

# USDOT NUMBER AND THE UCR

When the federal Unified Carrier Registration (UCR) debuted in 2007, it swept up private carriers – including farmers – in its registration and payment requirements. A prerequisite of the UCR is registration for the USDOT Number. Today, most Illinois farmers find their farm trucking operations subject to both USDOT and UCR registrations. The requirement is triggered by the “interstate commerce” nature of most farm-to-market deliveries. This document will help sort out the conditions for, and the process of, registration.

## DO THESE RULES APPLY TO FARMERS?

Yes, if the farmer operates a commercial vehicle in interstate commerce. There is no farmer exemption from the UCR or USDOT Number.

## WHAT ARE THESE PROGRAMS FOR?

The UCR is a fee collection system. The fees associated with the Unified Carrier Registration (UCR) are used by states to enforce “safety” (Motor Carrier Safety Regulations) and “fitness” (insurance) regulations.

The USDOT Number is a federal identification system. The registration of carriers (under the USDOT Number Program) and the marking of vehicles allows enforcement agencies to track all vehicles operated by an individual carrier in order to establish the safety record for the carrier’s entire fleet.

## WHO IS SUBJECT TO THE UCR AND USDOT NUMBER?

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

## WHO IS NOT SUBJECT TO THEM?

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

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

You are required to register if your operation includes at least one vehicle that meets both of the following two conditions:

1. It must be a “commercial vehicle”.

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

vehicle or a combination of vehicles that is operated in commerce (includes farming) and has a Gross Vehicle Weight Rating (GVWR) of at least 10,001 pounds, or in the case of a passenger vehicle, is one built to carry 9 or more persons (for hire) or 16 or more persons (not for hire), including the driver. It also includes a vehicle that transports hazardous materials in a quantity that requires the vehicle to be placarded.

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

Federal regulations define it as follows [49 CFR 390.5]:

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

- a. Between a place in a State and a place outside of such State (including a place outside of the United States).
- b. Between two places in a State through another State or a place outside of the United States.
- c. Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States.

Farming is commerce (you are trying to make a buck), so that part is easy. The more difficult distinction is whether the truck is operated in “interstate commerce”.

Your operation can be considered “interstate commerce” in either of two ways:

- a. Crossing the state line is clearly an interstate move.
- b. Traveling point-to-point within the State of Illinois is also considered interstate commerce if the load you are hauling is part of an interstate shipment, generally, cargo that originates in one state and is ultimately destined for another state or country.

## WHAT IS THE GOVERNMENT’S CURRENT POLICY ON ENFORCEMENT?

The FMCSA enforcement policy on farm-to-market deliveries within the state of Illinois looks at four conditions. It is intended to minimize the applicability of the USDOT number registration requirements by applying enforcement only in situations where commerce is indisputably interstate in nature.

For purposes of enforcing the USDOT number, farm-to-market deliveries originating in Illinois are treated as “interstate commerce” (requiring registration) only if the receiving market facility:

- a. Is located outside of Illinois.
- b. Is a river terminal with barge loading capability.
- c. Has unit train loading capability (=60 cars). OR
- d. Is an intermodal container aggregator and/or shipper.

Generally, deliveries to all other in-state markets will be treated as intrastate shipments for purposes of the USDOT number registration. However, the FMCSA reserves the right to consider each facility on a case-by-case basis to ascertain its interstate status.

### **I DO NOT REALLY HAVE A COMMERCIAL TRUCK, JUST A “FARM-PLATED” TRUCK.**

In this case, the term “commercial” has nothing to do with the license plate or “for-hire” hauling. For purposes of the UCR and the USDOT Number, a farm truck is considered “commercial” generally based on its size. If it is over 10,000 pounds GVWR or a combination vehicle (truck & trailer) with a GCWR over 10,000 pounds, it is commercial. A “farm” license plate does not determine the commercial or non-commercial status.

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

Generally, your portion of that move would be considered intrastate commerce, not interstate commerce. The reason is, the raw commodity (i.e., corn or soybeans) traversed an intrastate route and would be transformed into some other product (i.e., ethanol, DDGs, soybean oil or meal) before moving out of state. In this case, the interstate commerce “map” is reset from the point where the original cargo is processed.

### **DOES THE UCR REPLACE THE USDOT NUMBER?**

No. The UCR is in addition to the USDOT Number registration. The USDOT Number is an identification system. The UCR is a fee collection system. Because they both use the same trigger mechanism, if you need one registration, you will also need the other.

### **ARE THERE FEES ASSOCIATED WITH REGISTRATION?**

Currently, there is no charge to register for a USDOT Number. There has always been a fee for the UCR. For motor carriers, the fee is based on the total number of commercial motor vehicles operated in interstate commerce. (They differ for brokers and freight forwarders.)

**Fees:** The fees have changed from prior years.

NUMBER OF VEHICLES	2021
0-2	\$66
3-5	\$197
6-20	\$393
21-100	\$1,371
101-1,000	\$6,534
1,001 or more	\$63,809

### **HOW IS THE NUMBER OF VEHICLES COUNTED?**

Count only the power units, not the trailers. Typically, use the number of commercial vehicles operated in interstate commerce in the 12-month period ending June 30 of the prior year or the number entered on the MCS-150 form when first applying for the USDOT Number.

### **IS THERE A CREDENTIAL FOR CARRIERS UNDER THE UCR?**

No. Unlike the USDOT Number, the UCR does not require its information to be displayed on the vehicle nor is there any UCR paperwork to carry with the vehicle. Section 4306 of the enacting legislation includes a general federal prohibition against State requirements for interstate motor carriers to display any credentials in or on a commercial motor vehicle. Although there are a number of exceptions to this general prohibition, none applies to the UCR. The implication is that Congress did not intend for there to be any UCR credentialing.

### **WHAT ABOUT CREDENTIALS FOR THE USDOT NUMBER?**

The USDOT Number registration requires that commercial vehicles be marked with the legal name, or a single trade name of the business entity that owns or controls the motor carrier operation. City and state are not required to be displayed but are allowed.

### **HOW DO I REGISTER FOR THE UCR?**

Registration is completed online at the UCR boards website: UCR Plan – <https://www.ucr.gov/>

### **IF I NEED THE UCR, WILL I NEED THE USDOT NUMBER AS WELL?**

Yes. In fact, you will be required to have the USDOT Number before registering for the UCR.

## **I AM JUST GETTING STARTED IN INTERSTATE HAULING, WHAT CAN I EXPECT UNDER THE UCR AND USDOT NUMBER PROGRAMS**

Motor carriers who are new entrants into interstate commerce should register under both the USDOT Number and UCR programs before they begin operations in interstate commerce.

Under a Congressional requirement stemming from the 9/11 terrorist incident, first-time applicants for a USDOT Number from the federal government will undergo a new-entrant safety assurance audit within 12 months of their application. In Illinois, that audit will likely take place between 4 to 10 months from the time of application.

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

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

Formerly conducted on-site, these reviews are now done remotely. This “audit” is formally known as a New Entrant Safety Assurance Program Review. USDOT auditors – or IDOT auditors working on behalf of the federal government – will notify the carrier of a pending review and arrange to have the carrier provide records required to be kept under Federal Motor Carrier Safety Regulations regarding the carrier’s safety management system. Those records can include, but are not limited to:

- a. Driver Qualifications.
- b. Driver Duty status.
- c. Vehicle Maintenance.
- d. Accident Register.
- e. Controlled Substances and Alcohol Use and Testing Requirements (where applicable).

Illinois farmers who have undergone a new-entrant review report it to be more of an educational experience than a regulatory enforcement. Serious violations, however, could result in fines or penalties or a loss of interstate operating authority. New entrants will most often be given 30 to 60 days to correct any shortcomings. All carriers – new and established – are subject to a “Compliance Review”, another form of an audit, at any time.

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

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

Since new entrants do not have the prior year’s experience on which to base the number of interstate vehicles in their fleet (needed to calculate the UCR fee), they can instead base that number on the count used to complete form MCS-150 – the form used to obtain the USDOT Number. That form asks for “The number of vehicles that will be operated in the U.S.”

## **WHAT ABOUT FARM WAGONS?**

A farm wagon weighing up to 36,000 pounds GVW in Illinois is considered to be an implement of husbandry. Implements of husbandry are not subject to either the UCR or USDOT Number registration requirement; however, trucks used to pull wagons are regulated by these programs.

## **HOW TO DISPLAY THE USDOT NUMBER [390.21]**

The following information must be displayed on both sides of each commercial power unit (not trailers) operated by the carrier:

- a. The legal name, or a single trade name, of the business entity that owns or controls the motor carrier operation (Match that used on Form MCS-150).
- b. The USDOT number issued by the FMCSA, preceded by the letters “USDOT”.
- c. In 2” or larger letters and numbers that contrast with background and are legible from 50 feet in daylight.
- d. City, state, and address are optional.