



U.S. Department
of Transportation

Memorandum

Federal Motor Carrier
Safety Administration

MC-ECE-2012-0009

Subject: **ACTION:**
Elimination of the Registrant-Only Designation

Date: **SEP 11 2012**

From: William A. Quade  Reply to
Associate Administrator for Enforcement Attn. of: MC-ECE

To: All FMCSA Staff

PURPOSE

This guidance addresses the Federal Motor Carrier Safety Administration's (FMCSA) Federal Register notice dated August 9, 2010, (75 FR 47883) announcing a Performance and Registration Information Systems Management (PRISM) procedural change eliminating the company operation designation of "Vehicle Registrant Only," and changing the PRISM procedure requiring PRISM States to collect a U.S. Department of Transportation (USDOT) number in certain cases. This change was originally scheduled to take effect on September 1, 2011, but was extended to September 1, 2012 (76 FR 54288).

BACKGROUND

Since 1999, participating PRISM States' procedures have required a USDOT number for every entity that must register a commercial vehicle. As such, the Vehicle Registrant-Only company operation type has been an option available when registering for a USDOT number. This Registrant-Only company operation type designated the registering company as a non-motor carrier that was unauthorized to operate in interstate commerce. Currently, over 250,000 Registrant-Only USDOT numbers exist in FMCSA databases. A Registrant-Only USDOT number was intended to only be given under two circumstances:

1. The company owns and registers its commercial vehicles for the sole purpose of renting or leasing them to motor carriers that will operate the commercial vehicles to transport goods, or
2. The company is an owner-operator that is leased to a motor carrier and will never operate the commercial vehicle(s) under its own USDOT number or operating authority.

The Registrant-Only USDOT number is being eliminated for two reasons:

1. **Data quality issues:** Safety events, such as roadside inspections, have been improperly attributed to the USDOT number of Registrant-Only entities. This has required significant clean-up effort to properly attribute the safety events to the USDOT number of the motor carrier responsible for safety.
2. Registrant-Only companies are not included in the Safety Measurement System (SMS). If the Registrant-Only entity operates as a motor carrier, it is evading established FMCSA oversight programs, including the new entrant safety audit.

The FMCSA announced in August 2010 that it would eliminate Registrant-Only USDOT numbers. To successfully implement this change, FMCSA is also eliminating the procedure for PRISM States to require a USDOT number for a leasing company and owner operator that is not a motor carrier.

GUIDANCE

Overview

Effective as of September 1, 2012, for purposes of registering vehicles, FMCSA's PRISM procedures are changing. When one of the following situations occurs, the PRISM procedures will be changed: 1) the company owns and registers its commercial vehicles for the sole purpose of renting or leasing them to motor carriers that will operate the vehicles to transport goods, or 2) the company is an owner-operator that is leased to a motor carrier and will never operate the vehicle(s) under its own USDOT number or operating authority. Revised PRISM procedures will require that the State's registration system use an indicator for Registrant-Only instead of using a USDOT number.

States can modify the USDOT number field at the registrant level to allow for a specific alpha designation such as "REGONLY" as well as numeric entries, or States can add an indicator field such as Y/N or a check-box for the Registrant-Only and then leave the USDOT number field blank. Edits should be included that requires the indicator to be checked if the USDOT number field is left blank.

Companies that currently have a Registrant-Only USDOT number will be advised by a *Federal Register* notice and via a letter issued by FMCSA in mid-September that their Registrant-Only USDOT numbers will be inactive effective October 13, 2012. They will also be informed that if they operate as a motor carrier, they must file an MCS-150 updating their company operation (e.g. interstate carrier, intrastate Hazardous Materials (HM) carrier, intrastate non-HM carrier, interstate HM shipper, intrastate HM shipper).

Rental/Leasing Companies/Owner operators

Some leasing companies and owner-operators that are not currently leased on to a motor carrier may have to update their MCS-150s by changing their designations to "motor carrier" when the motor carrier responsible for safety cannot be identified by the lessors at the time of registration. If the company is a leasing company that does not operate as a motor carrier, when completing or updating an MCS-150, "Leasing Co." should be added to the box in section 23 marked "Other."

Rental/leasing companies and owner-operators may still be able to register vehicles without obtaining their own USDOT number by providing the USDOT number and Tax Identification Number (TIN) of the motor carrier responsible for safety of the vehicle.

Registrants Operating as Motor Carriers

The FMCSA has evidence that approximately 800 entities currently designated as Registrant-Only are operating as motor carriers. These carriers will be notified via a separate letter that their USDOT number is being changed from Registrant-Only to Interstate Carrier and that they are subject to FMCSA regulatory requirements and enforcement programs.

Only former Registrant-Only companies that originally obtained USDOT numbers within the past 18 months of the effective date of this change (on or after March 1, 2011) will be subject to the New Entrant Safety Assurance Program.

The FMCSA Division Offices, in conjunction with their State counterparts, should continue to review and investigate inspection and crash events attributed to inactive (former Registrant-Only) records and assign them to the correct motor carrier record in the Motor Carrier Management Information System. When the event occurred because the company was operating as a motor carrier, the company operation designation must be changed to motor carrier, interstate or intrastate, as appropriate.

Available information

Manuals for International Registration Plan staff handling vehicle registrations are available for viewing and/or download on the PRISM Web page within the FMCSA Web site. These manuals are titled "PRISM Registration Staff Training Package" and are available at: <http://www.fmcsa.dot.gov/safety-security/prism/prism-resources.aspx#Training>. State Staff handling vehicle registrations and FMCSA customer contact center staff should expect questions regarding these changes. The FMCSA will offer Webinar training to these target audiences prior to the date that letters are issued informing Registrant-Only companies of the changes. Webinar registration information has been issued via e-mail to the PRISM contact lists.

Additionally, the PRISM Technical Specifications file has been updated to Version 8.0 to include the stated changes and is also available for viewing and/or downloads on the PRISM Web page of the FMCSA Web site.

EFFECTIVE DATE:

This guidance is effective immediately.

CONTACT:

For questions concerning this guidance, contact Steve Parker, Transportation Specialist, Enforcement Division, at 202-366-3407 or by e-mail at stephen.parker@dot.gov.

ATTACHMENTS:

Attachment A: Frequently Asked Questions.

Attachment B: Letter informing Registrant-Only companies of the PRISM procedural change and informing of the FMCSA intention to make the Registrant-Only USDOT number Inactive.

Attachment C: Letter informing Registrant-Only companies of the PRISM procedural change and informing of the FMCSA intention to make the Registrant-Only USDOT number Inactive. This letter is applicable to those companies that will be subject to the New Entrant Safety Assurance Program, if they update their operation status to Interstate, because they obtained a USDOT number on or after March 1, 2011.

Attachment D: Letter informing certain Registrant-Only companies of the PRISM procedural change and informing of the FMCSA intention to make the Registrant USDOT number an Interstate Carrier USDOT number.

Attachment A

FREQUENTLY ASKED QUESTIONS

GUIDANCE: PRISM Procedural Change Eliminating Registrant Designation

1. Can a Registrant-Only USDOT number be used to register a vehicle?

No. After September 15, 2012, if a “Vehicle Registrant-Only” company wants to register vehicles, the State system will use an indicator (by either leaving the field blank or inserting an alpha or numeric designation) to designate the company as a Vehicle Registrant-Only. The company will then need to supply a valid motor carrier USDOT number and Tax Identification Number (TIN) for the motor carrier that is responsible for safety of the vehicles to be registered.

2. If a leasing company or owner operator cannot provide the motor carrier responsible for safety, what should they do to register vehicles?

If the motor carrier that is responsible for safety cannot be identified, with a corresponding TIN, then the leasing company or owner-operator must obtain their own USDOT number using one of the other available designations.

3. What will happen to the Registrant USDOT numbers?

The Registrant-Only USDOT numbers will be made inactive by FMCSA on or about October 13, 2012. Companies that do not take action will be shown as “Inactive” in the Motor Carrier Management Information System (MCMIS). A review of the Company History in MCMIS will show the date that the change was made and the notation “Former Registrant” as reason for the change. If a company takes action and updates its operation type to Interstate Carrier or one of the other operation types, it will be given such status and will no longer be shown as “Inactive.” A review of the Company History in MCMIS will show the date that the change was made.

4. Should pre-populated MCS-150 Update Renewal Packages be sent to the companies with Registrant-Only USDOT numbers?

No. This process should be discontinued.

5. What if the motor carrier has company-operated vehicles and short-term lease owner/operators?

The USDOT number used should be the number of the motor carrier. .

6. Some States also have, for efficiency reasons, an automatic drop down of the USDOT number from the registrant level to the vehicle level. Is a change needed?

Yes. This edit will also need to be revised so that the notation for a registrant that is not a motor carrier (if the “REGONLY” option is selected) is not automatic.

7. What administrative clean-up might be needed?

After the State has modified its computer system to eliminate the requirement that a Registrant-Only vehicle be given a USDOT number, the existing USDOT numbers should be replaced on the International Registration Plan (IRP) database with the corrected notation for such a registrant instead of a USDOT number, such as a check box indicator, or the words REGONLY, or a State issued numeric value, depending on the State’s choice. The accounts with these numbers can be determined by querying the local census file or Commercial Vehicle Information Exchange Window (CVIEW) for the entity type “registrant only”.

8. Will changes need to be made to the Validation and Safety Edits?

The current validation and safety check edits will need to remain in place for the registrant USDOT number that is **also a motor carrier** number. The system edits will need to be modified for the registrant that is **not also** a motor carrier. The system edits will need to recognize the notation REGONLY or the modification in use by the State. The validation and safety checks will no longer be done when this REGONLY notation or State modification is encountered.

9. What about renewal applications/MCS –150 information edits?

Since verified leasing/rental companies and owner – operators that only lease out will no longer be required to have an active USDOT number, and the USDOT numbers will be inactive, the MCS-150 update requirement will not apply. As a result, renewal applications will also need to have programming edits to account for the REGONLY, or other State notation or open field notation. To determine whether or not to print a pre-populated MCS – 150, the check for the MCS – 150 update date field from the local census file or CVIEW will need to be modified. The REGONLY notation, or the modification in use by the State, needs to be recognized to stop the edit against the file for the MCS – 150 update date field and downloading of the information. This date will also be non-existent on the MCS – 150 update date field on IRP systems.

10. What changes to State forms and procedures are anticipated?

States will need to modify instructions on all IRP forms, checklists, and in the manuals for the registrants and IRP clerks. Updated manuals related to PRISM processes are located on the FMCSA Web site at:

<http://www.fmcsa.dot.gov/safety-security/prism/prism-resources.aspx#Training>

The requirement for a Registrant Only USDOT number must be revised to explain what the registrant should indicate on the vehicle registration form, (REGONLY if the

company is not also a motor carrier). All changes to the MCS – 150 updates will need to be explained on the documents.

11. Can a designation be added to section 23 (Operations Classification) of the MCS-150 to describe leasing companies?

When completing or updating an MCS-150, companies or IRP/FMCSA staff completing the form on their behalf, are encouraged to use the box in section 23 marked “Other” and fill in “Leasing Co” when the vehicle registrant is a leasing company that will never operate as a motor carrier.

FAQ for States that have not yet implemented system changes to eliminate Registrant-Only USDOT numbers.

1. Can a Registrant-Only USDOT number be used to register a vehicle?

Not after September 1, 2012.

2. Should a Registrant-Only or inactive USDOT number MCS-150 update be processed?

Yes. If the company has a Registrant-Only or inactive USDOT number and wishes to update their information via the MCS-150 form, process the updates.

Attachment B

[Registrant ADDRESS]

DATE

Dear [Registrant Official]:

The Federal Motor Carrier Safety Administration (FMCSA) is eliminating the “Vehicle Registrant Only” option on the Motor Carrier Identification Report (MCS-150 form), effective September 1, 2012. Our records indicate that you selected the “Vehicle Registrant Only” operation type when you filed the MCS-150 form to apply for a U.S. Department of Transportation (USDOT) Number. Action may be required on your part to update your MCS-150 form. If no action is taken, your USDOT Number will be made inactive on or about October 13, 2012.

Please review all of the information below to determine if you need to submit an updated MCS-150 form. If you are a motor carrier operating commercial motor vehicles, you may be required to update your MCS-150 form before obtaining or renewing your vehicle registration(s).

Updating Your MCS-150 Form

By Mail: An MCS-150 form is enclosed. Complete the form according to the instructions. Fold it so the pre-printed FMCSA address is showing and drop it in the mail.

Online: You can update your MCS-150 form electronically on the following FMCSA websites: www.safersys.org or www.fmcsa.dot.gov. You will need your USDOT Number or Motor Carrier (MC) Number **and** your Personal Identification Number (PIN). If you do not have your PIN, there are instructions online to obtain a PIN at <http://www.fmcsa.dot.gov/documents/iep/IEP-INSTRUCTIONS.pdf>.

Companies That Are Out-of-Business

If your company is now out-of-business, complete the enclosed MCS-150 form using the self-addressed, postage-paid form included with this letter. In the first line, “Reason for Filing,” check the box for “Out of Business Notification.” Sign and date the bottom of the form and mail it to FMCSA.

Owner-Operators, Leasing or Rental Companies, and Motor Carriers

Owner-Operators

- File an updated MCS-150 form if you are an owner-operator that may on occasion operate interstate under your own USDOT Number. Change your Company Operation to Interstate Carrier on the MCS-150 form. Select “Biennial Update or Changes” under the “Reason for Filing” section at the top of the form and select “Interstate Carrier” in Section 22. Also, update the other information on the form as needed.
- No action is required if you are an owner-operator that will *always* operate under another company’s USDOT Number and Operating Authority. Your USDOT Number will be made inactive in FMCSA’s census records. Should your operational needs change in the future to include operating as a motor carrier, you must update your MCS-150 form before beginning those operations.

Leasing/Rental Companies

- File an updated MCS-150 form if you are a leasing company that delivers or picks up commercial motor vehicles across State lines (see enclosed **Definitions** of interstate commerce). If this is applicable to you, you must change your Company Operation to Interstate Carrier on the MCS-150 form. Select “Biennial Update or Changes” under the “Reason for Filing” section at the top of the form and select “Interstate Carrier” in Section 22. Also, update the other information on the form as needed.
- No action is required if you are a leasing/rental company that does not transport or operate commercial motor vehicles. Your USDOT Number will be made inactive in FMCSA’s census records. Should your operational needs change in the future to include operating as a motor carrier, you must update your MCS-150 form before beginning those operations.

Motor Carriers

- If you operate commercial motor vehicles as a motor carrier, your company will need to update your USDOT Number status using the MCS-150 form and select one of the following options in Section 22 of the form:

Section 22: COMPANY OPERATION (*Mark all that apply*)

A. Interstate Carrier **B.** Intrastate Hazmat Carrier **C.** Intrastate Non-Hazmat Carrier

Select **A.** Interstate Carrier if you are a company that operates across State lines or international borders, or as part of trade, traffic, or transportation originating or terminating outside your State or outside the United States. In addition, **for-hire** motor carriers must obtain operating authority from FMCSA following the procedures described in 49 CFR part 365.

Select **B.** Intrastate Hazmat Carrier if you are a company that transports hazardous materials and does not operate across State lines or international borders or carry cargo originating outside your State or in another country.

Select **C.** Intrastate Non-Hazmat Carrier if you are a company that does not operate across State lines or international borders or carry cargo originating or terminating outside your State or outside the United States.

If you have additional questions about updating your MCS-150 form, refer to the FMCSA website at <http://www.fmcsa.dot.gov> under Registration and Licensing or contact FMCSA at 1-877-905-8016.

Sincerely,

Jeffrey L. Secrist
Chief, Information Technology
Operations Division

Definitions

Federal Motor Carrier Safety Regulations, Title 49 of the Code of Federal Regulations §390.5. (49 C.F.R. §390.5).

Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle:

- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, Chapter I, subchapter C.

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

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

Intrastate commerce means any trade, traffic, or transportation in any State which is not described in the term "interstate commerce."

Motor carrier means a for-hire motor carrier or a private motor carrier. The term includes a motor carrier's agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. For the purposes of subchapter B, this definition includes the terms employer and exempt motor carrier.

Attachment C

[Registrant ADDRESS]

DATE

Dear [Registrant Official]:

The Federal Motor Carrier Safety Administration (FMCSA) is eliminating the “Vehicle Registrant Only” option on the Motor Carrier Identification Report (MCS-150 form) effective September 1, 2012. Our records indicate that you selected the “Vehicle Registrant Only” operation type when you filed the MCS-150 form to apply for a U.S. Department of Transportation (USDOT) Number. Action may be required on your part to update your MCS-150 form; otherwise, your USDOT Number status will be made inactive on or about October 13, 2012.

Please review all of the information below to determine if you need to submit an updated MCS-150 form. If you are a motor carrier operating commercial motor vehicles, you will be required in many States to update your MCS-150 form before obtaining or renewing your vehicle registration(s).

Updating Your MCS-150 Form

By Mail: FMCSA has enclosed a MCS-150 form. Complete the form according to the instructions. Fold it so the pre-printed FMCSA address is showing and drop it in the mail.

Online: You can update your MCS-150 form electronically on these FMCSA websites: www.safersys.org or www.fmcsa.dot.gov. You will need your USDOT Number or Motor Carrier (MC) Number **and** your Personal Identification Number (PIN). If you do not have your PIN, there are instructions online to obtain a PIN at <http://www.fmcsa.dot.gov/documents/iep/IEP-INSTRUCTIONS.pdf>.

Companies That Are Out-of-Business

If your company is now out-of-business, complete the enclosed MCS-150 form using the self-addressed, postage-paid form included with this letter. In the first line, “Reason for Filing,” check the box for “Out of Business Notification” and then sign and date the bottom of the form, and mail it to FMCSA.

Owner-Operators, Leasing or Rental Companies, and Motor Carriers

Owner-Operators

- File an updated MCS-150 form if you are an owner-operator that may on occasion operate interstate under your own USDOT Number by changing your Company Operation to Interstate Carrier. Select “Biennial Update or Changes” under the “Reason for Filing” section at the top of the form and select “Interstate Carrier” in Section 22. Also, update the other information on the form as needed.
- No action is required if you are an owner-operator that will *always* operate under another company’s USDOT Number and Operating Authority. Your USDOT Number will be inactive in FMCSA’s census records. Should your operational needs change in the future

to include operating commercial motor vehicles as a motor carrier, you must update your MCS-150 form before beginning those operations.

Leasing/Rental Companies

- File an updated MCS-150 form if you are a leasing company that delivers or picks up commercial motor vehicles across State lines (see **Definitions** of interstate commerce enclosed). In this scenario, you must change your Company Operation to Interstate Carrier. Select “Biennial Update or Changes” under the “Reason for Filing” section at the top of the form and select “Interstate Carrier” in Section 22. Also, update the other information on the form as needed.
- No action is required if you are a leasing/rental company that does not transport or operate commercial motor vehicles. Your USDOT Number will be inactive in FMCSA’s census records. Should your operational needs change in the future to include operating commercial motor vehicles as a motor carrier, you must update your MCS-150 form before beginning those operations.

Motor Carriers

- If you operate commercial motor vehicles as a motor carrier, your company will need to update your USDOT Number status using the MCS-150 form and select one of the following options in Section 22 of the form:

Section 22: COMPANY OPERATION *(Mark all that apply)*

A. Interstate Carrier B. Intrastate Hazmat Carrier C. Intrastate Non-Hazmat Carrier

Select **A. Interstate Carrier** if you are a company that operates across State lines or international borders, or as part of trade, traffic, or transportation originating or terminating outside your State or outside the United States. In addition, **for-hire** motor carriers must obtain operating authority from FMCSA following the procedures described in 49 CFR part 365.

Select **B. Intrastate Hazmat Carrier** if you are a company that transports hazardous materials and does not operate across State lines or international borders or carry cargo originating outside your State or in another country.

Select **C. Intrastate Non-Hazmat Carrier** if you are a company that does not operate across State lines or international borders or carry cargo originating or terminating outside your State or outside the United States.

New Entrant Safety Assurance Program

Please note that new interstate carriers are subject to Section 385, Subpart D in Title 49 of the Code of Federal Regulations, including the requirements of a New Entrant Safety Audit and New Entrant monitoring during their first 18 months of operations. Our records indicate that your USDOT number was obtained within the previous 18 months. Therefore, if you operate as an interstate motor carrier, you are subject to the New Entrant requirements.

As information, be advised that there are a number of reasons an interstate motor carrier could automatically fail a New Entrant Safety Audit. Some examples of automatic failure violations which require only a single occurrence are:

- failing to implement an alcohol and/or controlled substances testing program,
- failing to implement a random controlled substances and/or alcohol testing program,
- operating a commercial motor vehicle without having the required minimum levels of financial responsibility coverage in effect,
- failing to correct out-of-service defects listed by driver in a Driver Vehicle Inspection Report before the vehicle is operated again.

If you have additional questions about updating your MCS-150 form, refer to the FMCSA website at <http://www.fmcsa.dot.gov> under Registration and Licensing or contact FMCSA at 1-877-905-8016.

Sincerely,

Jeffrey L. Secrist
Chief, Information Technology
Operations Division

Definitions

Federal Motor Carrier Safety Regulations, Title 49 of the Code of Federal Regulations, Section 390.5. (49 C.F.R. §390.5).

Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle:

- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, Chapter I, subchapter C.

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

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

Intrastate commerce means any trade, traffic, or transportation in any State which is not described in the term "interstate commerce."

Motor carrier means a for-hire motor carrier or a private motor carrier. The term includes a motor carrier's agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. For the purposes of subchapter B, this definition includes the terms employer and exempt motor carrier.

Attachment D

[Registrant/Company NAME/ADDRESS]

DATE

Dear [Registrant Official]:

The Federal Motor Carrier Safety Administration (FMCSA) is eliminating the "Vehicle Registrant Only" option on the Motor Carrier Identification Report (MCS-150 form) effective September 1, 2012. Our records indicate that you are registered with a U.S. Department of Transportation (USDOT) number as having a "Vehicle Registrant Only" operation type. However, FMCSA records of safety events, such as vehicle/driver inspections, crashes, and/or active for-hire operating authority indicate that [COMPANY NAME] is in fact an **interstate motor carrier**. This letter serves to advise you that, on or about October 13, 2012, FMCSA will change the record of [COMPANY NAME] to that of an **interstate motor carrier**.

This change means that [COMPANY NAME] will be monitored in FMCSA's Safety Measurement System and subject to the Federal Motor Carrier Safety Regulations, Federal Motor Carrier Commercial Regulations and/or Hazardous Materials Regulations, as applicable. If you obtained a USDOT number **within the past 18 months**, then your company is also subject to 49 CFR Section 385, Subpart D, including the requirements of a New Entrant Safety Audit and New Entrant monitoring during the first 18 months of operations.

Should you believe that safety events have been incorrectly attributed to your company's USDOT number, the FMCSA Web site has an online tool, DataQs, to research the attribution of State-reported crash or inspection data. You may request a data review by registering for DataQs. The DataQs Web site is: <https://dataqs.fmcsa.dot.gov/login.asp>. For information regarding FMCSA registration and regulations, refer to the FMCSA Web site: <http://www.fmcsa.dot.gov>.

Definitions for certain terms used in this letter are included on an enclosure. If you have additional questions about this action, contact FMCSA at 1-877-905-8016.

Sincerely,

Jeffrey L. Secrist
Chief, Information Technology
Operations Division

Enclosures:

Definitions

Most Common Single Occurrence Violations That will Result in Automatic Failure of a New Entrant Safety Audit

Enclosure 1

Definitions

Federal Motor Carrier Safety Regulations, Title 49 of the Code of Federal Regulations §390.5. (49 C.F.R. §390.5).

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- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, Chapter I, subchapter C.

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

- (1) Between a place in a State and a place outside of such State (including a place outside of the United States);
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Enclosure 2

Most Common Single Occurrence Violations That Will Result in Automatic Failure of a New Entrant Safety Audit

- failing to implement an alcohol and/or controlled substances testing program,
- failing to implement a random controlled substances and/or alcohol testing program,
- operating a commercial motor vehicle without having the required minimum levels of financial responsibility coverage in effect,
- failing to correct out-of-service defects listed by driver in a Driver Vehicle Inspection Report before the vehicle is operated again.