbreviations
IV. Legal Basis for the Rulemaking
V. Discussion
  A. Proposed Rule
  B. Comments and Responses
  C. Final Rule
VI. Section-by-Section Analysis
VII. Regulatory Analyses

A. E.O. 12866 (Regulatory Planning and Review) and DOT Rulemaking Procedures
B. E.O. 14192 (Unleashing Prosperity Through Deregulation)
C. Congressional Review Act
D. Regulatory Flexibility Act (Small Entities)
E. Assistance for Small Entities
F. Unfunded Mandates Reform Act of 1995
G. Paperwork Reduction Act
H. E.O. 13132 (Federalism)
I. Privacy
J. E.O. 13175 (Indian Tribal Governments)
K. National Environmental Policy Act of 1969

I. Availability of Rulemaking Documents

To view any documents mentioned as being available in the docket, go to *https://www.regulations.gov/docket/FMCSA-2025-0655/document* and choose the document to review. To view comments, click this final rule, then click "Browse Comments." If you do not have access to the internet, you may view the docket online by visiting Docket Operations in Room W58–213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

II. Executive Summary

Under 49 U.S.C. 14504a, the UCR Plan and the 41 States participating in the UCR Agreement assess fees to be collected from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. The UCR Plan and Agreement are administered by a 15-member Board, which is comprised of 14 members appointed from the participating States and the motor carrier industry, as well as the Deputy Administrator of FMCSA, who is a statutory member. Revenues collected are allocated to the participating States and the UCR Plan.

In accordance with 49 U.S.C. 14504a(d)(7) and (f)(1)(E), the Board provides fee adjustment recommendations to the Secretary of Transportation (the Secretary) when revenue collections result in a shortfall or surplus from the amount authorized by statute. Statutory factors the Board considers when making a recommendation to adjust fees include the administrative costs of the UCR Plan and Agreement and whether the revenues generated in the previous year and any surplus or shortage from that or prior years enable the participating States to achieve the revenue levels set by the Board (49 U.S.C. 14504a(d)(7)(A)(i) and (ii)). The statutory allocation of revenue to participating States remains constant under 49 U.S.C. 14504a(g), even though the actual incoming revenue fluctuates each year based on the number of registered interstate carriers and freight brokers and the size of the carriers' fleets—factors that can vary based on economic conditions and market demand. If the required payments to the States and the cost of administering the UCR Plan exceed the amount in the depository, the UCR Plan must assess additional fees in subsequent years to recover the shortfall (49 U.S.C. 14504a(f)(1)(E)(i)). If there are excess funds after payments to the States and for administrative costs, they are retained in the UCR Plan's depository (see 49 U.S.C. 14504a(f)(1)(E)(ii)), and fees for subsequent registration years must be reduced as required by 49 U.S.C. 14504a(h)(4).

These two distinct statutory provisions are recognized in the fee adjustment recommended by the UCR Plan. In this final rule, FMCSA increases the annual registration fees established pursuant to the UCR Agreement by an average of 20 percent, effective for the 2027 registration year and subsequent years.[1]

The final rule increases the fees paid by motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies to the UCR Plan and the participating States. Although the increase in fees is a private cost to covered entities, fees are considered transfer payments by the Office of Management and Budget (OMB) Circular A–4, Regulatory Analysis, not costs. The details of the amount of increase to the annual UCR fee for each fee bracket are included in the discussion below in Section VI.

III. Abbreviations

ANPRM Advance notice of proposed rulemaking
CE Categorical Exclusion
CFR Code of Federal Regulations
DOT Department of Transportation
E.O. Executive Order
FMCSA Federal Motor Carrier Safety Administration
FR Federal Register
NAICS North American Industry Classification System
NPGA National Propane Gas Association
NPRM Notice of proposed rulemaking
Obelisk Obelisk Tech Systems, Inc.
OIRA Office of Information and Regulatory Affairs
OMB Office of Management and Budget
OOIDA Owner-Operator Independent Drivers Association
PIA Privacy Impact Assessment
PII Personally identifiable information
PTA Privacy Threshold Assessment
RFA Regulatory Flexibility Act
SBA Small Business Administration
SBREFA Small Business Regulatory Enforcement Fairness Act of 1996
SBTC Small Business in Transportation Coalition
Secretary Secretary of Transportation
UCR Unified Carrier Registration
UMRA Unfunded Mandates Reform Act
U.S.C. United States Code

IV. Legal Basis for the Rulemaking

This rulemaking adjusts the annual UCR registration fees, as authorized by 49 U.S.C. 14504a. Section 14504a provides that the revenues collected from the fees should not exceed the maximum annual revenue entitlements distributed to the 41 participating States plus the amount established for administrative costs associated with the UCR Plan and Agreement. In accordance with 49 U.S.C. 14504a(f)(1)(E)(i), the statute provides for the UCR Plan to request an adjustment by the Secretary when the annual revenues are insufficient to provide the revenues to which the participating States are entitled.

In addition, 49 U.S.C. 14504a(h)(4) states that any excess funds from previous registration years held by the UCR Plan in its depository, after distribution to the States and for payment of administrative costs, shall be retained and the fees charged shall be reduced by the Secretary accordingly.

The UCR Plan must also obtain DOT approval to revise the total revenue to be collected, in accordance with 49 U.S.C. 14504a(d)(7). The revenue allocations to the participating States are fixed by statute (49 U.S.C. 14504a(g)).

The Secretary also has broad rulemaking authority in 49 U.S.C. 13301(a) to carry out 49 U.S.C. 14504a, which is part of 49 U.S.C. subtitle IV, part B. Authority to administer these statutory provisions has been delegated to the FMCSA Administrator by 49 CFR 1.87(a)(2) and (7).

V. Discussion

A. Proposed Rule

On April 7, 2026, FMCSA published a Notice of Proposed Rulemaking (NPRM) titled "Fees for the Unified Carrier Registration Plan and Agreement" in the **Federal Register** (Docket No. FMCSA–2025–0655, 91 FR 17618). The NPRM proposed amending regulations for the annual registration fees States collect from motor carriers, motor private carriers of property,

[1] The UCR Plan Board's recommendation (September 2025 Fee Recommendation) was issued on September 18, 2025, and is available in the docket for this rulemaking.

brokers, freight forwarders, and leasing companies for the UCR Plan and Agreement for the 2027 registration year and subsequent registration years. This recommended increase averages 20 percent, with varying increases ranging between $9 and $9,329 per entity, depending on the applicable fee bracket.

B. Comments and Responses

FMCSA requested public comments concerning the NPRM for 30 days ending May 7, 2026. At the request of the Small Business in Transportation Coalition (SBTC), the comment period was extended until May 26, 2026 (91 FR 23383). By that date, a total of 34 comments were received, 33 of which are in scope for this rulemaking. Three comments were submitted by trade associations, including the National Propane Gas Association (NPGA), the Owner-Operator Independent Drivers Association (OOIDA), and SBTC. Thirty motor carriers and individuals (including anonymous individuals) submitted comments. One comment was withdrawn from the docket for non-compliance with docket comment policy.

1. General Opposition to UCR Registration Fees

Comments: Several commenters opposed UCR registration fees in general, questioned the purpose behind establishing the UCR fees or the current use of UCR fees, or stated they did not know what UCR fees are used for. Some commenters stated that these fees are an unnecessary tax on motor carriers and should not be increased; some commenters also recommended ceasing to collect UCR registration fees entirely. OOIDA stated that the system no longer meets its original objectives and merely generates "slush fund revenue" for States, who may use the revenue as "a non-Federal match for Federal Motor Carrier Safety Assistance Program funding."

FMCSA Response: The UCR plan and the requirement to assess fees to be collected were established by Congress and are codified in statute (49 U.S.C. 14504a). Neither FMCSA nor the UCR Board have the discretion to cease collecting fees.

By statute, UCR fees are required to be used by participating States for motor carrier safety programs and enforcement, or the administration of the UCR Plan and UCR Agreement (49 U.S.C. 14504a(e)(1)(B)). When each of the participating States joined the UCR Agreement, the statute required them to submit to FMCSA a State plan that, among other matters, demonstrates that an amount at least equal to the revenue derived by the State from the UCR Agreement shall be used for those motor carrier safety programs and enforcement, or the administration of the UCR Plan and UCR Agreement (49 U.S.C. 14504a(e)(1)(B)). The statute also gives primacy to the need to set the fees at a level that ensures that each of the participating States receive the revenues to which they are entitled (49 U.S.C. 14504a(f)(1)(E)(i) and (g)(4)). The adjustment in the fees to be paid to the UCR Plan for distribution to the participating States is necessary to accomplish this statutory objective. To ensure that the States are using this funding for its intended purpose, the UCR Board sent a letter to each participating State on May 4, 2026 seeking documentation demonstrating the State's continued compliance with the requirements of 49 U.S.C. 14504a(e)(1) and (h)(1). States have until August 1, 2026 to provide this documentation.[2]

FMCSA finds the upward adjustment recommended by the Board is within a reasonable range, in accordance with the provisions of 49 U.S.C. 14504a(e)(1) and (2). This adjustment to the 2027 registration year is expected to cover the projected $21.79 million shortfall in the statutorily required funding. The actual fees collected in any registration year vary with the population of motor carriers and the number of CMVs they operate. If the overall number of registrants or the number of registrants in each fee bracket decreases, the UCR Plan collects less in fees than anticipated and must subsequently increase fees to cover the shortfall. Conversely, if there is a surge in the number of motor carriers or the number of CMVs they operate, the UCR Plan may collect excess fees and be required to return those to UCR registrants by reducing registration fees in future years. Currently, the UCR Plan has been collecting less than it projected in fees and therefore is facing a shortfall.

Any amount short of the recommended adjustments would impede proper operations of motor carrier safety programs, enforcement, or the administration of the UCR Plan and UCR Agreement. Even after the 2027 fee increase, the fees for registration year 2027 will still be lower than those in effect during registration years 2019 through 2022. This recalibration of fees is reasonable and in accordance with the structure of, and obligations created by, the statute.

[2] The letter is available in the docket for this rulemaking.

2. Opposition Based on Operational Costs to Business

Comments: Several commenters cited the cost of doing business, including increased fuel, maintenance, insurance, and compliance costs, in opposing the increase. One of these commenters stated that the Agency should focus on stabilizing markets and preventing predatory practices instead of increasing financial burdens on motor carriers, and that the UCR registration fee is harmful to the long-term stability of the industry.

FMCSA Response: FMCSA recognizes that the transportation industry faces numerous economic pressures. However, the UCR Plan was established by Congress to replace the highly complex and fragmented Single State Registration System. By consolidating State-level compliance into a unified program, the UCR Plan significantly reduces administrative red tape and streamlines operations for motor carriers nationwide.

The revenue generated by these fees is required to be dedicated to funding vital State highway safety initiatives, enforcement programs, and the administration of the UCR system itself. FMCSA has reviewed the Board's proposal and determined that it is necessary to increase fees for the 2027 registration year to cover the States' statutory entitlements so they can maintain these essential safety operations, as well as to fund the UCR Plan's reasonable administrative costs.

3. Timing of the Rule in Light of Ongoing Litigation Related to the UCR Plan

Comments: Three commenters, including SBTC, opposed finalizing the rulemaking, citing a pending legal proceeding that challenges the legality of the UCR system. In a separate comment, SBTC included a copy of a petition it submitted to the United States Courts of Appeals for the District of Columbia Circuit, to mandate a stay of the implementation of the ongoing 2027 UCR fee rulemaking. It also expressed the view that implementing the fees during an ongoing legal proceeding is inappropriate and the fees should either not be raised or not be collected at all. It urged FMCSA to deny the fee increase and withdraw the rulemaking until complete data is reviewed and the litigation is resolved. Another commenter did not specifically question the timing of the rule but referred to the substance of the pending litigation.

FMCSA Response: FMCSA is statutorily obligated to adjust UCR fees when the UCR Plan experiences a

shortfall or has collected excess fees, situations driven by either decreases or increases in the overall number of registrants and the number of vehicles each motor carrier maintains in its fleet. When the UCR Board makes a recommendation to adjust fees, the Agency reviews all the information presented by the Board to determine whether a shortfall or excess collection has occurred and whether the recommendation is reasonable. Under 49 U.S.C. 14504a(d)(7)(B), the Secretary "shall set . . . any subsequent adjustment" of the UCR fees after receiving the recommendation and giving notice and opportunity for public comment. Therefore, the Agency is statutorily mandated to proceed with this rulemaking unless directed otherwise by a court of competent jurisdiction. The United States Courts of Appeals for the District of Columbia Circuit denied SBTC's motion on June 17, 2026, allowing FMCSA to proceed with the rulemaking.[3]

4. Opposition to the UCR Plan's Legal, Technological, and Administrative Expenses

Comments: Several commenters objected to certain administrative costs for the UCR Plan. NPGA and two individual commenters objected to the UCR Plan's accounting for the $250,000 allocation for legal defense funds as part of the increase, contesting that the trucking industry should not be responsible for covering those costs. NPGA stated that funding for the UCR Plan's legal fees should be covered by direct appropriations from Congress through DOT. Pink Cheetah Express's comment also referred to legal defense costs.

SBTC and an individual commenter expressed that FMCSA, not the trucking industry, should bear administrative costs related to operating the UCR's technical platform.

OOIDA stated that FMCSA should review the UCR Board's contract and administrative expenses to ensure that registrants are not paying more than necessary to fulfill the UCR's statutory purposes.

FMCSA Response: When Congress established the UCR Plan, it recognized that the UCR Plan would incur administrative costs that would be funded through registration fees (49 U.S.C. 14504a(d)(7)(A)(i) and (h)(3)(B)). Congress did not then, and has not since, authorized any appropriations for funding UCR programs, including legal fees. FMCSA finds it reasonable and necessary for the UCR Plan to have sufficient resources to defend itself in litigation. FMCSA also finds it reasonable and necessary for the Plan to maintain a technical platform and to include the cost of the platform in its administrative expenses. The statute authorized such expenditures by the UCR Plan and, conversely, does not give FMCSA authority to absorb the cost of operating such a platform.

The UCR Act expressly authorizes the UCR Board to contract with any person or State agency for administrative functions but does not allow the Board to delegate decision or policy-making responsibilities (49 U.S.C. 14504a(d)(6)). The Board considers and votes on each contract in open meetings. FMCSA's oversight of these contracts is limited to the participation of the FMCSA Deputy Administrator (or other presidential appointee within DOT) as a statutory board member.

6. Request To Extend the Comment Period

Comments: SBTC submitted a comment to point out that the UCR's recommendation letter was not accessible in the docket and requested a 30-day comment period extension to provide industry with an opportunity to inspect the supporting documents. An individual commenter echoed SBTC's concerns.

FMCSA Response: Due to an administrative error, the supporting documents were not placed in the docket when the NPRM published. After SBTC informed the Agency of this fact, FMCSA ensured the supporting documents were displayed in the docket on April 24, 2026. The Agency then issued a notice to extend the comment period by 20 days, which was the exact timeframe this documentation was unavailable (91 FR 23383). By extending the comment period from May 7, 2026 to May 26, 2026, FMCSA ensured that the public had at least 30 days to comment on the NPRM after the supporting documentation was available.

7. Concerns About the UCR Fee Calculation Method for Registration Year 2027

Comments: SBTC and an individual commenter claimed that the method in which the 2027 registration fees were projected by the UCR Plan was inaccurate. They explained the UCR Plan could not have accurately projected revenue since the recommendation letter addressed to the Secretary recommending the fee increase was dated on September 18, 2025 following a UCR Board meeting held in August 2025. SBTC explained that it rejects the calculation method since the UCR Plan did not allow the year to end to make a more precise determination based on the previous year's data. Another commenter suggested that, if the data were collected after June 30, 2025, it would prompt a fee decrease. The commenter added that any projected revenue shortfalls should be covered by the UCR Plan's investment revenue rather than as an additional burden on small businesses.

NPGA also commented that it opposes fee increases in subsequent years. It states that "While FMCSA evaluates cost changes based on shortfalls from prior years, imposing a blanket 20% increase for 2028 and future years without any analysis would be arbitrary and capricious."

FMCSA Response: The statute requires the Board to recommend fees based on "the revenues generated in the previous year and any surplus or shortage from that or prior years" 49 U.S.C. 14504a(d)(7)(A)(ii). However, the Plan assesses fees for any given "fee year" over a two year period: collections begin on October 1 of the year preceding the fee year to allow for advance registration and close on December 31 of the year following the fee year to allow for late registrations and dispute resolutions. Therefore, it is not possible for the Board to know the precise amount collected in a fee year before it must make a recommendation for an upcoming fee year. If the recommended fees, once adopted, result in excess collections, those are later returned to registrants in the form of reduced fees in future years; if they result in shortages, the UCR Board must seek future fee increases.

The fee calculations provided by the UCR Board include both actual collections through July 31, 2025 and projected collections for the remainder of the 2025 fee year. The Board provided extensive supporting information detailing how it determined projected collections based on trends from previous fee years. FMCSA has previously approved of the Board's method of calculating the amount of fees collected over the course of a fee year and finds that the current recommendation adheres to that methodology. Although one commenter contended that including collections after June 30, 2025 would prompt a fee decrease, FMCSA notes that the Board's submission includes actual collections through July 31, 2025, and reasonable projections of collections for the remainder of the fee year. FMCSA finds that any discrepancy between projected and actual collections is likely to be

[3] The motion denial is available in the docket for this rulemaking.

minor and to have little overall impact on the Plan's shortfall,[4] and consequently no material impact on the amount of the fees assessed to registrants.

Regarding NPGA's comment, FMCSA is not authorizing a 20 percent increase each year in perpetuity. Rather, the rule is authorizing a single fee increase that will take place in the 2027 fee year. The fee schedule for 2027 will then remain in effect until it is adjusted by a future rulemaking and consistent with the statutory criteria. The UCR Board will either make a fee adjustment recommendation or notify the Agency that it is not recommending any adjustments, in sufficient time for the Agency to complete any necessary rulemaking process before the next fee year (*i.e.*, prior to October 1, 2028).

8. Small Business Concerns

Comments: An individual expressed concern about the effect of the fee increase on small carriers and suggested that FMCSA explore alternatives such as establishing a phased increase in fees or a relief system for smaller carriers. Pink Cheetah Express, LLC and another individual specifically mentioned the effects on small businesses when discussing general operational costs. OOIDA stated that the current structure is particularly burdensome for single truck operators and small fleet carriers because they are assessed disproportionately higher fees than large motor carriers.

FMCSA Response: FMCSA recognizes that small businesses are affected by this rule. For the smallest motor carriers and small brokers, the increase is $9 per year; for the next-larger bracket, the increase is $29 per year. These increases likely represent a small percentage of annual revenue and are not disproportionately higher for small motor carriers than for large ones. The brackets are arranged such that motor carriers at the smaller end of each bracket do pay more, expressed on a per-vehicle basis, than motor carriers at the larger end of each bracket. This is unavoidable, given the statutory directive to have no more than six fee brackets (49 U.S.C. 14504a(f)(1)(C)).[5] However, the proposal adopted here raises the fee by approximately $9.41 per vehicle for the smallest motor carriers in each respective bracket (ranging from $9 to $9.67). Similarly, the overall per-truck cost of registering in 2027 is similar for the smallest motor carriers in each of the six fee brackets at approximately $54.11 to $55.67 per truck, depending on the bracket.

As required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA),[6] FMCSA has considered the effects of the regulatory action approved in this final rule on small businesses and other small entities and to minimize any significant economic impact. The analysis for this consideration is set out below in the Regulatory Analysis in section VII.D. Based on this analysis, FMCSA has concluded and is certifying that this final rule will not have a significant economic impact on a substantial number of small entities, because the fee increase is less than one percent of the revenues or costs of small motor carriers and other small entities.

9. Entities Included in Registration Brackets

Comment: James Lamb, who serves as Executive Director of SBTC, commented that "multi-billion dollar [third-party logistics] freight brokerages" are categorized in the smallest fee bracket and should pay higher fees.

FMCSA Response: By statute, freight brokers pay the fee listed for the smallest fee bracket (49 U.S.C. 14504a(f)(1)(A)(ii)). FMCSA has no authority to require freight brokers or logistics companies to pay the UCR registration fees assessed for other brackets.

10. Comment Urging Larger Increase in Fees

Comment: A commenter stated that the fees are too low and need to be set at a higher rate than the proposed amount for cost recovery.

FMCSA Response: The statute requires that the UCR Plan assess the collection of only the amounts necessary to provide each participating State its annual entitlement and to cover the costs of administering the UCR Plan and Agreement. Therefore, the UCR Board may not recommend fee increases that are calculated to create a surplus. If a surplus occurs, the extra money must be returned to the motor carrier industry through reduced fees in future years. The documentation provided by the UCR Board demonstrates that the proposed fee increase is calculated to provide the State entitlements and reasonable administrative expenses without creating a surplus, therefore FMCSA believes the fees should not be higher than proposed.

11. Conformance With Various Federal Statutes and Executive Orders

Comments: Obelisk Tech Systems, Inc. (Obelisk) filed a comment stating that the NPRM failed to comply with numerous statutes and Executive Order (E.O.) 12866 and other E.O.s. It asked FMCSA to withhold final rule action until these alleged defects are cured.

FMCSA Response: FMCSA addresses each point in Obelisk's comment as follows:

A. Independent Offices Appropriations Act (IOAA) User Fee Justification Under 31 U.S.C. 9701 and OMB Circular A–25, User Charges

Obelisk contends FMCSA failed to document IOAA user fee justification under 31 U.S.C. 9701 and OMB Circular A–25. However, the cited statute and Circular do not affect UCR registration fees. This is because the registration fees are not a "charge for a service or thing of value provided by the agency." Rather, these fees are designed to generate revenue for States to use in highway safety programs. Therefore, the UCR registration fees are not the type of fees or charges contemplated by 31 U.S.C. 9701. Although FMCSA is prescribing regulations to set fees, FMCSA is not compelled to ensure they meet the requirements of 49 U.S.C. 9701(b)(1) and (2).

Moreover, Congress specifically authorized and prescribed the method for setting UCR registration fees in 49 U.S.C. 14504a, which was implemented many years after IOAA. When a statute sets out a specific purpose and methodology, this supersedes general requirements that may exist based on an earlier statute.

B. Failure To Document UCR Act Statutory Fee Authority Under 49 U.S.C. 14504a(f)

Obelisk states that FMCSA failed to document the specific fee-setting procedures in 49 U.S.C. 14504a(f). However, section VI of the NPRM specifically describes the reasons for the Board's proposed fee adjustment and the Agency's evaluation of the recommendation.

[4] FMCSA also notes that the shortfall amount could actually increase, rather than decrease, if actual collections are lower than projected collections.

[5] The Agency considered comments on the bracket structure when the fees were initially established, 72 FR 48585 (Aug. 24, 2007). FMCSA determined that the brackets complied with statutory requirements, and the fact that motor carriers of similar sizes may pay different amounts depending on which bracket they were placed in was an expected result of a fee scale based on applying uniform fees to entities with a range of fleet sizes (*Id.* at 48586).

[6] Public Law 104–121, 110 Stat. 857, (Mar. 29, 1996).

C. Failure To Conduct Cost-Benefit Analysis Under E.O. 12866, Regulatory Planning and Review, and OMB Circular A–4, Regulatory Analysis

Obelisk states that the NPRM does not document the cost-benefit analysis required for significant rules under E.O. 12866 and OMB Circular A–4. Although the NPRM and this final rule were not designated by OMB as significant, FMCSA has considered the potential costs and benefits of this action, and determined that there are none. FMCSA discusses below the expected impacts, consistent with the requirements of E.O. 12866 and Circular A–4.

D. Failure To Conduct Regulatory Flexibility Analysis Under 5 U.S.C. 603

Obelisk contends that "UCR fees fall heavily on small carriers," and the NPRM does not contain an adequate regulatory flexibility analysis. However, the NPRM contains the required regulatory flexibility analysis in Section VII.D.

E. Failure To Address SBREFA Section 213 Small Business Outreach Under Public Law 104–121

Obelisk states that agency outreach to small businesses on significant proposed rules is required. This characterization is not aligned with the text of Public Law 104–121, codified in the note to 5 U.S.C. 601, which states that, "Whenever appropriate in the interest of administering statutes and regulations within the jurisdiction of an agency, which regulates small entities, it shall be the practice of the agency to answer inquiries by small entities concerning information on, and advice about, compliance with such statutes and regulations, interpreting and applying the law to specific sets of facts supplied by the small entity." While this section does not affect the rulemaking, FMCSA answers inquiries by small businesses about UCR fees when received.

F. Failure To Document Analysis Under E.O. 13132, Federalism

Obelisk states that the UCR is a State-administered fee program and federalism analysis is required under E.O. 13132. The NPRM contains a federalism analysis at Section VIII.H.

G. Failure To Document Unfunded Mandates Reform Act (UMRA) Compliance Under 2 U.S.C. 1531–1538

Obelisk contends that UCR fee changes may impose unfunded mandates and that the NPRM does not properly document its analysis of such unfunded mandates. FMCSA disagrees that the registration fees proposed in the NPRM contain unfunded mandates. UMRA requirements are imposed on proposed rules that "may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any 1 year. . . ." (49 U.S.C. 1532(a)). This rule does not impose any costs, and therefore an UMRA assessment is not required.

H. Failure To Document Congressional Review Act Submission Under 5 U.S.C. 801–808

Obelisk states that FMCSA failed to address the Agency's plan for submitting the final rule to Congress and the Comptroller General. However, agencies are not required to document such a plan when issuing an NPRM; the requirements of the Congressional Review Act are triggered upon issuance of a final rule. FMCSA submits all rules for review under the procedures set out in 5 U.S.C. 801.

I. Failure To Document Centralized Regulatory Review Under E.O. 12866 Section 3(f) and E.O. 14094, Modernizing Regulatory Review

Obelisk contends that the NPRM does not document significant determination, OMB Office of Information and Regulatory Affairs (OIRA) review status, or E.O. 14094 modernized review compliance. However, section VIII.A of the NPRM states that OIRA determined that the NPRM was not a significant regulatory action and did not review it under section 3(f) of E.O. 12866. In addition, E.O. 14148, Initial Rescissions of Harmful Executive Orders and Actions, revoked E.O. 14094.

J. Failure To Provide Reasoned Explanation Under State Farm, Encino, and Loper Bright

Obelisk states, "Post-Loper Bright (2024), agencies bear heightened documentation burden for reasoned explanation. The notice does not adequately document factors considered or alternatives evaluated." Obelisk does not explain what, specifically, it believes the Agency failed to consider or to document. FMCSA reviewed the Board's recommendation on UCR registration fee adjustments, as statutorily required, and explained the process and reasoning in the NPRM. The factors that FMCSA considered are adequate.

K. Failure To Address Motor Carrier Safety Impact Under 49 U.S.C. Chapter 311

Obelisk states, "FMCSA's primary statutory mission is motor carrier safety. UCR fee changes may affect safety compliance investment by small carriers. The notice does not document the safety impact analysis." FMCSA disagrees that such analysis is necessary. UCR registration fees are under the Agency's commercial statutes, found in 49 U.S.C. ch. 145. This authority is separate from the Agency's safety authority in Chapter 311. The statute governing the UCR Plan and Agreement, including the determination of fees, is 49 U.S.C. 14504a. This statute does not require an analysis of safety impacts.

L. Failure To Document PRA Compliance Under 44 U.S.C. 3501–3521

Obelisk states that, to the extent the rule modifies information collections, it does not document those burdens. As stated in section VIII.G of the NPRM, the proposed rule does not contain any new information collection requirements.

M. Failure To Address Cumulative Regulatory Burden on Small Carriers

Obelisk states that small motor carriers face cumulative Federal regulatory burdens across multiple agencies but the notice does not document this analysis. However, there is no statutory mandate for agencies to conduct this analysis. Moreover, the regulation is not expected to lead to a cost burden since the fees are transfers, as explained below in section VII. A. Any impact to the cumulative regulatory burden for motor carriers is expected to be minor and is the result of transfers rather than regulatory costs.

N. Failure To Document UCR Plan and Agreement Governance Process

Obelisk contends that the NPRM does not document Board consultation, voting record, or State participation in the fee proposal. The docket contains the Board's letter to the Secretary recommending a fee adjustment, as well as the Board's methodology in calculating the proposed adjustment. This recommendation complies with the statutory requirements in 49 U.S.C. 14504a.

O. Failure To Comply With E.O. 13272, Proper Consideration of Small Entities in Agency Rulemaking, SBA Office of Advocacy Consultation

Obelisk contends that E.O. 13272 requires consultation with the Small Business Administration Chief Counsel for Advocacy, but the NPRM did not document such consultation. However, this rule does not require consultation as described by Obelisk; rather, it requires the Chief Counsel for Advocacy to be available to advise agencies on

request, and agencies to notify the Chief Counsel for Advocacy of any rules that have a significant economic impact on a substantial number of small entities. As previously discussed, this rule was determined not to have such impact.

12. Comment in General Support of Fee Increase

Comment: One commenter stated that UCR fees directly support State motor carrier safety programs and enforcement activities, and that States would have to raise other regulatory fees if they did not receive this revenue through the UCR Plan. The commenter stated that the current fee is necessary to ensure States receive the required funding.

FMCSA Response: FMCSA agrees with this commenter.

C. Final Rule

FMCSA appreciates the commenters' feedback regarding this rulemaking and has taken all within-scope comments into consideration. For the UCR Plan to secure both the funds for required distribution of statutory entitlements to all participating States and the funds for administration of the UCR Agreement, the UCR Plan must generate sufficient revenue, which can only be accomplished by a fee increase, as permitted, and required, by the UCR statute. The upward adjustment in fees for the 2027 registration year will provide an additional $21.79 million to meet the overall statutory revenue requirement of $118 million. The UCR statute provides for the UCR Plan to request an adjustment in the fees, within a reasonable range, by the Secretary when the fees will be insufficient to provide the annual revenue entitlements to which the participating States are entitled (49 U.S.C. 14504a(f)(1)(E)(i)).

FMCSA also notes that the excess collections from past years have now been depleted. Even after the 2025 and 2027 fee increases, the fee levels for the 2027 registration year will still be less than the fees that were in effect from 2019 to 2022. FMCSA has determined that the proposed increase is necessary and reasonable, and finalizes it without modification.

VI. Section-by-Section

FMCSA removes the current 49 CFR 367.30 (Fees under the Unified Carrier Registration Plan and Agreement for Registration Year 2023), as that registration year is now closed for all purposes and fee collections are complete. This section is therefore obsolete.

FMCSA redesignates the current section 367.40 (Fees under the Unified Carrier Registration Plan and Agreement for Registration Year 2024) as section 367.30. FMCSA also revises current section 367.50 (Fees Under the Unified Carrier Registration Plan and Agreement for Registration Years Beginning in 2025 and Each Subsequent Registration Year Thereafter), retitles the section to indicate that this fee schedule expires in the 2026 registration year, and redesignates it as section 367.40. Finally, FMCSA adds a new section 367.50 that establishes new, increased fees applicable beginning in registration year 2027, based on the recommendation submitted by the UCR Plan in its September Fee Recommendation. The fees in new section 367.50 will remain in effect for subsequent registration years after 2027 unless revised by a future rulemaking.

VII. Regulatory Analyses

A. E.O. 12866 (Regulatory Planning and Review) and DOT Rulemaking Procedures

FMCSA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993) and DOT Rulemaking Procedures (49 CFR part 5, subpart B). OMB determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866 and has not reviewed it under that E.O.

This rule will increase the registration fees paid by motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies to the UCR Plan and the participating States. Although the increase in fees is a private cost to covered entities, fees are considered by OMB Circular A–4, Regulatory Analysis, as transfer payments, not costs. Transfer payments are payments from one group to another that do not affect total resources available to society. By definition transfers are not considered in the monetization of societal costs and benefits of rulemakings.

This rule establishes increases in the annual registration fees for the UCR Plan and Agreement. The entities affected by this rule are the participating States, motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. Because the State UCR revenue entitlements will remain unchanged, the participating States will not be impacted by this rule. The primary impact of this rule will be an increase in fees paid by individual motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. The increase in fees for the 2027 registration year from the 2025 registration year fees will be an average of 20 percent, ranging from $9 to $9,329 per entity, depending on the number of vehicles owned or operated by the affected entities.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation, issued on January 31, 2025 (90 FR 9065), requires that, for every new regulation issued by an agency, at least 10 prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process. This final rule is nonsignificant under E.O. 12866 and is expected to have total costs equivalent to zero, and therefore does not qualify as either an E.O. 14192 regulatory or an E.O. 14192 deregulatory action.[7]

C. Congressional Review Act

This rule is not a *major rule* as defined under the Congressional Review Act (5 U.S.C. 801–808).[8]

D. Regulatory Flexibility Act (Small Entities)

The RFA (5 U.S.C. 601 *et seq.*), as amended by SBREFA,[9] requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)). Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses.

This rule will directly affect the participating States, motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. Under the standards of the RFA, as amended by SBREFA, the

[7] Executive Office of the President, Office of Management and Budget, Guidance Implementing Section 3 of Executive Order 14192, Titled "Unleashing Prosperity Through Deregulation," Memorandum M–25–20 (March 26, 2025).

[8] A *major rule* means any rule that OMB finds has resulted in or is likely to result in (a) an annual effect on the economy of $100 million or more; (b) a major increase in costs or prices for consumers, individual industries, geographic regions, Federal, State, or local government agencies; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets (5 U.S.C. 804(2)).

[9] Public Law 104–121, 110 Stat. 857, (Mar. 29, 1996).

participating States are not small entities. States are not considered small entities because they do not meet the definition of a small entity in section 601 of the RFA. Specifically, States are not considered small governmental jurisdictions under section 601(5) of the RFA, both because State government is not included among the various levels of government listed in section 601(5), and because, even if this were the case, no State or the District of Columbia has a population of less than 50,000, which is the criterion by which a governmental jurisdiction is considered small under section 601(5) of the RFA.

The Small Business Administration's (SBA) size standard for a small entity (13 CFR 121.201) differs by industry code. The entities affected by this rule fall into many different industry codes. In order to determine if this rule will have an impact on a significant number of small entities, FMCSA examined the 2022 Economic Census data for two different North American Industry Classification System (NAICS) industries: Truck Transportation (subsector 484) and Transit and Ground Transportation (subsector 485).

As shown in the table below, the SBA size standards for the national industries under the Truck Transportation and Transit and Ground Transportation subsectors range from $19.0 million to $43.0 million in revenue per year. To determine the percentage of firms that have revenue at or below SBA's thresholds within each of the NAICS national industries, FMCSA examined data from the 2022 Economic Census.[10] Boundaries for the revenue categories used in the Economic Census do not exactly coincide with the SBA thresholds. Instead, the SBA threshold generally falls between two different revenue categories. However, FMCSA was able to make reasonable estimates as to the percentage of small entities within each NAICS code.

The percentages of small entities with annual revenue less than the SBA's threshold ranged from 86.4 percent to 100 percent. Specifically, approximately 86.4 percent of All Other Transit and Ground Passenger Transportation (485999) firms had annual revenue less than the SBA's revenue threshold of $19.0 million and would be considered small entities. FMCSA estimates 100 percent of firms in the Mixed Mode Transit Systems (485111) national industry had annual revenue less than $29.0 million and would be considered small entities. The table below shows the complete estimates of the number of small entities within the national industries that may be affected by this rule.

TABLE 3—ESTIMATES OF NUMBER OF SMALL ENTITIES

NAICS code	Description	SBA size standard in millions	Total number of firms	Number of small entities	Percent of all firms
484110	General Freight Trucking, Local	$34.0	29,383	29,363	99.9
484121	General Freight Trucking, Long Distance, Truckload	34.0	36,043	35,864	99.5
484122	General Freight Trucking, Long Distance, Less Than Truckload	43.0	4,895	4,856	99.2
484210	Used Household and Office Goods Moving	34.0	7,217	7,200	99.8
484220	Specialized Freight (except Used Goods) Trucking, Local	34.0	23,787	23,763	99.9
484230	Specialized Freight (except Used Goods) Trucking, Long Distance.	34.0	8,029	7,960	99.1
485111	Mixed Mode Transit Systems	29.0	12	12	100.0
485113	Bus and Other Motor Vehicle Transit Systems	32.5	224	216	96.4
485210	Interurban and Rural Bus Transportation	32.0	372	372	100.0
485320	Limousine Service	19.0	2,978	2960	99.4
485410	School and Employee Bus Transportation	30.0	2,131	2,118	99.4
485510	Charter Bus Industry	19.0	940	864	91.9
485999	All Other Transit and Ground Passenger Transportation	19.0	1,158	1,000	86.4

Therefore, while FMCSA has determined that this rule will impact a substantial number of small entities, it has also determined that the rule will not have a significant impact on them. The effect of this rule will be to increase the annual registration fee that motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies are currently required to pay. The increase would be 20 percent on average, or $9 to $9,329 per entity, depending on the number of vehicles owned or operated by the affected entities. For example, as discussed above, the per-vehicle fee will increase by approximately $9.41 for the smallest motor carriers in each respective bracket (ranging from $9 to $9.67).

Although the RFA does not define a threshold for determining whether a specific regulation results in a significant impact, the SBA, in guidance to government agencies, provides some objective measures of significance that the agencies can consider using. One measure that could be used to illustrate a significant impact is labor costs; specifically, whether the cost of the regulation exceeds one percent of the average annual revenues of small entities in the sector. Given that entities owning between one and two commercial motor vehicles would experience an increase of $9, a small entity would need to have average annual revenue of less than $900 to experience an impact greater than 1 percent of average annual revenue. This is an average annual revenue that is smaller than would be required for a firm to support one employee. The increased fee amount and impact on revenue increase linearly depending on the applicable fee bracket.

Consequently, FMCSA certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

E. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FMCSA wants to assist small entities in understanding this final rule so they can better evaluate its effects on themselves and participate in the rulemaking

[10] U.S. Census Bureau, *2022 Economic Census*, Table EC2200SIZEEMPFIRM—Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for U.S.: 2022, available at: *https://data.census.gov/table?q=EC2200SIZEREVFIRM&codeset=naics~484220:484230:485320* (accessed Jun. 1, 2026).

initiative. If the final rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's Small Business and Agriculture Regulatory Enforcement Ombudsman (Office of the National Ombudsman, see *https://www.sba.gov/about-sba/oversight-advocacy/office-national-ombudsman*) and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

F. Unfunded Mandates Reform Act of 1995

UMRA (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. The Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of $206 million (which is the value equivalent of $100 million in 1995, adjusted for inflation to 2024 levels) or more in any one year. Although this final rule will not result in such an expenditure, and the analytical requirements of UMRA do not apply as a result, the Agency discusses the effects of this rule in sections VII. A. and VII. C. of this analysis.

G. Paperwork Reduction Act

This final rule contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

H. E.O. 13132 (Federalism)

A rule has implications for federalism under section 1(a) of E.O. 13132 if it has "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

FMCSA has determined that this rule will not have substantial direct costs on or for States, nor would it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation. Therefore, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

I. Privacy

The Consolidated Appropriations Act, 2005,[11] requires the Agency to assess the privacy impact of a regulation that will affect the privacy of individuals. This rule will not require the collection of personally identifiable information (PII). The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency that receives records contained in a system of records from a Federal agency for use in a matching program.

The E-Government Act of 2002,[12] requires Federal agencies to conduct a Privacy Impact Assessment (PIA) for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or substantially changed technology will collect, maintain, or disseminate information as a result of this rule. Accordingly, FMCSA has not conducted a PIA.

In addition, the Agency submitted a Privacy Threshold Assessment (PTA) to evaluate the risks and effects the rulemaking may have on collecting, storing, and sharing PII. The PTA was adjudicated by DOT's Chief Privacy Officer on May 28, 2026.

J. E.O. 13175 (Indian Tribal Governments)

This rule does not have Tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

K. National Environmental Policy Act of 1969

FMCSA analyzed this rule pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under DOT Order 5610.1D,[13] Subpart B, Subsection e, paragraph (6)(h). The categorical exclusion (CE) in paragraph (6)(h) covers regulations and actions taken pursuant to regulation implementing procedures to collect fees that will be charged for motor carrier registrations. The requirements in this final rule are covered by this CE.

List of Subjects in 49 CFR Part 367

Brokers, Freight, Freight forwarders, Insurance, Intergovernmental relations, Motor carriers, Surety bonds.

Accordingly, FMCSA amends title 49 CFR, subtitle B, chapter III, part 367 as follows:

PART 367—STANDARDS FOR REGISTRATION WITH STATES

■ 1. The authority citation for part 367 continues to read as follows:

Authority: 49 U.S.C. 13301, 14504a; and 49 CFR 1.87.

§ 367.30 [Removed]

■ 2. Remove § 367.30.

§ 367.40 [Redesignated as § 367.30]

■ 3. Redesignate § 367.40 as § 367.30.

§ 367.50 [Redesignated as § 367.40]

■ 4. Redesignate § 367.50 as § 367.40.

■ 5. Revise newly redesignated § 367.40 to read as follows:

§ 367.40 Fees under the Unified Carrier Registration Plan and Agreement for Registration Years Beginning in 2025 and Ending in 2026.

[11] Public Law 108–447, 118 Stat. 2809, 3268, note following 5 U.S.C. 552a (Dec. 8, 2004).

[12] Public Law 107–347, sec. 208, 116 Stat. 2899, 2921 (Dec. 17, 2002).

[13] Available at *https://www.transportation.gov/mission/dots-procedures-considering-environmental-impacts.*

TABLE 1 TO § 367.40—FEES UNDER THE UNIFIED CARRIER REGISTRATION PLAN AND AGREEMENT FOR REGISTRATION YEARS BEGINNING IN 2025 AND ENDING IN 2026

Bracket	Number of commercial motor vehicles owned or operated by exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for broker or leasing company
B1	0–2	$46	$46
B2	3–5	138	
B3	6–20	276	
B4	21–100	963	
B5	101–1,000	4,592	
B6	1,001 and above	44,836	

■ 6. Add a new § 367.50 to read as follows:

§ 367.50 Fees under the Unified Carrier Registration Plan and Agreement for Registration Year 2027 and Subsequent Years

TABLE 1 TO § 367.50—FEES UNDER THE UNIFIED CARRIER REGISTRATION PLAN AND AGREEMENT FOR REGISTRATION YEAR 2027 AND SUBSEQUENT YEARS

Bracket	Number of commercial motor vehicles owned or operated by exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for broker or leasing company
B1	0–2	$55	$55
B2	3–5	167	
B3	6–20	333	
B4	21–100	1,163	
B5	101–1,000	5,548	
B6	1,001 and above	54,165	

Issued under authority delegated in 49 CFR 1.87.

Derek D. Barrs,

Administrator.

[FR Doc. 2026–17893 Filed 8–31–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 260305–0067; RTID 0648–XF989]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Greater Than or Equal to 50 Feet Length Overall Using Hook-and-Line Gear in the Central Regulatory Area of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher vessels greater than or equal to 50 feet (15.2 meters (m)) length overall using hook-and-line (HAL) gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2026 total allowable catch (TAC) of Pacific cod allocated to catcher vessels greater than or equal to 50 feet (15.2 m) length overall using HAL gear in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), September 1, 2026, through 2400 hours, A.l.t., December 31, 2026.

FOR FURTHER INFORMATION CONTACT: Abby Jahn, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared and recommended by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The annual 2026 Pacific cod TAC allocated to catcher vessels greater than or equal to 50 feet (15.2 m) length overall using HAL gear in the Central Regulatory Area of the GOA is 1,387 metric tons (mt) as established by the final 2026 and 2027 harvest specifications for groundfish in the GOA (91 FR 11902, March 11, 2026).

The Regional Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the annual 2026 Pacific cod TAC allocated to catcher vessels greater than or equal to 50 feet (15.2 m) length overall using HAL gear in the Central Regulatory Area of the

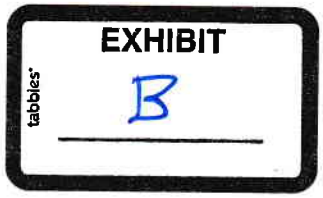


Exhibit I
UCR Plan Board Meeting Minutes
July 23 & 24, 2007

U.S. Department
of Transportation

Deputy Administrator

1200 New Jersey Ave., S.E.
Washington, D.C. 20590

Federal Motor Carrier
Safety Administration

JUL 2 0 2007

Refer to: MC-ESL

Mr. Avelino Gutierrez
Chairperson, Unified Carrier Registration
Board of Directors
1120 Pasco de Peralta
Santa Fe, NM 87504

Dear Mr. Gutierrez:

The Federal Motor Carrier Safety Administration (FMCSA) has modified its computer systems to ensure the implementation of the Unified Carrier Registration Agreement (UCRA) moves forward in a timely manner. The purpose of this letter is to provide information on the data available to the States from our systems and to provide FMCSA's information technology (IT) requirements for receipt of UCR data sent from the participating State agencies.

Enclosed is documentation describing these IT specifications. This documentation (**Schema Requirements for States to Send UCR data to FMCSA**) includes the required schema for a State to upload data to FMCSA's Safety and Fitness Electronic Records (SAFER) system so that State and Federal enforcement personnel have access to the UCRA registration payment data while either inspecting a vehicle or viewing a carrier's safety data online.

The FMCSA will also provide a schema containing the required file format and transmission information to be used by participating agencies who wish to receive a file from SAFER for the State's use in populating their UCR IT systems upon that agency's request.

The FMCSA will only send and receive these data files mentioned above to those States who are participating in the UCR Plan and Agreement and who have provided the Agency with a UCRA State Plan. These files will only be provided to the State agency listed on each individual State Plan.

In addition, since the use of the data provided by FMCSA to the States for UCR purposes is the same data provided to the State's Motor Carrier Safety Assurance Program (MCSAP) office, the use of this data is governed by the terms of the MCSAP grant agreement.

Also as requested at the June UCR Board meeting in Indianapolis, FMCSA has removed the password requirement to view UCR payment information on SAFER. Thus, anyone with internet access will be able to go onto the SAFER Web site and see whether or not an entity has paid its UCR fee.

I would like to again emphasize the need for States participating in the UCR program to provide FMCSA with an IT contact person. Since the June Board meeting, only a small number of States have provided FMCSA with this information.

If you have questions or concerns regarding this matter, please contact Jim Davis of my staff at (202) 366-6406 or via electronic mail at james.davis@dot.gov.

Sincerely yours,



David H. Hugel

Enclosure

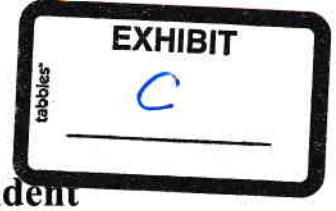
Enclosure

Schema Requirements for States to Send UCR data to FMCSA

```
<?xml version="1.0"?>
<!-- edited with XMLSpy v2005 rel. 3 U (http://www.altova.com) by Andrew Wilson
(The Volpe Center) -->
<schema xmlns="http://www.w3.org/2001/XMLSchema"
xmlns:ts="http://infosys.fmcsa.dot.gov/namespaces/UCRInputTransactionV1"
targetNamespace="http://infosys.fmcsa.dot.gov/namespaces/UCRInputTransactionV1"
elementFormDefault="qualified">
        <!-- FMCSA Uniform Carrier Registration Input Transaction,
UCRInputTransaction, vers. 1 -->
        <include schemaLocation="globalTypes.xsd"/>
        <!-- Root element -->
        <element name="UniformCarrierRegistration" type="ts:UCRInputV1Type"/>
        <!-- Root element type -->
        <complexType name="UCRInputV1Type">
                <sequence>
                        <element name="Interface" type="ts:interfaceHeaderType"/>
                        <element name="TransactionType" type="ts:transHeaderType"/>
                        <element name="UCRRegistration"
type="ts:UCRRegistrationType" maxOccurs="5000"/>
                </sequence>
        </complexType>
        <!-- Interface Header type -->
        <complexType name="interfaceHeaderType">
                <sequence>
                        <element name="InterfaceName" type="string"
fixed="FMCSA"/>
                        <element name="InterfaceVersion" type="string" fixed="01.00"/>
                </sequence>
        </complexType>
        <!-- Transaction Header type -->
        <complexType name="transHeaderType">
                <sequence>
                        <element name="TransactionVersion" type="string"
fixed="01.00"/>
                        <element name="Operation" type="string" fixed="Replace"/>
                        <element name="TimeStamp" type="dateTime"/>
                        <element name="TimeZone" type="ts:globalTimeZoneType"/>
                </sequence>
        </complexType>
        <complexType name="UCRRegistrationTransactionType">
                <sequence>
```

```
                    <element name="UCRRegistration"
type="ts:UCRRegistrationType"/>
                </sequence>
        </complexType>
        <!-- Company Indentification Type -->
        <complexType name="CompanyIdentificationType">
                <sequence>
                    <element name="CompanyUSDOTNumber" minOccurs="0">
                        <simpleType>
                            <restriction base="string">
                                <maxLength value="12"/>
                            </restriction>
                        </simpleType>
                    </element>
                    <element name="CompanyMCNumber" minOccurs="0">
                        <simpleType>
                            <restriction base="string">
                                <maxLength value="8"/>
                            </restriction>
                        </simpleType>
                    </element>
                    <element name="CompanyFreightForwarderNumber"
minOccurs="0">
                        <simpleType>
                            <restriction base="string">
                                <maxLength value="8"/>
                            </restriction>
                        </simpleType>
                    </element>
                    <element name="MC_MX_TAG" minOccurs="0">
                        <simpleType>
                            <restriction base="string">
                                <enumeration value="MC"/>
                                <enumeration value="MX"/>
                                <!-- Interstate Carrier -->
                                <!-- Intrastate Carrier -->
                            </restriction>
                        </simpleType>
                    </element>
                    <element name="CompanyInterstateFlag">
                        <simpleType>
                            <restriction base="string">
                                <enumeration value="Y"/>
                                <enumeration value="N"/>
                                <!-- Interstate Carrier -->
                                <!-- Intrastate Carrier -->
```

```
                                    </restriction>
                                </simpleType>
                            </element>
                        </sequence>
                    </complexType>
                    <complexType name="UCRRegistrationType">
                        <sequence>
                            <element name="CompanyIdentification"
type="ts:CompanyIdentificationType"/>
                            <element name="RegistrationFeePaid">
                                <simpleType>
                                    <restriction base="string">
                                        <enumeration value="Y"/>
                                        <enumeration value="N"/>
                                        <!-- Fee Paid -->
                                        <!-- Fee Not Paid -->
                                    </restriction>
                                </simpleType>
                            </element>
                            <element name="RegistrationYear">
                                <simpleType>
                                    <restriction base="string">
                                        <maxLength value="4"/>
                                    </restriction>
                                </simpleType>
                            </element>
                            <element name="RegistrationUpdateDate" type="date"
minOccurs="0"/>
                            <element name="RegistrationBaseState"
type="ts:globalFullJurisdictionType" minOccurs="0"/>
                            <element name="RegistrationOperatingStates"
type="ts:RegistrationOperatingStatesType" minOccurs="0"/>
                        </sequence>
                    </complexType>
                    <complexType name="RegistrationOperatingStatesType">
                        <sequence>
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type="ts:globalFullJurisdictionType" minOccurs="0" maxOccurs="60"/>
                        </sequence>
                    </complexType>
</schema>
```



Unified Carrier Registration Plan Reports Data Incident

The Unified Carrier Registration Plan (UCR) is reporting that, on March 28, 2019, a website vulnerability existed in its online National Registration System that could have potentially exposed a UCR registrant's Tax ID number for a period of 28 days in March 2019.

The UCR determined that, during the period of March 1, through March 28, a UCR registrant's Tax ID number was displayed in the status bar of the web browser of the receipt created upon completion of the registration process in the National Registration System. Immediately upon learning of the website vulnerability on March 28, the UCR eliminated the website vulnerability by completely removing the use of Tax ID numbers in the National Registration System.

Shortly thereafter, the UCR hired a leading independent cybersecurity firm to perform a forensic investigation into the event. The investigation produced the following conclusions:

- The only way to view a Tax ID number was by completing a successful login to the National Registration System public website between the dates of March 1, 2019, and March 28, 2019.
- The total number of registrant accounts open to possible Tax ID exposure during the period from March 1, 2019, through March 28, 2019, was approximately 30,000.
- There is no indication that a mass export of Tax ID numbers occurred during the period of March 1, 2019 through March 28, 2019. The exposure was limited to the exposure of a Tax ID number in the status bar of the web browser of the registration receipt.
- As of today, the UCR is confident that there is no further risk of Tax ID number exposure. The issue has been resolved since the afternoon of March 28, 2019, and no future occurrence of displaying the Tax ID numbers of registrants can occur.

Upon conclusion of the independent investigation, the UCR submitted the list of approximately 30,000 registrants to the Federal Motor Carrier Safety Administration (FMCSA) for further assistance. The UCR requested that the FMCSA run those entries through FMCSA's MCMIS database to determine the number of registrants who may have provided a Social Security Number to the database as the Tax ID number. The FMCSA determined that approximately 23,000 of these registrants may have provided a Social Security Number to the database as the Tax ID number. The UCR concluded, therefore, that these approximately 23,000 registrants were potentially open to Social Security Number exposure during the period from March 1, 2019, through March 28, 2019. UCR has elected to individually notify this pool of approximately 23,000 registrants (the "Notification Pool") of the March 2019 data event.

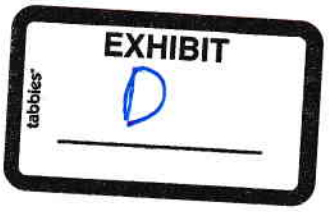
The UCR has retained a leading provider of data event response services to provide notification services to the Notification Pool. Notices were mailed out recently to the Notification Pool offering identity monitoring services in an effort to prevent any further inconvenience.

Protecting registrants' information is important to the UCR. The UCR hopes the identity monitoring services offered to the Notification Pool will alleviate any inconvenience or concern caused by this incident. The UCR upholds a continued commitment to the safety and security of its registrants.

The UCR was established by Congress in 2005 as an interstate compact responsible for developing, implementing, and administering the National Registration System. The UCR is independent of the United States Department of Transportation and the FMCSA.

See plan.ucr.gov for further information about the UCR.

Please contact privacy@legal.ucr.gov for questions regarding this data incident.



SBTC

Small Business in Transportation Coalition

October 13, 2026 Via Email & Docket Upload

Ms. Nelda Z. Smith, Principal Assistant Inspector General for Auditing and Evaluation
United States Department of Transportation Office of Inspector General
1200 New Jersey Ave SE, West Building, 7th Floor
Washington, D.C. 20590

Re: SBTC's Request to OIG for FMCSA Data Release & Security Audit of UCR.gov

Dear Ms. Smith,

The Small Business in Transportation Coalition (SBTC) hereby files this complaint with the USDOT's Office of the Inspector General and requests a formal audit of the FMCSA's pattern and practice of releasing, through daily download, independent truckers' personally-identifiable-information (PII) without their knowledge and consent to the so-called "UCR Plan" and its Seikosoft vendor in terms of compliance with the **Privacy Act.**

Under FMCSA's attached 2007 UCR data release policy, which FMCSA's FOIA office recently advised the SBTC has never been amended by FMCSA, FMCSA is to release truckers' PII **only** to bona fide UCR-participating state governments. Up until 2018, truckers' data were properly released by FMCSA to the state of Indiana, which is a state that participates in the "UCR Agreement," and operated the UCR platform under MOU with the UCR Board of Directors, copied here via email. In 2018, the UCR Plan ceased contracting with Indiana and instead contracted with a private IT company called Seikosoft, which now receives daily data downloads as the technical platform agent of the UCR Plan. However, as we recently brought to the attention of the U.S. Court of Appeals for the D.C. Circuit (Case No. 25-1290), neither the UCR Plan nor its technical platform vendor is a bona fide state government eligible to receive truckers' PII under the 2007-stated FMCSA data release policy or as a matter of the "routine use" exemption to the **Privacy Act.**

We believe Seikosoft is engaged in the practice of **"data mining"** in furtherance of its debt collection software marketed through www.seikosoft.com/simplicity/ and that having unfettered access to truckers' PII, including social security numbers, is a serious conflict of interest and poses significant risk for abuse of truckers' privacy rights under Federal law.

As a result of this unauthorized release and mishandling of PII data, SBTC discovered and reported to FMCSA in 2019 a UCR.gov data breach, which is reported by the UCR Plan to the public through its plan.ucr.gov website (see attached UCR press release).

Comes now, the SBTC to respectfully request an OIG audit of the security controls for the UCR.gov information technology infrastructure. Specifically, we request you please audit FMCSA's compliance with the **Privacy Act** and determine whether UCR.gov is (1) secure from further compromise; and (2) if security weaknesses currently exist within UCR.gov.

The UCR.gov site should be operated in accordance with the National Institute of Standards and Technology's (NIST) guidance on information security and DOT's cybersecurity policy since the UCR System Plan & Agreement is supposed to be a component of FMCSA under 49 U.S.C § 13908.[1] The public has the right to know whether FMCSA's UCR.gov management practices[2] create security weaknesses that make its IT infrastructure vulnerable to compromise and whether FMCSA's UCR.gov oversight practices (or lack thereof) for the network space UCR Plan contracts out creates risks for compromise. SBTC seeks to understand if UCR.gov maintains a complete inventory of its network devices because NIST's guidance and DOT's policy require Operating Administrations to maintain up-to-date inventories of systems' components and devices.

Thank you for your consideration.

Sincerely,

/s/ JAMES LAMB

SBTC Executive Director

cc: Hon. Secretary Duffy via email

Hon. Derek Barrs, FMCSA Administrator via email

FMCSA Staff, UCR Staff & Board Members et al

Laurence Socci, Esq. via email

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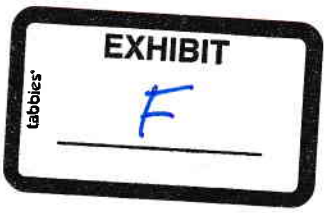
[1] https://www.fmcsa.dot.gov/ucr

[2] According to the **Federal Register,** UCR Plan is an FMCSA agency filer: https://www.federalregister.gov/agencies/unified-carrier-registration-plan

UCR Enforcement Penalties by State



State	Enforcement Penalties
AL	$100 first offense, $500 subsequent offense. No Out-of-Service.
AR	$100-500 first offense, $100-1,000 subsequent offenses.
AZ	None presently.
CA	State base fine of $300-1,000, plus specific fees that vary by county.
CO	$1,100 first offense, $2,200 second offense, $3,300 subsequent. No Out-of-Service.
CT	$170 fine.
FL	None presently.
GA	None presently.
HI	None presently.
ID	Misdemeanor punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding $1,000, or both. A citation would require a bond to be posted, the amount to be determined by a magistrate judge, but probably around $300.
IL	$300 first offense, $500 second offense.
IN	$150 first offense, $1,000 subsequent offense.
IA	$250 fine.
KS	Civil fines discovered at roadside $300, Civil fines through a compliance audit are $100-1,000 first offense, $100-5,000 subsequent offense.
KY	Range of $25 to $250.
LA	$250 fine.
ME	A traffic infraction for which a fine of not less than $250 for the first offense and not less than $500 for a second or subsequent offense may be adjudged.
MA	$100 first offense, $200 subsequent offense.
MD	None presently.
MI	Up to $500 for for-hire carriers.
MN	$100 fine, plus $78 in court costs.
MS	Misdemeanor $100 to $500 plus court cost and assessment fees that vary by county.
MO	Varies with the county; with an audit, state can impose a general fine up to $2,000 per day.
MT	Only a warning at this point.
NE	Class IV Misdemeanor with a minimum fine of $100. If evidence of multiple ongoing violations, law enforcement would seek a greater fine.
NH	$100 plus penalty assessment for a first offense and $500 plus penalty assessment for a subsequent offense in a 12-month period.
NM	$50 penalty assessment Misdemeanor. With formal proceeding, up to $10,000 per day.
NJ	None presently.
NY	With formal proceeding, up to $5,000.
NC	$1,000 penalty for each offense charged in violation of the Motor Carrier Safety Regulation Article.
ND	None presently but can hold IRP and IFTA renewals for UCR nonpayment.
NV	None presently.
OH	Operating a motor vehicle in violation of UCR registration requirements - $500 per occurrence; any entity that fails to register and pay fees as required - $1,000; any entity that provides false, or misleading information on application – $5,000.
OK	$300 first offense, $400 second, $500 subsequent.
OR	None presently.
PA	None presently.
RI	$300.
SC	$232.50.
SD	$154 fine.
TN	State base fine of $50, plus court costs that are county specific.
TX	Class C Misdemeanor, which is punishable by a fine of $1 to $500 plus court costs. The fine amount is set by the assigned judge noted on the citation.
UT	CVSA Inspections first time.
VA	Class IV Misdemeanor, $250 fine.
VT	None presently.
WA	$124.
WV	$100-1,000.
WI	$750.
WY	None presently.



INDIANA DEPARTMENT OF REVENUE
Eric J. Holcomb, Governor
Bob Grennes, Commissioner

Indiana Government Center
100 N. Senate Ave
Indianapolis, IN 46204-2253

VIA EMAIL ONLY

December 6, 2024

Small Business Coalition in Transportation Coalition, Inc.
SBTC Executive Director
James Lamb
JimLamb@usa.com

Re: Response to Records Request

Dear Mr. Lamb,

Please consider this correspondence a response from the Indiana Department of Revenue (DOR) to your request for records, which was received by the DOR Legal Division by email on September 10, 2024, filed on your behalf by the DOR Legal Services department on the DOR APRA Portal on September 11, 2024 (which sent an automatic acknowledgement), and also formally acknowledged by DOR in a letter dated September 18, 2024. You requested the following:

> *The Small Business in Transportation Coalition, Inc. (SBTC) hereby requests any and all documents that would reveal whether or not the Unified Carrier Registration Agreement was ever ratified by your state's legislature to make the UCR Agreement a bona fide interstate compact.*

Once you received our formal acknowledgment, you further clarified your request as follows:

> *In the interest of narrowing and expediting the request, please note we are not interested in information that pertains to legislation dating back to the state's decision to participate in the UCR Plan, from before the actual UCR Agreement was published by the UCR Plan on June 11, 2007. We wish to avoid confusion and misunderstanding over the term "ratify" in the context of an interstate compact and our request for records.*
>
> *We already are in possession of Indiana Code §§ 8-2.1-20-7, 8-2.1-24-20, which appears to authorize the state to generally participate in the UCR Agreement but it does not "ratify" the language of the UCR Agreement per se as is typically done in interstate compact ratifications.*
>
> *Please note we are specifically asking for records evidencing that the UCR Agreement language was ratified by your state legislature after June 11, 2007, which is required for the UCR Agreement to constitute an interstate compact.*

Please accept this letter as a written response to your public records request under Indiana Code section 5-14-3-9.

After reviewing your request, DOR is unable to answer your public records request as DOR does not have responsive records to your records request other than providing the same Indiana Code provisions that you provided in your clarified request.

As provided in your initial public records request on September 10, 2024, Indiana's participation in the Unified Carrier Registration (UCR) is administered by the DOR; thus, the DOR has the legal authority to administer the UCR Plan on behalf of Indiana. Any records regarding the legislative implementation of the UCR and the Unified Carrier Registration System (UCRS) should be directed to the Indiana General Assembly, which may be reached by accessing the following link: https://iga.in.gov/information/about. Additionally, you may want to also reference the following court case: *Small Business Iin Transportation Coalition v. Indiana Department of Revenue*, 141 N.E.3d 895 (Ind. Ct. App. 2020).

In the event that you seek records from the Indiana General Assembly, we suggest the request is reasonably particular under the Access to Public Records Act (APRA). As required by the Indiana Access to Public Records Act (APRA), a request for public records must be made with reasonable particularity.[1] Though "reasonable particularity" is not defined under APRA, Indiana's Public Access Counselor (PAC) has advised that a public records request should not contain language such as "any," "all," or "any and all."[2] Your request seeks "any and all" records. (Removal of the words "any," "all," or "any and all," also does not qualify for meeting the reasonable particularity standard).

Thank you for your public records request.

Respectfully,

/s

Sarah Kamhi
Assistant General Counsel - Legal Services
Indiana Department of Revenue

CC: Laurence L. Socci, The Socci Law Firm, PLLC (via email only)
Jillian M. Taylor, Associate, Rome Government Relations LLC (via email only)
Randal Boone, DOR Executive Director, Motor Carrier Services (via email only)
Jay Erickson, DOR Director, Motor Carrier Services (via email only)
Cindy Denny, DOR Supervisor, Motor Carrier Services (via email only)
Lynette Grafton, DOR Legal Services – Senior Paralegal (via email only)
Josh Brandle, DOR Legal Servies – Legal Analyst (via email only)

[1] *See* Indiana Code section 5-14-3-3(a).
[2] Advisory Opinion of the Public Access Counselor 16-FC-01 (2016).

2024 Indiana Code
Title 8. Utilities and Transportation
Article 2.1. Motor Carrier Regulation
Chapter 20. Interstate Motor Carriers
8-2.1-20-7. Unified Carrier Registration System

Universal Citation:

IN Code § 8-2.1-20-7 (2024)

Sec. 7. Before operating a motor vehicle on the public highways of this state in the interstate transportation of property or passengers, the person who operates the motor vehicle must register under the unified carrier registration system established under 49 U.S.C. 13908.

As added by P.L.110-1995, SEC.6. Amended by P.L.42-2007, SEC.6.

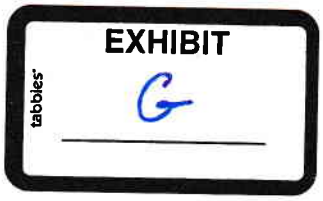
2024 Indiana Code
Title 8. Utilities and Transportation
Article 2.1. Motor Carrier Regulation
Chapter 24. Intrastate Motor Carrier Safety and Insurance Certification
8-2.1-24-20. Unified Carrier Registration System

Universal Citation:

IN Code § 8-2.1-24-20 (2024)

Sec. 20. Before a motor carrier engaged in the transportation of property or passengers for compensation may operate a motor vehicle upon a public highway providing intrastate transportation, the motor carrier must be properly registered as required under the unified carrier registration system in accordance with rules adopted by the department under IC 4-22-2. This section does not apply to a person exclusively engaged in the private transportation of nonhazardous property.

As added by P.L.110-1995, SEC.29. Amended by P.L.176-2006, SEC.10; P.L.42-2007, SEC.16.



Connecticut

CHAPTER 245c*

MOTOR CARRIERS OF PROPERTY FOR HIRE

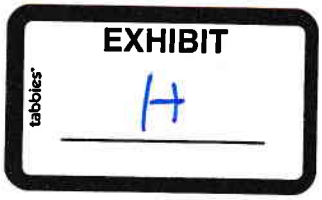
Sec. 13b-410a. Interstate motor carriers regulated by federal unified carrier registration system. Annual filing fees. (a) On and after the date on which the Secretary of the United States Department of Transportation establishes the unified carrier registration system in accordance with 49 USC 13908, as amended, no foreign or domestic motor carrier, motor private carrier, leasing company, broker or freight forwarder, as defined in Title 49 of the United States Code, shall operate any motor vehicle on the highways of this state without first registering under said unified carrier registration system and paying all fees required for such registration.

(b) The Commissioner of Motor Vehicles shall continue to require each haul-for-hire motor carrier to make an annual payment, in an amount not to exceed ten dollars, per owned and operated vehicle for filings made with the Department of Motor Vehicles required by the single state registration system, established in accordance with 49 USC 14504, as amended, until the occurrence of the transition termination date, as defined in 49 USC 13902(f), as amended.

(c) The commissioner is authorized to participate in the unified carrier registration plan and agreement, established in accordance with 49 USC 14504a, as amended, and to file on behalf of the state the plan required by the provisions of 49 USC 14504a(e).

(P.A. 93-307, S. 12; 34; P.A. 95-126, S. 19, 25; P.A. 96-222, S. 13, 41; P.A. 00-148, S. 14; P.A. 06-130, S. 24.)

History: P.A. 93-307 effective June 29, 1993; P.A. 95-126 deleted an obsolete date and required Commissioner of Motor Vehicles to adopt regulations instead of Commissioner of Transportation; P.A. 96-222 inserted "or its successor agency" after "Interstate Commerce Commission", effective July 1, 1996; P.A. 00-148 changed reference to "Intermodal Surface Transportation Efficiency Act of 1991" to "Transportation Equity Act for the 21st Century" and changed Public Law reference from "102-240" to "105-178"; P.A. 06-130 deleted former provisions re Interstate Commerce Commission, Transportation Equity Act for the 21st Century and requirement that commissioner adopt regulations and added new Subsecs. (a) to (c), inclusive, re unified carrier registration, effective July 1, 2006.



Georgia Comp. R. & Regs. r. 560-10-31-.01 Definitions

Georgia Administrative Code
Department 560. RULES OF DEPARTMENT OF REVENUE
Chapter 560-10. MOTOR VEHICLE DIVISION
Subject 560-10-31. COMMERCIAL VEHICLES
Rule 560-10-31-.01. Definitions

(1) A used in these Regulations the following terms shall be defined as:

(a) "Application" shall mean the application in the manner prescribed by the Commissioner.

(b) "Cab Card" shall mean a registration issued to the intrastate motor carrier for each vehicle registered.

(c) "Certificate of Cancellation of Insurance" shall mean the certificate showing the cancellation of the Motor Carrier's insurance policy.

1. The certificate shall be filed with FMCSA or the Commissioner in the manner prescribed by the Commissioner.

(d) "Certificate of Insurance" shall mean the Motor Carrier's certificate of insurance filed with FMCSA or the Commissioner in a manner prescribed by the Commissioner.

(e) "Commercial Motor Vehicle" shall have the same meaning as provide for in O.C.G.A. 40-1-1(8.3).

(f) "FMCSA" shall mean the Federal Motor Carrier Safety Administration of the Federal Department of Transportation.

(g) "Intrastate for-hire Motor Carrier" shall mean a Motor Carrier that provides transportation of cargo belonging to others and may receive compensation for services.

(h) "Intrastate Motor Carrier" shall mean a Motor Carrier operating exclusively within the borders of Georgia.

(i) "Interstate Motor Carrier" shall mean a Motor Carrier operating in two or more states, including Georgia.

(j) "Late Registration" shall mean any application submitted to the Department on or after December 1 each year, unless otherwise provided for in this Regulation.

(k) "Motor Carrier" shall have the same meaning as provide in O.C.G.A 40-2-1(4).

(l) "Private Carrier" shall mean a Motor Carrier that provides transportation of its own cargo, usually as part of the carrier's business.

(m) "Public Liability Insurance" means a certificate of financial responsibility issued by an insurance company licensed in this state in accordance with the Federal Motor Carrier Safety Administration (FMCSA) 49 CFR Part 387.

(n) "Register" shall mean making application, submitting applicable fees, and receiving approval from the Department prior to any operation in Georgia.

(o) "Registration Certificate" shall mean a certificate issued to the Motor Carrier upon approval by the Commissioner of such registration.

(p) "Registration Period" shall mean the period of October 1 to November 30 each year.

(q) "Reinstatement Fee" shall mean the additional fee to register any commercial vehicle with a suspended registration and no insurance for more than ten (10) days.

(r) "Self Insurance" shall mean a self insurance plan filed with and accepted by the FMCSA.

(s) **"UCRA" shall mean the federal Unified Carrier Registration Act of 2005 pursuant to 49 U.S.C. Section 13908.**

(t) **"Vehicle" shall mean any motor vehicle, truck, truck tractor, or trailer subject to the UCRA.**

RULES OF GEORGIA PUBLIC SERVICE COMMISSION

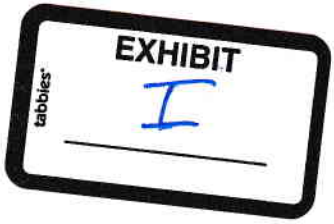
515-16 TRANSPORTATION Chapter 515-16-10: Permitted Carriers

515-16-10-.11 Uniform Carrier Registration (formerly Single State Registration System); Definitions.

(1) Motor carriers engaged in interstate commerce within the borders of this state under authority issued by the Federal Motor Carrier Safety Administration shall comply with provisions of the Uniform Carrier Registration ("UCR") Program as provided for 49 USCA § 13908 and Federal Motor Carrier Regulations issued there under and in Commission Transportation Rule 515-16-3. To the extent the UCR has not been fully implemented to date, the Single State Registration System ("SSRS") will continue to apply.

(2) For convenience, certain definitions from Chapter 515-16-3 are repeated here: (a) Unified Carrier Registration System or URS means the national registration system established by the FMCSA pursuant to 49 USC §13908, which is superseding SSRS.

TRANSPORTATION RULES – Adopted by the Commission on January 17, 2006 and Revised by the Commission on May 6, 2008 Permitted Carriers Chapter 515-16-10 (b) Single State Registration Receipt means a registration receipt issued to interstate motor carriers by their base state, identifying the carrier and specifying the states in which the carrier is authorized to operate pursuant to 49 CFR §3 67.5. (c) Single State Registration System (SSRS) means the requirements for registration of interstate carriers with their base state for issuance of registration receipts as described in 49 CFR Part 367; and SSRS is being superseded by Unified Carrier Registration (UCR) when and if the FMCSA completes refining of the computer database and programming for UCR. Authority: O.C.G.A. §§ 46-7-12, 46-7-15, and 46-7-16 (emphases added).



CR 10-099

ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
ADOPTING RULES

The Wisconsin Department of Transportation adopts an order amending TRANS 178.02(2) and 178.03(1); and creating TRANS 178.04(1)(a)1.(note), relating to the Unified Carrier Registration System

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Analysis Prepared by the Wisconsin Department of Transportation

Statutes interpreted: s. 194.407, Stats., as created by 2007 Wis. Act 20

Statutory authority: s. 194.407 (1) and (3), Stats., as created by 2007 Wis. Act 20

Explanation of agency authority: Section 194.407, Stats., authorizes the Department to implement and administer a unified registration system for motor carriers consistent with 49 USC 13908 and 14504a, and to prescribe annual fees for that registration.

Related statute or rule: Section 194. 407, Stats., 49 USC 13908 and 14504a, 49 CFR 367.

Plain language analysis: Chapter Trans 178 establishes the fees to be charged under the Unified Carrier Registration (UCR) system, and establishes a method for counting the number of vehicles so that an entity knows whether it is required to register under UCR and, if so, which fee bracket applies to the entity.

The Federal Motor Carrier Safety Administration published in the Federal Register on April 27, 2010 a changed schedule of fees. As provided in s. Trans 178.03(2), on May 6, 2010, the Department sent notice of the changed fees to the chairpersons of the standing committees of the legislature having jurisdiction over transportation. Neither committee chairperson notified the secretary of transportation within 14 working days after that notice that the committee had scheduled a meeting for the purpose of reviewing the fees. The Department implemented the new fees on May 27, 2010. The rule replaces the prior fee schedule with the new fee schedule.

In addition, the rule removes the reference to towed vehicles in the definition of commercial motor vehicle for the purposes of the UCR to conform to federal law. Originally, UCR included towed vehicles (trailers) in the definition of commercial motor vehicles for the purposes of UCR; subsequently, federal law eliminated towed vehicles from the definition.

Summary of, and preliminary comparison with, existing or proposed federal regulation: This rule complies and is consistent with federal law and regulations pertaining to the Unified Carrier Registration system.

Comparison with Rules in Adjacent States:

Michigan: Michigan participates in UCR. Michigan charges the 2010 fees as required by federal law and regulation and the UCR Agreement.

Minnesota: Minnesota participates in UCR. Minnesota charges the 2010 fees as required by federal law and regulation and the UCR Agreement.

Illinois: Illinois participates in UCR. Illinois charges the 2010 fees as required by federal law and regulation and the UCR Agreement.

Iowa: Iowa participates in UCR. Iowa charges the 2010 fees as required by federal law and regulation and the UCR Agreement.

Summary of factual data and analytical methodologies used and how the related findings support the regulatory approach chosen: This rule is derived solely from federal law, federal regulation and Unified Carrier Registration Agreement, both of which are authorized by 49 USC 13908 and 14504a and implement those sections. If Wisconsin does not follow federal law, federal regulation, and the Unified Carrier Registration Agreement, Wisconsin may not participate in the UCR program. If Wisconsin does not participate in the UCR program, Wisconsin will forfeit revenues from carrier registration pursuant to federal law.

Analysis and supporting documentation used to determine effect on small businesses: This rule is derived solely from federal law, federal regulation, and Unified Carrier Registration Agreement. Any effect on small businesses is a result of federal law, federal regulation and the Unified Carrier Registration Agreement.

Effect on small business: The fees charged under federal law, federal regulation, and Unified Carrier Registration Agreement will affect some small businesses by increasing the amount of annual registration fee. The new fee schedule increases all fees by just less than 96%. These fees are established under federal law at 49 CFR 367.20 but may be revised annually by publication in the federal register. If Wisconsin does not charge these fees, small businesses that operate affected trucks and trailers outside this state will nevertheless be required to pay these same fees to other states. The Department's Regulatory Review Coordinator may be contacted by e-mail at ralph.sanders@dot.state.wi.us, or by calling (414) 438-4585.

Fiscal effect: This rule is derived solely from federal law, federal regulation, and Unified Carrier Registration Agreement. Any fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district, sewerage district, or federally-recognized tribes or bands is a result of federal law,

federal regulation and the Unified Carrier Registration Agreement. The Unified Carrier Registration Agreement authorizes states to exempt solely intra-state carriers and qualified school buses from the registration fee, and the Department has made registration and payment of the fees optional for those entities.

Anticipated costs incurred by private sector: This rule is derived solely from federal law, federal regulation, and Unified Carrier Registration Agreement. Any cost incurred by the private sector is a result of federal law, federal regulation and the Unified Carrier Registration Agreement. The fee schedule increases all fees by just less than 96%.

Agency contact person and copies of rule: Copies of the rule may be obtained, without cost, by writing to Steven Krieser, Department of Transportation, Bureau of Vehicle Services, Room 253, P. O. Box 7911, Madison, WI 53707-7911. You may also contact Mr. Krieser by phone at (608) 266-7857 or via e-mail: steven.krieser@dot.wi.gov.

TEXT OF RULE

SECTION 1. Trans 178.02(2) is amended to read:

Trans 178.02 **(2)** "Commercial motor vehicle," as defined in 49 USC 31101, means a self-propelled ~~or towed~~ vehicle used on the highways in commerce principally to transport passengers or cargo, if the vehicle meets any of the following criteria:

SECTION 2. Trans 178.03(1) is amended to read:

Trans 178.03 **(1)** Except as provided in sub. (2), as provided in 49 CFR 367.20, fees for registration year ~~2007~~ 2010 and thereafter are as follows:

Bracket	Number of commercial motor vehicles owned or operated by exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per company for exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per company for broker or leasing company
B1	0-2	~~$39~~ 76	~~$39~~ 76
B2	3-5	~~$116~~ 227	~~$39~~ 76
B3	6-20	~~$231~~ 452	~~$39~~ 76
B4	21-100	~~$806~~ 1,576	~~$39~~ 76
B5	101-1,000	~~$3,840~~ 7,511	~~$39~~ 76
B6	1,001 and above	~~$37,500~~ 73,346	~~$39~~ 76

SECTION 3. Trans 178.04(1)(a)1.(note) is created to read:

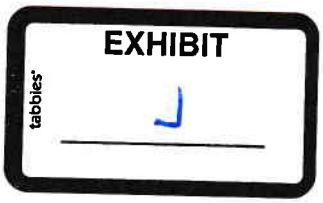
Trans 178.04 **(1)**(a)1.(note) Note: As stated in s. Trans 178.02(2), a commercial motor vehicle for purposes of UCR does not include a towed vehicle. Therefore, a carrier should exclude any towed vehicles reported on the MCS-150.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this 5th day of April, 2011.

/s/
MARK GOTTLIEB, P.E.
Secretary
Wisconsin Department of Transportation



State of Missouri

Title XXV INCORPORATION AND REGULATION OF CERTAIN UTILITIES AND CARRIERS

Chapter 390

Effective - 28 Aug 2008

390.021. UCR agreement — definitions — commission authority — precedence of agreement — filing of forms and registration fee-enforcement authority — authorized exemptions. — 1. The provisions of this section shall be applicable, notwithstanding any provisions of section 390.030 to the contrary.

2. As used in chapter 622 and in this section, except when the context clearly requires otherwise, the following terms shall mean:

(1) "UCR implementing regulations", includes the regulations issued by the United States Secretary of Transportation under 49 U.S.C.A. Section 13908, the rules and regulations issued by the board of directors of the Unified Carrier Registration (UCR) plan under 49 U.S.C.A. Section 14504a, and the administrative rules adopted by the state highways and transportation commission under this section;

(2) "Unified Carrier Registration Act", or "UCR Act", sections 4301 to 4308 of the Unified Carrier Registration Act of 2005, within subtitle C of title IV of the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users" or "SAFETEA-LU", Public Law 109-59 (119 Stat. 1761), as those sections have been and periodically may be amended.

3. Except when the context clearly requires otherwise, the definitions of words in 49 U.S.C.A. Sections 13102, 13908, and 14504a shall apply to and determine the meaning of those words as used in this section.

4. In carrying out and being subject to the provisions of the UCR Act, the Unified Carrier Registration (UCR) agreement, the UCR implementing regulations, and this section, but notwithstanding any other provisions of law to the contrary, the state highways and transportation commission may:

(1) Submit to the proper federal authorities, amend and carry out a state plan to qualify as a base state and to participate in the UCR plan and administer the UCR agreement, and take other necessary actions as the designated representative of the state of Missouri so that:

(a) Missouri-domiciled entities who must register and pay UCR registration fees are not required to register and pay those fees in a base state other than the state of Missouri;

(b) The state of Missouri does not forfeit UCR registration fee revenues; and

(c) The state of Missouri may maintain its eligibility to receive the maximum allowable allocations of revenues derived under the UCR agreement;

(2) Administer the UCR registration of Missouri-domiciled motor carriers, motor private carriers, brokers, freight forwarders and leasing companies, and such persons domiciled in nonparticipating states who have designated this state as their base state under the UCR Act;

(3) Receive, collect, process, deposit, transfer, distribute, and refund UCR registration fees relating to any of the persons and activities described in this section. Notwithstanding any provisions of law to the contrary, these UCR registration fees collected by the commission are hereby designated as "nonstate funds" within the meaning of Section 15, Article IV, Constitution of Missouri, and the commission shall transmit these funds to the state department of revenue for deposit to the credit of the state highways and transportation department fund. The commission shall, from time to time, direct the payment of, and the director of revenue shall pay, the fees so deposited, in accordance with the provisions of the UCR Act, the UCR agreement, and the UCR implementing regulations. The director of revenue shall credit all income derived from the investment of these funds to the state highways and transportation department fund;

(4) Exercise all other powers, duties, and functions the UCR Act requires of or allows a participating state or base state;

(5) Promulgate administrative rules and issue specific orders relating to any of the persons and activities described in this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void;

(6) Enter into agreements with any agencies or officers of the United States, or of any state that participates or intends to enter into the UCR agreement; and

(7) Delegate any or all of the powers, duties, and functions of the commission under this section to any agent or contractor.

5. After the commission has entered into the UCR plan on behalf of this state, the requirements in the UCR agreement shall take precedence over any conflicting requirements under chapter 622 or this chapter.

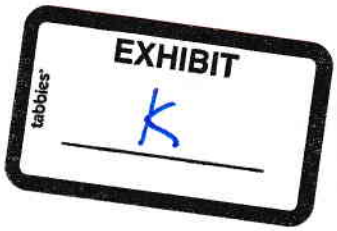
6. Notwithstanding any other provisions of law to the contrary, every motor carrier, motor private carrier, broker, freight forwarder, and leasing company that has its principal place of business within this state, and every such person who has designated this state as the person's base state under the provisions of the UCR Act, shall timely complete and file with the state highways and transportation commission all the forms required by the UCR agreement and the UCR implementing regulations, and shall pay the required UCR registration fees to the commission.

7. All powers of the commission under section 226.008 are hereby made applicable to the enforcement of this section with reference to any person subject to any provision of this section. The chief counsel shall not be required to exhaust any administrative remedies before commencing any enforcement actions under this section. The provisions of chapter 622 shall apply to and govern the practice and procedures before the courts in those actions.

8. Except as required by the UCR Act, the UCR agreement, or the UCR implementing regulations, the provisions of this section and the rules adopted by the commission under this section shall not be construed as exempting any motor carrier, or any person controlled by a motor carrier, from any of the requirements of chapter 622, or this chapter, relating to the transportation of passengers or property in intrastate commerce.

9. Notwithstanding any other provision of this section to the contrary, Missouri elects to not apply the provisions of the UCR Act, the UCR agreement, and the UCR implementing regulations to motor carriers and motor private carriers that operate solely in intrastate commerce transporting farm or dairy products, including livestock, from a farm, or property from farm to farm, or stocker and feeder livestock from farm to farm, or from market to farm.

(L. 2008 H.B. 1422 merged with S.B. 930 & 947)



NEBRASKA LEGISLATIVE BILL 138

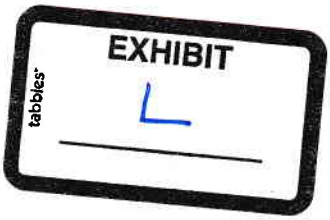
Approved by the Governor June 1, 2023

A BILL FOR AN ACT relating to transportation; to amend sections 3-107, 13-1205, 29-431, 39-1348, 60-484.05, 60-484.06, 60-4,120, 60-4,142, 60-4,144, 60-4,172, 60-4,181, 60-601, 60-605, 60-611, 60-640, 60-678, 60-6,279, 60-6,282, and 66-4,100, Reissue Revised Statutes of Nebraska, and sections 39-847, 39-1351, 60-107, 60-119.01, 60-169, 60-302.01, 60-336.01, 60-386, 60-3,113.04, 60-3,193.01, 60-462, 60-462.01, 60-479.01, 60-4,111.01, 60-4,115, 60-4,122, 60-4,132, 60-4,134, 60-4,138, 60-4,147.02, 60-4,168, 60-501, 60-628.01, 60-6,265, 60-2705, 60-2909.01, 75-363, 75-364, 75-366, 75-369.03, 75-392, and 75-393, Revised Statutes Cumulative Supplement, 2022; to provide for the use of the Highway Cash Fund for administrative costs of the Division of Aeronautics of the Department of Transportation; to provide powers and duties; to change the required county contribution for bridge replacement; to provide for adjustments to threshold amounts for road construction contracts; to adopt updates to federal law and update certain federal references; to change provisions of the Motor Vehicle Operator's License Act as prescribed; to define and redefine terms; to provide for the regulation of electric bicycles as prescribed; to change and provide for certain penalties; to change provisions relating to helmets and eye protection as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska...

Sec. 55. Section 75-392, Revised Statutes Cumulative Supplement, 2022, is amended to read: 75-392 For purposes of sections 75-392 to 75-3,100: (1) Director means the Director of Motor Vehicles; (2) Division means the Division of Motor Carrier Services of the-26 LB138 2023 LB138 2023 Department of Motor Vehicles; and (3) Unified carrier registration plan and agreement means the plan and agreement established and authorized pursuant to 49 U.S.C. 14504a, as such section existed on January 1, 2023.

Sec. 56. Section 75-393, Revised Statutes Cumulative Supplement, 2022, is amended to read: 75-393 **The director may participate in the unified carrier registration plan and agreement pursuant to the Unified Carrier Registration Act of 2005, 49 U.S.C. 13908, as the act existed on January 1, 2023, and may file on behalf of this state the plan required by such plan and agreement for enforcement of the act in this state.**



2024 Tennessee Code
Title 65 - PUBLIC UTILITIES AND CARRIERS (§§ 65-1-101 — 65-37-104)
Chapter 15 - MOTOR CARRIERS (§§ 65-15-101 — 65-15-311)
Part 1 - GENERAL PROVISIONS (§§ 65-15-101 — 65-15-117)
Section 65-15-101 - Purpose - Participation in the unified carrier registration system

Universal Citation:

TN Code § 65-15-101 (2024)

Learn more

Next

- **(a)** It is declared that the legislation contained in this part is enacted for the sole purpose of promoting and conserving the interest and convenience of the public by conferring upon the department of revenue and the department of safety the power and authority, and making it the duty of the department of revenue and the department of safety to supervise and regulate the transportation of persons and property by motor vehicle over or upon the public highways of this state, and to supervise and regulate certain businesses closely allied with such motor transportation, so as to:
    - **(1)** Regulate, foster, promote and preserve proper and economically sound transportation and authorize and permit proper coordination of all transportation facilities;
    - **(2)** Relieve existing and future undue burdens upon the highways arising by reason of their use by motor vehicles;
    - **(3)** Protect the welfare and safety of the traveling and shipping public in their use of the highways, and in their contact with the agencies of motor transportation and allied occupations; and
    - **(4)** Protect the property of the state and its highways from unreasonable, improper or excessive use.
- **(b) It is the intent of the general assembly that this state participate in the unified carrier registration system beginning with the date that it is established by the secretary of the United States department of transportation, in accordance with 49 U.S.C. § 13908.** Pursuant to this intent, the commissioner of revenue is authorized to participate in the unified carrier registration plan and

agreement established in accordance with 49 U.S.C. § 14504a, and to file on behalf of this state the plan required by 49 U.S.C. § 14504a(e).

- **(c) Notwithstanding any other law to the contrary, on and after the date on which the secretary of the United States department of transportation establishes the unified carrier registration system in accordance with 49 U.S.C. § 13908, no foreign or domestic motor carrier, motor private carrier, leasing company, broker or freight forwarder, as defined in title 49 of the United States Code, shall operate any motor vehicles on the highways of this state without first registering with a base state under the unified carrier registration system and paying all fees required under the federal Unified Carrier Registration Act of 2005, compiled generally throughout title 49 of the United States Code.**

- **(d) Notwithstanding any other law to the contrary, on and after the date on which the secretary of the United States department of transportation establishes the unified carrier registration system in accordance with 49 U.S.C. § 13908, the commissioner of revenue shall follow rules governing the unified carrier registration agreement issued under the unified carrier registration plan by its board of directors.** The commissioner shall follow rules and collect fee assessments set by the federal secretary of transportation from foreign and domestic motor carriers, motor private carriers, leasing companies, brokers, and freight forwarders, and do all things necessary to enable this state to participate in the federal unified carrier registration agreement pursuant to the federal Unified Carrier Registration Act of 2005.

Acts 1933, ch. 119, § 21; C. Supp. 1950, § 5501.23 (Williams, § 5501.21); impl. am. Acts 1955, ch. 69, § 1; T.C.A. (orig. ed.), § 65-1501; Acts 1995, ch. 305, § 30; 2007, ch. 484, § 97.

EXHIBIT
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UNIFIED CARRIER REGISTRATION AGREEMENT
STATE PLAN

I, Alan J. Frew, of the Idaho Transportation Department, on behalf of the State of Idaho, as required pursuant to Section 4302 through 4308 of SAFETEA-LU, do hereby certify as follows:

1. The Idaho Transportation Department 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 Act; and

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 UCR plan and UCR agreement.

Signature: _____

Date: 13 October 2006

THE COMMONWEALTH OF MASSACHUSETTS

EXHIBIT
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N

DEPARTMENT OF TELECOMMUNICATIONS & ENERGY

ONE SOUTH STATION
BOSTON, MA 02110
(617) 305-3500

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

JUDITH F. JUDSON
CHAIRMAN

JAMES CONNELLY
COMMISSIONER

W. ROBERT KEATING
COMMISSIONER

BRIAN PAUL GOLDEN
COMMISSIONER

SOO J. KIM
COMMISSIONER

UNIFIED CARRIER REGISTRATION AGREEMENT STATE PLAN

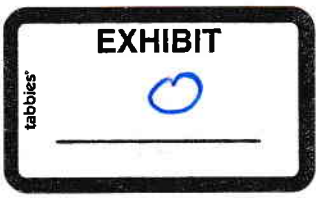
I, Timothy J. Shevlin, Jr., of the Department of Telecommunications & Energy, on behalf of the Commonwealth of Massachusetts, as required pursuant to Public Law ("P.L") 109-59 §§ 4302-4308, (49 USC, § 14504a), do hereby certify as follows:

1. The Department of Telecommunications & Energy of the Commonwealth of Massachusetts has or will have the legal authority, resources and qualified personnel necessary to administer in accordance with the rules and regulations promulgated by the Board of Directors of the Unified Carrier Registration Act ("UCR"); and

2. The Department of Telecommunications & Energy of the Commonwealth of Massachusetts shall demonstrate that an amount at least equal to the revenue derived by the Commonwealth of Massachusetts from the Unified Registration Agreement shall be used for motor carrier safety programs, enforcement, or administration of the UCR Plan and UCR Agreement.

Signature: _____
Timothy J. Shevlin, Jr., Executive Director
Department of Telecommunications and Energy

Date: 9/20/06



Minutes of the Unified Carrier Registration Plan Board of Directors Meeting
Teleconference
May 21, 2007

The twelfth UCR Plan Board of Directors (Board) meeting was called to order by Avelino Gutierrez, Chair, at 11:05 a.m., EDT.

Attendance:
Board of Directors Present - Avellino Gutierrez, Bob Pitcher, Rick Craig, Buddy Covert, Barb Hague, David Hugel, Frank LaQua, Bill Leonard, Angel Oliver, Ruth Skluzacek, Craig Sharkey, Robert Voltmann, and Terry Willert.
Absent – Dave Lazarides and Rich Schweitzer.

Self-introductions were made by others present.

The agenda was reviewed and approved.

The ground rules for the meeting were reviewed.

David Hugel made motion to approve the minutes of eleventh (April 24, 2007) Board meeting. Motion passed unanimously.

Dick Henderson provided an update concerning the UCR, SSRS extension, and other possible legislation.

Dave Hugel provided an update from the Federal Motor Carrier Safety Administration. Rulemaking on the UCR fees will go to Federal Register next week for a 15 day comment period. Significant comments will be addressed in the final rule. The effective date for final rule is not yet known.

Judy Rutledge will retire at the end of month; no replacement has yet been named.

Electronic verification of compliance with the UCR fees will hopefully be provided at June meeting.

The Administrator sent out letters of reappointment to the Board members from the National Conference of State Transportation Specialists.

Bill Leonard, Chair, provided the report of Revenue and Fees Subcommittee. The subcommittee will come to the June meeting with a proposal for outreach to the motor carriers and others subject to the UCR fees, and how a new state can opt into the UCR Agreement.

Avelino Gutierrez provided the report of UCR System Subcommittee. A draft of a letter to be sent to the Texas DOT concerning the UCR on-line registration system was discussed (See Exhibit A). Craig Sharkey made a motion that the letter be finalized and, under Avelino's signature, be sent to the Texas DOT. Motion passed.

Sandy Bowling reported that Indiana will provide its on-line registration system software, written in JAVA, to other states. The UCR System Subcommittee is still looking at using an outside vendor to be up and running prior to fees being established. More info will be provided at the June meeting. The requirements for on-line registration system will be sent to entire UCR email list.

The UCR System Subcommittee will continue to work on these various options for the UCR on-line registration system.

Bob Pitcher, Chair, provided the report of the Industry Advisory Subcommittee. The subcommittee's next meeting will be early morning on June 12, in Indianapolis, prior to the next Board meeting.

Frank LaQua, Chair, provided the report of the Depository Subcommittee. The Request for Proposal was discussed. See Exhibit B. The Board will need to approve the final RFP document at the June meeting.

The Depository Subcommittee will make a presentation at the June meeting regarding notification to motor carriers. Comments on how the notification should be accomplished should be sent to Craig Sharkey and Frank Laqua by the end of May. The subcommittee will continue to work on the formula for distribution of excess funds.

Barbara Hague, Chair, provided the report of the Procedures Subcommittee. Instructions for the registration form and the revised UCR Agreement will be presented at the June meeting.

Terry Willert provided a report on the revisions to the Question and Answer Document. The document will go out for approval at the June meeting.

The next Board meeting will be held at the Hilton Indianapolis in Indianapolis, Indiana, on June 11 and 12, 2007. Sandy Bowling gave an update on preparations for the meeting, including that there is teleconference capabilities.

A subsequent Board meeting will be June 28, 11:00 a.m. EDT, by teleconference.

In anticipation of the UCR fees being approved and final preparations being needed to begin fee collections, a face to face Board meeting will be held in late July or early August. Board members were instructed to provide Avelino Gutierrez with their available dates in July and August so that he can schedule the meeting.

Barb Hague advised that Missouri did not get 2007 legislation passed to participate in the UCR Agreement.

Meeting adjourned at 2:15 p.m. EDT.

Terry L. Willert

Minutes approved by the UCR Board on June 11, 2007.
Terry L. Willert
UCR Board Acting Secretary

Exhibit A
UCR Plan Board Meeting Minutes
Teleconference
May 21, 2007

First, thank you for the all of the time and effort the State of Texas has expended in developing an internet based registration system for the Unified Carrier Registration Agreement as well as all the time spent working with the UCR Systems Subcommittee. At our Board meeting held on April 24th, we learned that Texas has made the determination that it will be unable to host the UCR registration system. Needless to say, the members of the UCR Board were disappointed to hear this.

As Chairman of the UCR Board, I thought I would take this opportunity to attempt to alleviate the concerns raised by Texas as well as clarify the expectations we would have of any party that would be willing to host the UCR system for present year.

Any website host will be expected to:

- Provide a Web site that allows staff people from other states to register motor carriers in the UCR program -Anticipated Date - June 1, 2007
- Provide reconciliation information related to the UCR financial transactions
- Forward enforcement information to FMCSA on a nightly basis
- Provide reporting with regard to how much UCR revenue has been received by each state using the Texas solution

The Board understands that Texas, or any other site host, may need assistance with some support functions involved in hosting the web site. While we are currently only looking for a commitment for the present year, we would certainly be open for Texas, or any other State, to act as host for additional registration periods.

The largest concern that we heard expressed relating to Texas' reservations about hosting the UCR registration site was that of liability. The Board is certainly cognizant of this concern and believes it can address it through a number of measures. Our impression is that there is a concern that loss of information or inaccurate information relating to registration entities, number of vehicles, fees owed, etc., would be attributed to the State of Texas and potentially put the State in financial risk. To alleviate these concerns, we would like to propose a hold harmless agreement in the UCR Agreement whereby each state using the system developed by the State of Texas would agree to hold the State of Texas harmless for any loss or claim arising out of inaccurate information on the website or for website malfunction.

While we understand Texas is currently of the mind that it cannot host the system, we hope that this clarification may soften the resolve against acting as host. If not successful in that, as Chairman of the Board, I would appreciate the opportunity to speak with representatives of your state to better understand what we will need to make another state successful in acting as host.

Sincerely,

Exhibit B
UCR Plan Board Meeting Minutes
Teleconference
May 21, 2007

REQUEST FOR PROPOSAL

FOR
Unified Carrier Registration
Funds Depository

REQUESTED BY:
Unified Carrier Registration Board

Date Issued:
Proposal Due:

1. GENERAL INFORMATION

Proposals must be **received** by the Unified Carrier Registration Board ("UCR Board") no later than 5:00 p.m. EST on _____, 2007 at the following address: _____. Consideration of late proposals will be the option of the UCR Board.

Respondent must identify the name, title, address, and telephone number of the person(s) in its organization to whom the UCR Board can address questions during the evaluation of Proposals.

All questions regarding the RFP process should be directed to _____. The UCR Board shall not be responsible for any instructions given to a respondent other than written instructions from _____. Technical questions or clarifications must be received in writing no later than _____.

As members of the UCR Board are located in various locales, proposals should be submitted in electronic format (e.g. MS PowerPoint or Adobe Acrobat).

2. DESCRIPTION UNIFIED CARRIER REGISTRATION SYSTEM

On August 10, 2005, President George W. Bush signed the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) into law. SAFETEA-LU authorizes the Federal surface transportation programs for highways, highway safety, and transit for the 5-year period 2005-2009. Include in SAFTEA-LU is the Unified Carrier Registration Act of 2005 (the "UCR Act"). A stated purpose of the UCR Act was to establish an online Federal registration system for the registration of interstate commercial motor vehicles, as defined in 49 USC § 13 _____. One purpose of the new UCR System is to replace the previously existing single State registration system.

Pursuant to the UCR Act, the Secretary of the United States Department of Transportation appointed 15 members to act as the Board of Directors for the Unified Carrier Registration Plan (the "UCR Board") and to implement the online registration system. In order to fulfill its obligations, the UCR Board is creating a system to effect the registration of commercial motor vehicles through one Federal portal. The UCR Board has determined that it requires the services of an entity that can provide certain banking and reporting functions in order to create an effective registration system.

3. SERVICES DESCRIPTION

The UCR Board anticipates that the majority of the funds will be collected by States participating in the Unified Carrier Registration Plan (UCR Plan). Under the UCR Plan, each participating State will register motor carriers and collect registration fees for carriers based in the State. There are 37 participating States. In addition, funds may come from an on-line registration site administered by a third party.

The UCR Board has established an allocation scheme for all registration fees collected to ensure that the participating States receive the appropriate funding. As a result, certain States will receive more dollars in registration fees than they are entitled to under the allocation scheme approved by the UCR Board (Donor States), others less (Recipient States).

The UCR Board anticipates that at a minimum, two/distinct separate services will be required
Bank Services

1. Checking account (no minimum balance)

2. Savings/CD account interest bearing

3. Ability to handle and facilitate electronic monetary transactions. All incoming (Donor States) & outgoing (Recipient States) monetary transactions handled electronically (ACH)

Administrative Services

1. Receive and enter monthly collection reports from the participating states. If collections are in excess of a State's entitlement under the allocation scheme, verify that the excess has been electronically deposited. Contact all States that have not sent reports or funds (if applicable) by 15th of the following month.

2. Report to the UCR Board, or it's designee, by 20th of the following month these things:
   - Cumulative collection per state for the previous month
   - Dollars Short of entitlement per state
   - Excess funds available
   - Disqualified recipient states (no report submitted)
   - Proposed distribution of excess funds (formula and/or methodology provided by UCR Board)
   - Donor states issues (no report submitted or excess funds not sent)

3. Upon approval from UCR Board or it's designee, disperse excess funds by last day of the month. This money will be moved from savings to checking and sent electronically only to Recipient States. Add excess funds sent to cumulative collection per state.

4. Host or identify a site where monthly (read only) status reports are posted.

The UCR Board anticipates that most, if not all, of the services described above will be provided free of charge.

4. PROPOSALS

4.1 RIGHTS OF UCR BOARD

THE UCR BOARD RESERVES THE RIGHT TO CONTRACT WITH ANY COMPANY, MORE THAN ONE COMPANY, OR NO COMPANIES FOR THE PROJECT.

THE UCR BOARD RESERVES THE RIGHT TO SET THE CRITERIA FOR SELECTION AT ITS SOLE AND ABSOLUTE DISCRETION. THE UCR BOARD SELECTION OF A COMPANY OR COMPANIES, IF ANY, WILL NOT BE BASED ON PRICE ALONE.

THE UCR BOARD INTENDS TO GIVE PREFERENCE TO ORGANIZATIONS AFFILIATED WITH PARTICIPATING STATES.

4.2 AWARD OF AGREEMENT

Unless and until an authorized representative of both parties executes an agreement, neither party shall by bound by such agreement.

The UCR Board reserves the right to negotiate any aspect of the Proposal or the subsequent contract, if any, with a Respondent.

4.3 PROPOSAL CONTENT

The information provided herein is intended to assist Respondent with providing sufficient information for The UCR Board to evaluate Respondent's services. This RFP is not intended to limit a Proposal's content or to exclude any relevant or essential data regarding Respondent. Respondent is encouraged to include any additional information that will substantiate its product quality, service capabilities, and commitment or that will otherwise assist The UCR Board in evaluating the products and service offered in the Proposal. The Proposal should be submitted with Respondent's most favorable price, quality and service capabilities, taking into the UCR Board's expectations.

Proposals must include:

- Pricing/Interest Rate Parameters
- A proposed Scope of Services
- A list of assumptions, if any, and explanation of same

Please note that any missing or incomplete information could disqualify Respondent from further consideration.

The Board will consider, but not be limited to, the following selection criteria:

- Overall quality of services offered
- Ability to provide the services requested
- Ability to provide the services in a timely manner
- Reputation of Respondent
- Quality and satisfaction of any previous products offered and/or service performed
- Other relevant information submitted

The Proposal must address all items contained in this RFP. The Proposal may include any other information that would be relevant and beneficial in evaluating the Proposal.

The UCR Board also reserves the right to (i) determine selection process (the UCR Board will select a company or companies, which offer the Proposal that is deemed to be best overall; provided however, the UCR Board also reserves the right to make multiple awards or no awards); and (ii) give consideration to special or unique features which may be offered by a Respondent. All decisions will be made solely at the discretion of The UCR Board.

4.4 CLARIFICATION /ADDITIONAL INFORMATION /PRESENTATION

The UCR Board may request clarification of any point in a Proposal or additional information from Respondent. Failure of Respondent to respond to such a request for additional information or clarification may result in the rejection of its Proposal. Respondent may be asked to make a presentation at a mutually acceptable time. Request for a presentation does not signify that the UCR Board intends to contract with Respondent for any products or services.

4.5 RIGHT TO ACCEPT OR REJECT

The UCR Board reserves the right to select one or more, or none of the Proposals submitted. Furthermore, the UCR Board reserves the right to accept or reject any Proposal received in whole or in part, and to waive any informality or technicality in any Proposal received.

All Proposals will be deemed valid for a period of at least 90 days subsequent to the Proposal due date, unless withdrawn according to this RFP.

4.6 EXPENSES

Expenses for developing Proposals and addressing information requests herein are entirely the responsibility of Respondent and shall not be chargeable in any manner to the UCR Board.

5. COMPANY AFFIDAVIT

Respondent is required to submit with its Proposal an affidavit stating that neither it nor its agents, nor any other party for it, has paid or agreed to pay, directly or indirectly, any person, firm or corporation any money or valuable consideration for assistance in securing this contract and further agrees that no such money or reward will be hereafter paid.

6. AUTHORIZED SIGNATURE

Respondent must sign and return the "Respondent Information Sheet" with its Proposal.

RESPONDENT INFORMATION SHEET

FEDERAL TAX ID NO. OR SOCIAL SECURITY NO.: _____

STATE OF INCORPORATION: _____

COMPANY'S LEGAL NAME: _____

PRINCIPAL ADDRESS: _____

_____

_____

TELEPHONE NUMBER: _____

FAX NUMBER: _____

AUTHORIZED SIGNATURE: _____

NAME OF AUTHORIZED REPRESENTATIVE: _____
(please print or type)

TITLE: _____

DATE: _____

AFFIDAVIT

I, _____, hereby certify that I am an authorized representative of _____ and do hereby state and affirm that neither I, nor any agent(s) of the above-named company, nor any other party acting on the company's behalf have paid or agreed to pay directly or indirectly any person, firm, or corporation any money or type of valuable consideration for assistance in securing any contract associated with this Request for Proposal. I further agree and represent that no such money or reward will be hereafter paid.

Further Affiant sayeth naught.

_____
Affiant

Sworn to and subscribed in my presence this _____day of _____, 2007.

_____
Notary Public