INTERNATIONAL REGISTRATION PLAN, INC.

International Registration Plan©

with Official Commentary

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INTERNATIONAL REGISTRATION PLAN

Table of Contents

INTERNATIONAL REGISTRATION PLAN ..... **I**
Table of Contents i
FOREWORD **6**
OFFICIAL COMMENTARY **7**
ARTICLE I PURPOSE AND PRINCIPLES **8**
100 TITLE 8
105 FUNDAMENTAL PRINCIPLE 8
110 ONE REGISTRATION PLATE 9
115 EFFECT OF THE PLAN ON OTHER AGREEMENTS 9
120 RECIPROCAL EXEMPTION FROM FEES 9
125 GRANTING OF RECIPROCITY 10
130 DISCHARGE OF REGISTRANT RESPONSIBILITY 10
135 FEES NOT WAIVED 11
ARTICLE II DEFINITIONS **12**
ALLOCATION 12
APPLICANT 12
APPORTIONABLE FEE 12
APPORTIONABLE VEHICLE 12
APPORTIONED VEHICLE 13
APPORTIONMENT PERCENTAGE 14
AUDIT 14
AUXILIARY AXLE 14
AXLE 14
BASE JURISDICTION 15
BOARD 15
CAB CARD 15
CHARTERED PARTY 15
COMBINATION OF VEHICLES 16
CREDENTIALS 16
ENFORCEMENT DATE 16
ESTABLISHED PLACE OF BUSINESS 16
EXCEPTION 17
EXTENSION 17
FLEET 17
GRACE PERIOD 17
HOUSEHOLD GOODS CARRIER 18
INTERJURISDICTION MOVEMENT 18
INTRAJURISDICTION MOVEMENT 18
JURISDICTION 18

LEASE....19
LESSEE....19
LESSOR....19
MEMBER JURISDICTION....19
MOTOR VEHICLE....19
PERSON....20
PLATE....20
POOL....20
POWER UNIT....20
PROPERLY REGISTERED VEHICLE....20
RECIPROCITY....21
RECIPROCITY AGREEMENT....21
RECIPROCITY DISTANCE....21
RECORDS....21
RECORDS REVIEW....22
RECREATIONAL VEHICLE....22
REGISTRANT....22
REGISTRATION YEAR....22
RENTAL FLEET....23
RENTAL OWNER....23
RENTAL VEHICLE....23
REPORTING PERIOD....23
REPOSITORY....24
RESIDENCE....24
RESTRICTED PLATE....25
SEMI-TRAILER....25
SERVICE REPRESENTATIVE....25
TOTAL DISTANCE....25
TRACTOR....26
TRAILER....26
TRIP PERMIT....26
TRUCK....26
TRUCK TRACTOR....26
UNITED STATES REGIONS....27
VEHICLE....27

ARTICLE III APPLICATIONS FOR APPORTIONED REGISTRATION....28

300 APPORTIONED REGISTRATION EXCLUSIVE....28
305 SELECTION OF BASE JURISDICTION....28
310 REGISTRANT FROM NON-MEMBER JURISDICTION....29
315 APPLICATION PROCESS....30
320 AVERAGE PER-VEHICLE DISTANCE....31
325 VARIANCE OF REGISTERED WEIGHTS....31

ARTICLE IV FEES....33

400 CALCULATION OF APPORTIONABLE FEES....33
405 CALCULATION OF APPORTIONMENT PERCENTAGE (deleted)....33

410 NO MINIMUM REGISTRATION FEE; COLLECTION OF OTHER FEES PERMITTED 33
415 ADDITIONAL JURISDICTIONS (deleted) 33
420 NEW FLEETS 33
425 ADDITIONAL VEHICLES 34
430 FLEET CONSOLIDATION 34
435 REFUNDS AND CREDITS 35
440 CREDIT FOR REPLACEMENT VEHICLES 35
445 FOREIGN EXCHANGE 35

ARTICLE V REGISTRATION OF APPORTIONABLE VEHICLES 37

500 BASE JURISDICTION REGISTRATION 37
505 CANCELLATION OF REGISTRATION 37
510 OPERATION UNDER PLAN REGISTRATION 37
515 RECIPROCITY FOR TRAILING EQUIPMENT 38
520 STAGGERED REGISTRATION 38
525 TRIP PERMIT REGISTRATION 39
530 UNLADEN VEHICLE REGISTRATION—HUNTER'S PERMITS 39

ARTICLE VI CREDENTIALS 40

600 CREDENTIALS FOR APPORTIONED REGISTRATION 40
605 DISPLAY OF REGISTRATION CREDENTIALS; RENEWAL CREDENTIALS 41
610 CONTENTS OF THE CAB CARD 41
615 PLATES OF WITHDRAWN VEHICLES 42
620 TEMPORARY EVIDENCE OF APPORTIONED REGISTRATION 42

ARTICLE VII HOUSEHOLD GOODS CARRIERS 44

700 EQUIPMENT LEASED FROM SERVICE REPRESENTATIVES 44
705 REGISTRATION IN BASE OF SERVICE REPRESENTATIVE 44
710 REGISTRATION IN BASE OF CARRIER 44

ARTICLE VIII MOTOR BUS APPORTIONMENT 46

800 APPLICATION FILING 46
805 DETERMINATION OF DISTANCE 46

ARTICLE IX RENTAL VEHICLE REGISTRATION 47

900 BASE JURISDICTION FOR RENTAL FLEET 47
905 RENTAL PASSENGER CARS 47
910 RENTAL UTILITY TRAILERS 48
915 ONE-WAY VEHICLE 48

ARTICLE X RECORDS AND AUDITS 49

1000 RETENTION AND AVAILABILITY OF RECORDS 49
1005 ADEQUACY OF RECORDS 49
1010 CONTENTS OF RECORDS 50
1015 INADEQUATE RECORDS; ASSESSMENT 51
1020 SCOPE OF AUDITS 52
1025 FREQUENCY OF AUDITS 52
1030 JOINT AUDITS 53

1035 BASE JURISDICTION AUDIT EXPENSES 53
1040 REEXAMINATIONS 54
1045 FINDINGS OF A REEXAMINATION 54
1050 NETTING AUDIT ADJUSTMENTS 55
1055 AUDIT REPORTS 55
1060 AUDIT TRANSMITTALS 56
1065 AUDIT APPEALS 56
1070 FINALITY OF AUDIT FINDINGS 57
1075 AUDIT PROCEDURES MANUAL 57

ARTICLE XI MEMBERSHIP AND EXCEPTIONS 58

1100 JURISDICTIONAL MEMBERSHIP IN THE PLAN 58
1105 WITHDRAWAL AS A MEMBER 58
1110 JURISDICTION EXCEPTIONS 59
1115 PERIODIC APPROVAL OF EXCEPTIONS 60
1120 AMENDMENTS TO EXCEPTIONS 60
1125 CANCELLATION OF EXCEPTIONS 60

ARTICLE XII MEMBER JURISDICTION DUTIES AND COOPERATION 61

1200 COOPERATIVE AGREEMENT 61
1205 FEE CHANGES 61
1210 TIMELY COLLECTION OF APPORTIONABLE FEES 62
1215 FEE TRANSMITTALS 62
1220 ANNUAL REPORT OF ACTIVITY 63
1225 FEE TEST 64
1230 NOTIFICATON OF EXTENSIONS 64

ARTICLE XIII PLAN ADMINISTRATION 65

1300 OFFICIAL REPOSITORY 65
1305 BOARD OF DIRECTORS 65
1310 DUES 65
1315 MEMBER JURISDICTIONS IN GOOD STANDING 66
1320 MEMBERSHIP BALLOTS 67
1325 COMPOSITION OF THE BOARD OF DIRECTORS OF THE REPOSITORY 67
1330 ELECTION OF BOARD MEMBERS 68
1335 TERM OF OFFICE 68
1340 VACANCIES ON THE BOARD 69
1345 BOARD ACTIONS 69
1350 LIAISONS TO COMMITTEES 69
1355 PEER REVIEW 70

XIV DISPUTE RESOLUTION AND PLAN INTERPRETATION 72

1400 BOARD ACTION—RAISING OF ISSUES 72
1405 INVESTIGATION OF ISSUES 72
1410 POWERS AND DUTIES OF THE BOARD 73
1415 DISPOSITION OF BOARD DECISIONS 74
1420 APPEALS TO THE BOARD 74
1425 REFUSAL TO ACT ON ISSUE 75

1430 ISSUES REFERRED TO JURISDICTIONS 75

ARTICLE XV AMENDMENTS TO THE PLAN 77

1500 AMENDMENT PROCESS 77
1505 AMENDMENT INTRODUCTION PROCESS 77
1510 FULL-TRACK BALLOT PROCESS 78
1515 SHORT-TRACK BALLOT PROCESS 78
1520 EFFECTIVE DATE OF PLAN AMENDMENTS 79

APPENDIX A MEMBER JURISDICTIONS 80

APPENDIX B EXCEPTIONS TO THE INTERNATIONAL REGISTRATION PLAN 82

APPENDIX C FORM OF ANNUAL REPORT OF PLAN ACTIVITY 83

APPENDIX D INTERNATIONAL REGISTRATION PLAN DUES 84

APPENDIX E GOVERNING BOARD DECISIONS 85

FOREWORD

The International Registration Plan is an agreement providing for registration reciprocity among Member Jurisdictions.

The unique feature of the Plan is that, even though Apportionable Fees are paid to the various Jurisdictions in which Vehicles of a Fleet are operated, the only Plate and Cab Card issued for each Fleet Vehicle are the Plate and Cab Card issued by the Base Jurisdiction. The Plan provides for payment of Apportionable Fees on the basis of the proportion of Total Distance operated in all Jurisdictions by the Fleet of which a Vehicle is part.

A Fleet Vehicle is called an Apportionable Vehicle in the Plan, and such a Vehicle, when registered under the Plan and so far as registration is concerned, may be operated both between Member Jurisdictions and within any single Jurisdiction for which it is so registered.

The Plan was initially developed by the American Association of Motor Vehicle Administrators and is recommended for adoption by all Jurisdictions.

OFFICIAL COMMENTARY

The International Registration Plan was initially developed in the 1960s and early 1970s by representatives of the American Association of Motor Vehicle Administrators, with important input from representatives of the interstate motor carrier and Truck rental and leasing industries. The Plan was conceived as a means of replacing the system of registration Reciprocity which then prevailed, and which was rapidly becoming inadequate to meet the needs of expanding interstate and international commerce.

With the related International Fuel Tax Agreement, the Plan is unique in that it is an interJurisdictional agreement administered and managed by the states and provinces that are its members without any significant federal involvement.

CONCERNING HISTORICAL NOTES

Historical Notes have been inserted for convenience only and are not part of the official text of the Plan.

ARTICLE I
PURPOSE AND PRINCIPLES

Official Commentary

Although this Article serves in part as an introduction to the Plan, it is itself an integral part of the Plan and its provisions are substantive in nature.
This Article sets out the guiding purposes and principles of the Plan, and the Plan should be construed throughout in accordance with them.
The text of each part of the Plan should be read in the light of the purpose or principle of the provision in question, as well as those of the Plan as a whole, and the language should be construed narrowly or broadly, as the case may be, in conformity with the purposes and principles involved.

Throughout the Plan, Member Jurisdictions and their representatives are to be held to a standard of conduct that is reasonable for a Jurisdiction in light of the purpose, the principles, and the provisions of the Plan.

100 TITLE

This reciprocal agreement shall be known as the International Registration Plan and is referred to below as the Plan.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 100.

105 FUNDAMENTAL PRINCIPLE

The fundamental principle of the Plan is to promote and encourage the fullest possible use of the highway system by authorizing apportioned registration of Fleets of Apportionable Vehicles and the recognition by each Member Jurisdiction of the registration of Vehicles apportioned by other Member Jurisdictions, thus contributing to the economic and social development and growth of the Member Jurisdictions.

Official Commentary

Freedom of Vehicle movement is a fundamental principle of the Plan. This freedom is to be attained by authorizing apportioned registration of Fleets.

The apportioned registration system makes possible greater flexibility of commerce between and among the Member Jurisdictions. Such efficient use of the highway system is beneficial to the economic and social growth of the Member Jurisdictions. Freedom of Vehicle movement is achieved through official recognition of Apportioned Vehicles by all Member Jurisdictions.

The critical importance of the Plan for interJurisdictional commerce is underscored by the cumbersome, inadequate system of registration reciprocity which preceded the adoption of the Plan. That system, which was poorly adapted to the movement of commercial vehicles among Jurisdictions, could not sustain the level of freight and passenger transportation demanded by the economies of the Member Jurisdictions in the 21st century.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 102.
Related DRC Action: Dispute Resolution Committee Decision 2010.1, May 13, 2010.

110 ONE REGISTRATION PLATE

It is the purpose of the Plan to implement the concept of one registration Plate for one Vehicle.

Official Commentary

This Section is not intended to prevent a member from issuing two matching Plates for an Apportionable Vehicle and requiring those Plates to be displayed on the front and rear of the vehicle. Rather, the Section presents as one of the foundations of the Plan the concept that an Apportionable Vehicle registered under the Plan need not display a registration credential other than that issued by its Base Jurisdiction.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 104.

115 EFFECT OF THE PLAN ON OTHER AGREEMENTS

The Plan preempts any agreement, arrangement, or understanding of any kind between any two or more Member Jurisdictions concerning matters within the Plan. The Plan shall not, however, affect any agreement, arrangement, or understanding between a Member Jurisdiction and a Jurisdiction that is not a Member Jurisdiction.

Official Commentary

This section refers primarily to registration reciprocity agreements between or among Plan members. Such agreements frequently apply both to Apportionable Vehicles and to non-Apportionable Vehicles. The Plan does not affect the validity of such an agreement insofar as it concerns matters not covered by the Plan.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Related Provisions, 2006 Plan: Section 2000.
Related DRC Action: Dispute Resolution Committee Decision 2010.1, May 13, 2010.

120 RECIPROCAL EXEMPTION FROM FEES

The intent of the Plan is to encourage Member Jurisdictions to grant exemptions from the payment of non-Apportionable Fees by Registrants when such grants are reciprocal.

Official Commentary

Non-Apportionable Fees under this Section may be subject to exemption under separate reciprocal agreements.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 106.
Related DRC Action: Dispute Resolution Committee Decision 2010.1, May 13, 2010.

125 GRANTING OF RECIPROCITY

It is the purpose of the Plan to provide a system through which Member Jurisdictions grant Reciprocity to apportioned Fleets of Vehicles and to provide for the continuance of Reciprocity granted to those Vehicles that are not eligible for apportioned registration under the Plan.

Official Commentary

Apportioned Fleets must be granted Reciprocity. Fleets not so registered are subject to pre-existing registration requirements but may, nevertheless, be granted Reciprocity. Vehicles displaying Restricted Plates, such as farm vehicles, may be exempt from additional fees if the Member Jurisdiction's law, applicable agreements, understandings, or declarations so provide. Fleets registered under the Plan are not charged additional Apportionable Fees by Member Jurisdictions unless authorized under Section 410.

The Plan is therefore construed to be a Reciprocity Agreement providing for the recognition of fees paid to other Member Jurisdictions.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 108.
Related DRC Action: Dispute Resolution Committee Decision 2010.1, May 13, 2010.

130 DISCHARGE OF REGISTRANT RESPONSIBILITY

A Registrant's payment to the Base Jurisdiction of Apportionable Fees due under the Plan to all Member Jurisdictions discharges the Registrant's responsibility for payment of Apportionable Fees to individual Member Jurisdictions.

Official Commentary

This Section is intended to make clear that the obligation of a Plan Registrant to pay Apportionable Fees is fulfilled by its payment of those fees to its Base Jurisdiction. The Registrant is not liable to other Member Jurisdictions for those fees if the Base Jurisdiction fails to account for them properly.

However, this Section does not waive the proper payment of Apportionable Fees if later it is determined that those fees were not calculated correctly and additional fees are due.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 109.

135 FEES NOT WAIVED

This Plan applies only to Apportionable Fees. Nothing in this Plan shall be construed to waive any fees or taxes authorized by the laws of any Member Jurisdiction in connection with the ownership or operation of Vehicles.

Official Commentary

Whether a fee or a tax is involved, it may only be collected in accordance with the laws of the Jurisdiction imposing the fee or tax. The fee or tax must be set or authorized by statute. A proliferation of such fees or taxes, however, may result in impeding the free movement of commerce among the Member Jurisdictions. This result would tend to contravene the purpose set forth in Section 105.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 302.
Related DRC Action: Dispute Resolution Committee Decision 2010.1, May 13, 2010.

ARTICLE II
DEFINITIONS

ALLOCATION

"Allocation" means a system of registering a Fleet that operates in more than one Member Jurisdiction under which the Vehicles are fully registered in individual Member Jurisdictions in proportion to a measure of the presence or travel of the Fleet in each one, and under which the Vehicles so registered are granted Reciprocity in all the Member Jurisdictions in which any of the Vehicles of the Fleet is registered.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**

APPLICANT

"Applicant" means a Person in whose name an application is filed for registration under the Plan.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 263.

APPORTIONABLE FEE

"Apportionable Fee" means any periodic recurring fee or tax required for registering Vehicles, such as registration, license, or weight fees.

Official Commentary

This provision describes the type of fees to be apportioned; the key words are "periodic" and "recurring." A registration, license, or weight fee is only apportionable if it is a "periodic recurring" fee.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 202.

APPORTIONABLE VEHICLE

"Apportionable Vehicle" means (except as provided below) any Power Unit that is used or intended for use in two or more Member Jurisdictions and that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and:

(i) has two Axles and a gross Vehicle weight or registered gross Vehicle weight in excess of 26,000 pounds (11,793.401 kilograms), or

(ii) has three or more Axles, regardless of weight, or

(iii) is used in combination, when the gross Vehicle weight of such combination exceeds 26,000 pounds (11,793.401 kilograms).

A Recreational Vehicle, a Vehicle displaying Restricted Plates, a bus used in the transportation of chartered parties or a government-owned Vehicle, is not an Apportionable Vehicle; except that a Truck or Truck Tractor, or the Power Unit in a Combination of Vehicles having a gross Vehicle weight of 26,000 pounds (11,793.401 kilograms), or less, and a bus used in the transportation of chartered parties, nevertheless may be registered under the Plan at the option of the Registrant.

Official Commentary

A Vehicle is determined to be apportionable according to the characteristics and use of the Vehicle or the Combination of Vehicles. Trailing equipment, however, is only registered under the Plan pursuant to an approved Exception, unless it is registered under Section 910.

Certain types of vehicles or Combinations of Vehicles that travel or are intended to travel in two or more Member Jurisdictions, but are not otherwise within the definition of Apportionable Vehicle may be apportioned if the Registrant so chooses. Vehicles not apportioned are subject to registration and fee payment in accordance with each Base Jurisdiction's general registration statutes. These non-apportionable Vehicles may be entitled to Reciprocity in other Jurisdictions under applicable Reciprocity Agreements.

The intent of the Registrant or Applicant to operate a Vehicle in two or more Member Jurisdictions is to be considered as an objective fact, determined from all the circumstances of the particular case. The fact that a Vehicle is not used in more than one Jurisdiction for the entirety of a Registration Year and for six additional months gives rise to a presumption that the Registrant did not intend to use the Vehicle in more than one Member Jurisdiction. Such a presumption may be overcome, however, by other circumstances presented by the Registrant.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 204.
Related DRC Action, 2006 Plan: Dispute Resolution Committee Decision 1998.1, November 19, 1998; Dispute Resolution Committee Decision 1998.3, November 19, 1998; Dispute Resolution Committee Decision 1999.5, November 13, 1999.
Related DRC Action: Dispute Resolution Committee Decision 2003.2, November 14, 2003; Dispute Resolution Committee Decision 2007.1, September 28, 2007.

APPORTIONED VEHICLE

"Apportioned Vehicle" means an Apportionable Vehicle that has been registered under the Plan.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**

APPORTIONMENT PERCENTAGE

"Apportionment Percentage" means the ratio of the distance traveled in the Member Jurisdiction by a Fleet during the Reporting Period to the distance traveled in all Member Jurisdictions by the Fleet during the Reporting Period, calculated to six decimal places, rounded to five decimal places, and multiplied by one hundred.

Official Commentary

Note that Sections 320 and 805 allow certain operations to use an alternate derivation of Apportionment Percentages.

Adopted: Ballot 384 Full Reciprocity Plan, effective January 1, 2015. **Amended:**

AUDIT

"Audit" means the examination of a Registrant's Records, including source documents, to verify the distances reported in the Registrant's application for apportioned registration and evaluate the accuracy of the Registrant's distance-accounting system for its Fleet. Such an examination may be of multiple Fleets for multiple years.

Official Commentary

The purpose of an Audit is to determine the Total Distance traveled by the Fleet and the percentage of distance traveled in each Member Jurisdiction.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.
Related Provisions, 2006 Plan: Section 262.

AUXILIARY AXLE

"Auxiliary Axle" means an auxiliary undercarriage assembly with a fifth wheel and tow-bar used to convert a Semi-Trailer to a Trailer.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**

Related Provisions, 2006 Plan: Section 206.

AXLE

"Axle" means an assembly of a Vehicle consisting of two or more wheels whose centers are in one horizontal plane, by means of which a portion of the weight of a Vehicle and its load, if any, is continually transmitted to the roadway. For purposes of registration under the Plan, an "Axle" is any such assembly whether or not it is load-bearing only part of the time.

Official Commentary

A single-unit Truck with a steering Axle and two Axles in a rear-Axle assembly is an Apportionable Vehicle even though one of the rear Axles is a so-called "dummy," "drag," "tag," or "pusher" type Axle.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 208.

BASE JURISDICTION

"Base Jurisdiction" means the Member Jurisdiction, selected in accordance with Section 305, to which an Applicant applies for apportioned registration under the Plan or the Member Jurisdiction that issues apportioned registration to a Registrant under the Plan.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 210.
Related DRC Action, 2006 Plan: Dispute Resolution Committee Decision 1996.7, October 7, 1996; Dispute Resolution Committee Decision 1999.4, November 13, 1999.

BOARD

"Board" means the Board of Directors of the Repository.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**

CAB CARD

"Cab Card" means an evidence of registration, other than a Plate, issued for an Apportioned Vehicle registered under the Plan by the Base Jurisdiction and carried in or on the identified vehicle.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 265.

CHARTERED PARTY

"Chartered Party" means a group of Persons who, pursuant to a common purpose and under a single contract, have acquired the exclusive use of a passenger-carrying Motor Vehicle to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the group after leaving the place of origin. This term includes services rendered to a number of passengers that a passenger carrier or its agent has assembled into a travel group through sales of a ticket to each individual passenger covering a round trip from one or more points of origin to a single advertised destination.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 214.

COMBINATION OF VEHICLES

"Combination of Vehicles" means a Power Unit used in combination with one or more Trailers, Semi-Trailers, or Auxiliary Axles.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 266.

CREDENTIALS

"Credentials" means the Cab Card and Plate issued in accordance with the Plan.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**

ENFORCEMENT DATE

"Enforcement Date" means the date the Base Jurisdiction requires a Registrant to display the new Registration Year's Credentials.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 268.

ESTABLISHED PLACE OF BUSINESS

"Established Place of Business" means a physical structure located within the Base Jurisdiction that is owned or leased by the Applicant or Registrant and whose street address shall be specified by the Applicant or Registrant. This physical structure shall be open for business and shall be staffed during regular business hours by one or more persons employed by the Applicant or Registrant on a permanent basis (i.e., not an independent contractor) for the purpose of the general management of the Applicant's or Registrant's trucking-related business (i.e., not limited to credentialing, distance and fuel reporting, and answering telephone inquiries). The Applicant or Registrant need not have land line telephone service at

the physical structure. Records concerning the Fleet shall be maintained at this physical structure (unless such records are to be made available in accordance with the provisions of Section 1035). The Base Jurisdiction may accept information it deems pertinent to verify that an Applicant or Registrant has an Established Place of Business within the Base Jurisdiction.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.
Related Provisions, 2006 Plan: Section 218.
Related DRC Action, 2006 Plan: Dispute Resolution Committee Decision 1997.21, November 16, 1997; Dispute Resolution Committee Decision 1999.4, November 13, 1998.

EXCEPTION

"Exception" means a deviation from the Plan by a Member Jurisdiction, which has been approved by all Member Jurisdictions.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan:

EXTENSION

"Extension" means a period of time from the expiration date or end of a Grace Period during which Registrants may operate on expired Credentials by reason of the inability of the Base Jurisdiction to provide current Credentials.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 270.

FLEET

"Fleet" means one or more Apportionable Vehicles designated by a Registrant for distance reporting under the Plan.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 220.

GRACE PERIOD

"Grace Period" means a period of time from the expiration of apportioned registration until the Enforcement Date for new Credentials.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 272.

HOUSEHOLD GOODS CARRIER

"Household Goods Carrier" means a carrier handling (i) personal effects and property used or to be used in a dwelling, or (ii) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, including objects of art, displays, and exhibits, which, because of their unusual nature or value, requires the specialized handling and equipment commonly employed in moving household goods.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 273.

INTERJURISDICTION MOVEMENT

"InterJurisdiction Movement" means Vehicle movement between or through two or more Jurisdictions.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 224.

INTRAJURISDICTION MOVEMENT

"IntraJurisdiction Movement" means Vehicle movement from one point within a Jurisdiction to another point within the same Jurisdiction.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 226.

JURISDICTION

"Jurisdiction" means a country or a state, province, territory, possession, or federal district of a country.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 228.

LEASE

"Lease" means a transaction evidenced by a written document in which a Lessor vests exclusive possession, control, and responsibility for the operation of a Vehicle in a Lessee for a specific term. A long-term Lease is for a period of 30 calendar days or more. A short-term Lease is for a period of less than 30 calendar days.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 275.
Related DRC Action: Dispute Resolution Committee Decision 2010.2, May 13, 2010.

LESSEE

"Lessee" means a Person that is authorized to have exclusive possession and control of a Vehicle owned by another under terms of a Lease agreement.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related DRC Action: Dispute Resolution Committee Decision 2010.2, May 13, 2010.

LESSOR

"Lessor" means a Person that, under the terms of a Lease agreement, authorizes another Person to have exclusive possession, control of, and responsibility for the operation of a Vehicle.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 277.
Related DRC Action: Dispute Resolution Committee Decision 2010.2, May 13, 2010.

MEMBER JURISDICTION

"Member Jurisdiction" means a Jurisdiction that has applied and has been approved for membership in the Plan in accordance with Section 1100 of the Plan.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 278.

MOTOR VEHICLE

"Motor Vehicle" means a Vehicle which is self-propelled by power other than muscular power and which does not move on rail.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 280.

PERSON

"Person" means a natural person or business entity such as a corporation, partnership, or limited liability company.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**

PLATE

"Plate" means the license plate, including renewal decals, if any, issued for a Vehicle registered under the Plan by the Base Jurisdiction.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 212

POOL

"Pool," with respect to motor bus operations, means an agreement or combination among motor carriers of passengers, with the approval of the U.S. Department of Transportation or relevant Provincial authority, to combine or divide traffic, services, or any part of their earnings.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**

POWER UNIT

"Power Unit" means a Motor Vehicle (but not including an automobile or motorcycle), as distinguished from a Trailer, Semi-Trailer, or an Auxiliary Axle.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 282.

PROPERLY REGISTERED VEHICLE

"Properly Registered Vehicle" means a Vehicle which has been registered in full compliance with the laws of all Jurisdictions in which it is intended to operate.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 283.
Related DRC Action: Dispute Resolution Committee Decision 2010.2, May 13, 2010.

RECIPROCITY

"Reciprocity" means the reciprocal grant by one Jurisdiction of operating rights or privileges to Properly Registered Vehicles registered by another Jurisdiction, especially but not exclusively including privileges generally conferred by Vehicle registration.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**

Related Provisions, 2006 Plan: Section 240.

RECIPROCITY AGREEMENT

"Reciprocity Agreement" means an agreement, arrangement, or understanding between two or more Jurisdictions under which each of the participating Jurisdictions grants reciprocal rights or privileges to Properly Registered Vehicles that are registered under the laws of other participating Jurisdictions.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 242.

RECIPROCITY DISTANCE

"Reciprocity Distance" means the distance traveled by Apportionable Vehicles in Jurisdictions which are not Member Jurisdictions and which grant Reciprocity without charge.

Official Commentary

Some Jurisdictions allow registration Reciprocity only to Vehicle operators which have paid a fee. Distance operated under Reciprocity which has been paid for in this respect is not intended to be included under this definition.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 284.

RECORDS

"Record" means information created, received, and maintained as evidence by an organization or person in the transaction of business, or in the pursuance of legal obligations, regardless of media.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.
Related Provisions, 2006 Plan: Section 232.

RECORDS REVIEW

"Records Review" means an evaluation of a Registrant's distance accounting system and internal controls to assess the Registrant's compliance with the requirements of the Plan. Unlike an Audit, a Records Review focuses only on the adequacy of the internal controls and the record-keeping system; it may be limited in scope to less than a full Registration Year; it may be conducted before the Registrant's first registration renewal; and it does not result in any fee adjustments.

Official Commentary

It is not the intent to limit the use of Records Reviews only to new accounts.

HISTORICAL NOTES

Adopted: Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013. **Amended:**

RECREATIONAL VEHICLE

"Recreational Vehicle" means a Vehicle used for personal pleasure or personal travel and not in connection with any commercial endeavor.

Official Commentary

The term "Recreational Vehicle" refers to vehicles such as campers, house trailers, motor homes, and mobile homes when used exclusively for personal pleasure and travel by an individual and his family. In order to qualify as a Recreational Vehicle, the Vehicle must not be used in connection with any business endeavor.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 244.

REGISTRANT

"Registrant" means a Person in whose name a Properly Registered Vehicle is registered.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 246.
Related DRC Action: Dispute Resolution Committee Decision 2010.2, May 13, 2010.

REGISTRATION YEAR

"Registration Year" means the twelve-month period during which, under the laws of the Base Jurisdiction, the registration issued to a Registrant by the Base Jurisdiction is valid.

Official Commentary

A Member Jurisdiction may not, except as part of a transition to staggered registration under Section 520, issue registration under the Plan for a period of more than twelve months.

Vehicles may be registered under the Plan for a period of less than twelve months, either as part of a transition to staggered registration or to fill out the remainder of a Registration Year.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 248.
Related DRC Action: Dispute Resolution Committee Decision 2008.3, October 3, 2008.

RENTAL FLEET

"Rental Fleet" means Vehicles the Rental Owner designates as a Rental Fleet and which are offered for rent with or without drivers.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 291.

RENTAL OWNER

"Rental Owner" means someone who rents Vehicles to others with or without drivers.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 292.

RENTAL VEHICLE

"Rental Vehicle" means a Vehicle of a Rental Fleet.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 294.

REPORTING PERIOD

"Reporting Period" means, except as provided below, the period of twelve consecutive months immediately prior to July 1 of the calendar year immediately preceding the beginning of the Registration Year for which apportioned registration is sought. If the Registration Year

begins on any date in July, August, or September, the Reporting Period shall be the previous such twelve-month period.

Official Commentary

The following table is provided for illustration purposes:

If the first month of Registration Year is:	**The Reporting Period is:**
January, 1975	July 1, 1973 – June 30, 1974
February, 1975	July 1, 1973 – June 30, 1974
March, 1975	July 1, 1973 – June 30, 1974
April, 1975	July 1, 1973 – June 30, 1974
May, 1975	July 1, 1973 – June 30, 1974
June, 1975	July 1, 1973 – June 30, 1974
July, 1975	July 1, 1973 – June 30, 1974
August, 1975	July 1, 1973 – June 30, 1974
September, 1975	July 1, 1973 – June 30, 1974
October, 1975	July 1, 1974 - June 30, 1975
November, 1975	July 1, 1974 - June 30, 1975
December, 1975	July 1, 1974 - June 30, 1975

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 238.
Related DRC Action, 2006 Plan: Dispute Resolution Committee Decision 1995.1 -Dispute Resolution Committee Decision 1996.1 — April 15, 1996.

REPOSITORY

"Repository" means the entity designated as such in Section 1300.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**

RESIDENCE

"Residence" means the status of an Applicant or a Registrant as a resident of a Member Jurisdiction.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 906.
Related DRC Action, 2006 Plan: Dispute Resolution Committee Decision 1996.3 — April 15, 1996; Dispute Resolution Committee Decision 1997.8 - September 11, 1997; Dispute Resolution Committee Decision 1997.21 - November 16, 1997.

RESTRICTED PLATE

"Restricted Plate" means a plate that has a time, geographic area, distance, or commodity restriction or a mass transit or other special plate issued for a bus leased or owned by a municipal government, a state or provincial transportation authority, or a private party, and operated as part of an urban mass transit system, as defined by the Jurisdiction that issues the plate.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 250.

SEMI-TRAILER

"Semi-Trailer" means a Vehicle without motor power that is designed to be drawn by a Motor Vehicle and is constructed so that a part of its weight rests upon or is carried by a towing Vehicle.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 252.

SERVICE REPRESENTATIVE

"Service Representative" means a Person that furnishes facilities and services, including sales, warehousing, motorized equipment, and drivers under contract or other arrangement to a motor carrier for the transportation of household goods.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 254.

TOTAL DISTANCE

"Total Distance" means all distance operated by a Fleet of Apportioned Vehicles. Total Distance includes the full distance traveled in all Vehicle movements, both interjurisdictional and intrajurisdictional, and including loaded, empty, deadhead, and bobtail distance. Distance traveled by a Vehicle while under a trip Lease shall be considered to have been traveled by the Lessor's Fleet.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013; Ballot 384 Full Reciprocity Plan, effective January 1, 2015.
Related Provisions, 2006 Plan: Section 256.
Related DRC Action, 2006 Plan: Dispute Resolution Committee Decision 1996.6, October 7, 1996; Dispute Resolution Committee Decision 1997.11 - September 11, 1997.

TRACTOR

"Tractor" means a motor Vehicle designed and used primarily for drawing other Vehicles, but not so constructed as to carry a load other than part of the weight of the Vehicle and load so drawn.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 285.

TRAILER

"Trailer" means a Vehicle without motor power, designed to be drawn by a Motor Vehicle and so constructed that no part of its weight or that of its load rests upon or is carried by the towing Vehicle.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 258.

TRIP PERMIT

"Trip Permit" means a permit issued by a Member Jurisdiction in lieu of apportioned or full registration.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 286.

TRUCK

"Truck" means a Power Unit designed, used, or maintained primarily for the transportation of property.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 287.

TRUCK TRACTOR

"Truck Tractor" means a Motor Vehicle designed and used primarily for drawing other Vehicles, but so constructed as to carry a load other than a part of the weight of the Vehicle and load so drawn.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 288.

UNITED STATES REGIONS

"United States Regions" means, for purposes of Section 1325, the following allocation of the United States Member Jurisdictions:

Region No. 1— Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

Region No. 2— Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

Region No. 3— Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

Region No. 4— Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**

VEHICLE

"Vehicle" means a device used to transport persons or property on a highway, but does not include devices moved by human power or used exclusively upon rails or tracks.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 290.

ARTICLE III
APPLICATIONS FOR APPORTIONED REGISTRATION

300 APPORTIONED REGISTRATION EXCLUSIVE

Registration under the Plan shall be in lieu of registration under any other registration statute of any Member Jurisdiction.

Official Commentary

This Section relieves a Registrant of any obligation to apply for purposes of Plan registration to any Plan member except the Registrant's Base Jurisdiction.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 400.

305 SELECTION OF BASE JURISDICTION

(a) An Applicant may elect as its Base Jurisdiction any Member Jurisdiction (i) where the Applicant has an Established Place of Business, (ii) where the Fleet the Applicant seeks to register under the Plan accrues distance, and (iii) where Records of the Fleet are maintained or can be made available.

(b) An Applicant that does not have an Established Place of Business in any Jurisdiction may designate as a Base Jurisdiction any Member Jurisdiction (i) where the Applicant can demonstrate Residence, (ii) where the Fleet the Applicant seeks to register under the Plan accrues distance, and (iii) where Records of the Fleet are maintained or can be made available.

(c) To establish Residence in a Member Jurisdiction, an Applicant must demonstrate to the satisfaction of the Member Jurisdiction at least three of the following:

> **(i) if the Applicant is an individual, that his or her driver's license is issued by that Jurisdiction,**
> **(ii) if the Applicant is a corporation, that it is incorporated or registered to conduct business as a foreign corporation in that Jurisdiction,**
> **(iii) if the Applicant is a corporation, that the principal owner is a resident of that Jurisdiction,**
> **(iv) that the Applicant's federal income tax returns have been filed from an address in that Jurisdiction,**
> **(v) that the Applicant has paid personal income taxes to that Jurisdiction,**
> **(vi) that the Applicant has paid real estate or personal property taxes to that Jurisdiction,**
> **(vii) that the Applicant receives utility bills in that Jurisdiction in its name,**
> **(viii) that the Applicant has a Vehicle titled in that Jurisdiction in its name, or**

(ix) that other factors clearly evidence the Applicant's legal Residence in that Jurisdiction.

Official Commentary

If more than one Member Jurisdiction could qualify as a Base Jurisdiction for an Applicant, the Applicant may choose which of them it will apply to for apportioned registration under the Plan. This serves to preserve the necessary but limited flexibility in the choice of a Base Jurisdiction.

It is not the intent of this section to permit a Registrant to manipulate the selection of a Base Jurisdiction in order to avoid the payment of Apportionable Fees on the basis of 100 percent of the distance traveled by its Fleet.

This Section provides a three-part test under subsection (a) for the determination of Base Jurisdiction. All three parts must be met in order for a Member Jurisdiction to qualify as a Base Jurisdiction.

The Plan offers Residence as an alternative criterion to Established Place of Business only for those Applicants who cannot demonstrate that they meet the Established Place of Business requirement.

With respect to the accrual by a Fleet of distance in the Base Jurisdiction, the requirement is to be applied only to the Fleet as a whole; each individual Vehicle of a Fleet need not enter the Base Jurisdiction.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.

310 REGISTRANT FROM NON-MEMBER JURISDICTION

(a) A Person whose only Established Place of Business is in a Jurisdiction that is not a Member Jurisdiction may, until such time as this Jurisdiction becomes a Member Jurisdiction, declare as its Base Jurisdiction the Member Jurisdiction in which it expects to operate the greatest distance in the first year of operation as a Registrant. A Member Jurisdiction that has received an application for registration under this subsection may reject it for cause. A Registrant may not continue maintaining a Base Jurisdiction under this Section once the Jurisdiction in which the Registrant has an Established Place of Business becomes a Member Jurisdiction.

(b) A Person that has taken advantage of the provisions of subsection (a) for registration under the Plan shall, in the event that a Jurisdiction in which the Person has an Established Place of Business becomes a Member Jurisdiction, henceforth use that Member Jurisdiction as its Base Jurisdiction. The re-registration of the Registrant's Apportionable Vehicles in the new Base Jurisdiction shall be accomplished through orderly and equitable procedures to be established by the Member Jurisdictions involved. Such procedures shall not require payment of duplicate Apportionable Fees.

Official Commentary

The purpose of this Section is to allow a Person to take advantage of registration under the Plan even though the Person has a business location only in a Jurisdiction which is not a Plan member. A Member Jurisdiction receiving an application for registration from such a Person may reject it for reasonable cause. It is required that Persons with an Established Place of Business only in a Jurisdiction located south of the United States will under this Section declare as Base Jurisdiction one of the four states (Arizona, California, New Mexico, and Texas) that border Mexico. This Section also provides for an orderly transition should that Jurisdiction subsequently become a Member Jurisdiction.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 110.

315 APPLICATION PROCESS

(a) The Base Jurisdiction shall determine the manner, the standard for measuring distance (i.e., miles or kilometers), application process, and filing deadlines for applications for registration under the Plan.

(b) An application for registration under the Plan shall contain information elements required by the Plan and such other information that is required by the Base Jurisdiction.

(c) Except where the Plan permits an Applicant to use average per-Vehicle distance, an application for registration under the Plan shall contain the actual distance that the Fleet being registered was operated during the Reporting Period.

(d) If the Fleet did not accrue any actual distance during the Reporting Period, an Applicant shall use average per-Vehicle distance.

(e) The expiration date of apportioned registration for all Apportioned Vehicles in a Fleet shall be the same date.

Official Commentary

Base Jurisdictions may require supporting documentation, such as past Records in an application for registration under the Plan, to determine if the Applicant qualifies for apportioned registration.

Although the expiration date of registration for all Vehicles in a particular Fleet must be the same, nothing in the Plan shall be deemed to prohibit a Member Jurisdiction from permitting a Registrant to have multiple Fleets for which apportioned registration expires on different dates.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013; Ballot 384 Full Reciprocity Plan, effective January 1, 2015.

Related Provisions, 2006 Plan: Sections 400, 402, 800.
Related DRC Action: Dispute Resolution Committee Decision 2003.1, November 14, 2003

320 AVERAGE PER-VEHICLE DISTANCE

(a) When the Application is for a Fleet that did not accrue any actual distance during the Reporting Period, the Base Jurisdiction shall assess registration fees for the Fleet based on the average per-Vehicle distance in each Member Jurisdiction, as provided below.

(b) In calculating average per-Vehicle distance, the Base Jurisdiction shall use its own data and the method prescribed in subsection (d) to determine the average per-Vehicle distance per Member Jurisdiction.

(c) By March 31 each year, each Member Jurisdiction shall update its average per-Vehicle distance per Member Jurisdiction.

(d) The Base Jurisdiction shall calculate its average per-Vehicle distance per Member Jurisdiction by:

> **(i) determining the total actual distances reported to the Base Jurisdiction as having been operated in each Member Jurisdiction by Fleets for which the Base Jurisdiction served as the Base Jurisdiction during the previous Registration Year;**
>
> **(ii) determining the number of Apportioned Vehicles for which the Base Jurisdiction served as Base Jurisdiction during the previous Registration Year that accrued distance in each respective Member Jurisdiction; and**
>
> **(iii) for each Member Jurisdiction, dividing the distance determined under clause (i) by the number of Apportioned Vehicles determined under clause (ii).**

Official Commentary

Where during the Registration Year a Fleet included Vehicles that were deleted for transfer and other Vehicles that served as replacement Vehicles, only the replacement Vehicles should be counted toward the total calculated in (d)(ii).

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 384 Full Reciprocity Plan, effective January 1, 2015.
Related Provisions, 2006 Plan: Section 800, 801.
Related DRC Action: Dispute Resolution Committee Decision 2008.1, June 26, 2008.

325 VARIANCE OF REGISTERED WEIGHTS

If an Applicant requests registration weights for a Vehicle in Member Jurisdictions that register according to gross Vehicle weight that differ by more than 10 percent between such Member Jurisdictions, the Base Jurisdiction may require the Applicant to provide

documentation concerning the actual operations of the Vehicle. The Base Jurisdiction may deny registration for such a Vehicle if the Base Jurisdiction determines that the requested variance does not reflect actual operations.

Official Commentary

The intent of this section is to remove any doubt on the part of a Member Jurisdiction that it has discretion to prevent the improper manipulation of Vehicle weights by an Applicant. The Section should not be used, however, to prevent a variance in Vehicle weights for which there is a legitimate purpose.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 508.

ARTICLE IV
FEES

400 CALCULATION OF APPORTIONABLE FEES

The Apportionable Fees for a Fleet in a Member Jurisdiction shall be calculated by multiplying the Apportionment Percentage calculated for the Member Jurisdiction by the total Apportionable Fees required under the law of the Member Jurisdiction for full registration of the Vehicles in the Fleet for the Registration Year, or the unexpired portion of the Registration Year, as the case may be.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 384 Full Reciprocity Plan, effective January 1, 2015.
Related Provisions, 2006 Plan: Sections 300,400.
Related DRC Action, 2006 Plan: Dispute Resolution Committee Decision 1996.6, October 7, 1996.

405 CALCULATION OF APPORTIONMENT PERCENTAGE (deleted)

Prior plan language under section 405 was deleted per Ballot 384 Full Reciprocity Plan, effective January 1, 2015.

410 NO MINIMUM REGISTRATION FEE; COLLECTION OF OTHER FEES PERMITTED

(a) No Member Jurisdiction shall require any minimum registration fee for an Apportionable Vehicle.

(b) A Base Jurisdiction may by law require payment of additional fees for each Apportioned Vehicle, such as for issuing Credentials or filing an application for apportioned registration.

Official Commentary

The intent of this section is to prohibit a member of the Plan from imposing any minimum registration fee on an Apportionable Vehicle, apart from the exception noted with respect to the Base Jurisdiction.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 304, 500.
Related DRC Action: Dispute Resolution Committee Decision 2012.01, May 18, 2012.

415 ADDITIONAL JURISDICTIONS (deleted)

Prior plan language under section 405 was deleted per Ballot 384 Full Reciprocity Plan, effective January 1, 2015.

420 NEW FLEETS

(a) The establishment of a new Fleet by an Applicant does not in itself qualify the Applicant to have the apportioned fees for the new Fleet calculated using the average per-Vehicle distance specified in Section 320. An Applicant may not use average per-Vehicle distance when the new Fleet is composed entirely or primarily of Vehicles which the Applicant operated or over which the Applicant exercised control during the Reporting Period and these vehicles accrued actual distance in the Member Jurisdictions for which the Applicant seeks apportioned registration.

(b) When a Vehicle that has been (i) operated under long-term Lease that includes the Vehicle driver and (ii) registered as part of a Fleet of Apportioned Vehicles is sought to be registered under the Plan as a Fleet of a single Vehicle, the actual distance accrued by the Vehicle during the Reporting Period shall be used to calculate the Apportionable Fees of the Fleet, but only if the operation will reflect the operation under the long term Lease.

Official Commentary

Subsection (b) governs the registration of a Vehicle that has been leased with its driver as a part of a Fleet registered under the Plan and now is intended to be registered in the driver's name but whose operation will remain the same.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended**: Ballot 384 Full Reciprocity Plan, effective January 1, 2015.

425 ADDITIONAL VEHICLES

(a) A Registrant may add Vehicles to its Fleet after the beginning of the Registration Year. The apportioned fees for such added vehicles shall be calculated according to the Apportionment Percentages from the Registrant's initial application for the registration of its Fleet for the year, subject to such adjustments as may have been necessary since registration was issued to the Fleet.

(b) The apportioned fees for Vehicles added to a Fleet during the Registration Year shall be determined according to the requirements of each Member Jurisdiction. Unless a Member Jurisdiction imposes a different requirement, the Base Jurisdiction shall calculate the Apportionable Fees from the first day of the month in which the Vehicles are added to the Fleet.

(c) If a reallocation of Vehicles by a Registrant is described in Section 430, the registration of the Vehicles in the resulting Fleet shall be governed by Section 430 rather than by this Section 425.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 384 Full Reciprocity Plan, effective January 1, 2015.
Related Provisions, 2006 Plan: Sections 600, 602.

430 FLEET CONSOLIDATION

A Registrant may combine two or more existing Fleets of its Apportioned Vehicles. In such a situation, the Apportionable Fees of the Vehicles in the resulting Fleet shall be determined according to the actual distances accrued in the Reporting Period by all the Vehicles in the resulting Fleet.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**

435 REFUNDS AND CREDITS

If an Apportioned Vehicle is withdrawn from a Fleet during a Registration Year, the amount of the Apportionable Fee for the Vehicle for the remainder of the Registration Year shall be available for transfer to the registration of a replacement Vehicle in the Fleet or subject to the law of each Member Jurisdiction, may be credited or refunded to the Registrant.

Official Commentary

The intent of this Section is to leave the availability to a Registrant of a credit or refund of Apportionable Fees paid to an individual Member Jurisdiction up to the law of that Jurisdiction. "Withdraw" includes destruction, sale, or other complete removal from a Registrant's Fleet.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 700.

440 CREDIT FOR REPLACEMENT VEHICLES

(a) The Base Jurisdiction may require a Registrant to notify the Base Jurisdiction when the Registrant withdraws an Apportioned Vehicle from its Fleet during the Registration Year.

(b) Each Member Jurisdiction shall allow a Registrant to transfer the registration of a Vehicle withdrawn from a Fleet to a replacement Vehicle in accordance with each Member Jurisdiction's transfer requirements. Additional Apportionable Fees resulting from an increase in gross weight or other factors, if any, shall be calculated as determined in accordance with the law of the Member Jurisdiction.

Official Commentary

There is no implication that an additional fee will necessarily be due upon the transfer of a registration; that is a matter for Jurisdiction law.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 702.

445 FOREIGN EXCHANGE

When the Base Jurisdiction bills a Registrant for an apportioned fee to cover registration in a Member Jurisdiction that has an official currency different from that of the Base Jurisdiction, the Base Jurisdiction shall either determine the amount to be billed according to the prevailing exchange rate, which shall be, for each month, the index rate set by the U.S. Federal Reserve Board at 12:01 p.m., Eastern Time, on the third Monday of the preceding month; or it shall bill in the units of currency of the other Member Jurisdiction.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 408.

ARTICLE V
REGISTRATION OF APPORTIONABLE VEHICLES

500 BASE JURISDICTION REGISTRATION

The Base Jurisdiction shall register an Apportionable Vehicle under the Plan and issue Credentials when an Applicant has provided all information required and has paid all Apportionable Fees.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 500.

505 CANCELLATION OF REGISTRATION

The Base Jurisdiction shall cancel, suspend, or revoke any apportioned registration if the registration was granted erroneously, or if the Registrant fails to pay any Apportionable Fees.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 504.

510 OPERATION UNDER PLAN REGISTRATION

An Apportioned Vehicle registered under the Plan, and Vehicles covered under Section 525, shall be deemed fully registered for any type of movement or operation in all Member Jurisdictions; provided, however, that the operator of such a Vehicle may be required to obtain interJurisdictional or intraJurisdictional authority to operate in or through a particular Jurisdiction.

Official Commentary

Vehicles registered as provided in Section 500 are deemed fully registered for any type of movement or operation provided appropriate regulatory authority is held, if necessary.

Since some statutes of Member Jurisdiction require the payment of full registration fees in the event a Vehicle is to be operated intraJurisdictionally (Vehicle movement point to point within a single Jurisdiction), it was believed necessary to add a provision indicating that proportionally registered Vehicles are "deemed fully registered even though full fees have not been paid." This provision should be construed in light of its purpose, i.e., to make intraJurisdictional operations possible with only a proportional payment of fees. This provision should not be construed to cause the imposition of other fees and taxes (state, federal, or provincial) not otherwise applicable under statute. Vehicles proportionally registered pursuant to the Plan are receiving Reciprocity and are exempt from further registration.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 384 Full Reciprocity Plan, effective January 1, 2015.
Related Provisions, 2006 Plan: Section 506.
Related DRC Action, 2006 Plan: Dispute Resolution Committee Decision 1996.2, April 15, 1996.

515 RECIPROCITY FOR TRAILING EQUIPMENT

(a) A Trailer, Semi-Trailer, or Auxiliary Axle properly registered in any Jurisdiction shall be granted full and free Reciprocity. This Reciprocity shall be deemed registration under the Plan, and shall apply to both InterJurisdictional Movement and IntraJurisdictional Movement or operation, provided that appropriate regulatory authority is held, if required.

(b) When registration fees are paid for the registration of an Apportionable Vehicle, full and free Reciprocity shall be granted to all Trailers, Semi-Trailers, and Auxiliary Axles used in a combination with that Apportionable Vehicle.

(c) No Member Jurisdiction shall require a Registrant of Power Units to register a number of Trailers, Semi-Trailers, or Auxiliary Axles in any proportion to the Registrant's apportioned Fleet of Power Units.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 404.
Related DRC Action, 2006 Plan: Dispute Resolution Committee Decision 1996.2, April 15, 1996.
Related DRC Action: Dispute Resolution Committee Decision 2004.2, November 5, 2004; Dispute Resolution Committee Decision 2004.3, November 5, 2004; Dispute Resolution Committee Decision 2010.1, May 13, 2010.

520 STAGGERED REGISTRATION

(a) The Base Jurisdiction may issue apportioned registration for Fleets so that all such registrations expire at the same time or it may stagger the expiration of such registrations throughout the year.

(b) During a Member Jurisdiction's transition to staggered registration, it shall not issue registrations for apportioned Fleets that cover a period of more than 18 months or less than 6 months.

Official Commentary

Staggered registration refers to the practice adopted by many Jurisdictions of issuing twelve-month registrations which expire at different dates during a calendar year, thus serving to spread out the issuing agency's workload. The Plan does not require a member to stagger its registrations; subsection (b) is intended to prevent an undue burden on both Registrants and other members.

It is intended that all the registrations of the Vehicles in a Fleet registered under the Plan expire at the same time. A Registrant may have more than one Fleet, however, and these may have different expiration dates under a system of staggered registration.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 402.

525 TRIP PERMIT REGISTRATION

(a) A Member Jurisdiction may issue a Trip Permit for a Vehicle or Combination of Vehicles in lieu of apportioned or full registration. Each Member Jurisdiction may determine the form and manner in which it issues Trip Permits.

(b) An Apportionable Vehicle or Combination of Vehicles under a Trip Permit may be used in interJurisdictional or intraJurisdictional operations.

(c) Member Jurisdictions may provide for the issuance of Trip Permits for each other so that Vehicles may move without waiting for separate authorization from each Member Jurisdiction.

(d) A Member Jurisdiction that issues a Trip Permit on behalf of another Member Jurisdiction shall collect the applicable Trip Permit fee and forward it to the other Member Jurisdiction.

Official Commentary

A Registrant may have three registration alternatives: (i) obtaining a Trip Permit, (ii) full registration, and (iii) apportioned registration under the Plan. It is clear that the drafters' intent was to provide for an optional alternative, available to the Registrant at its election.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Sections 908, 1400, 1400, 1402, 1404, 1408.

530 UNLADEN VEHICLE REGISTRATION—HUNTER'S PERMITS

Each Member Jurisdiction shall provide a means of temporary registration of unladen Apportionable Vehicles. Such registration shall be issued for a minimum fee and for a registered gross weight not in excess of the empty weight of the Vehicle or Combination of Vehicles being registered. The evidence of registration issued under this Section shall be valid in all Member Jurisdictions.

Official Commentary

This Section requires each Member Jurisdiction to develop a method by which a Vehicle owner moves an empty Vehicle from one Fleet to another without violating general registration statutes, thereby avoiding unwarranted statutory penalties which might otherwise apply.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**

Related Provisions, 2006 Plan: Section 910.

ARTICLE VI
CREDENTIALS

600 CREDENTIALS FOR APPORTIONED REGISTRATION

(a) Upon the registration of an Apportionable Vehicle under the Plan, the Base Jurisdiction shall issue a Cab Card and a Plate for the Vehicle, and these shall be the sole registration Credentials issued for the Vehicle. The Plate shall be identified by having the word "apportioned," "APP," or "PRP" and the name of the Base Jurisdiction. The numbering system and color of the Plate shall be determined by the Base Jurisdiction.

(b) A Base Jurisdiction shall require that the Cab Card be carried in the Vehicle for which it is issued. A Base Jurisdiction may issue a Cab Card by electronic means and may permit Registrants to use photocopies of Cab Cards. Member Jurisdictions must accept a Cab Card that has been issued in accordance with the law of the Base Jurisdiction.

(c) The Base Jurisdiction shall provide a means by which law enforcement can verify the validity of its Cab Cards.

(d) The Base Jurisdiction may charge an additional fee for issuing a Cab Card and Plate.

(e) When the Base Jurisdiction renews the registration of an Apportioned Vehicle, the Base Jurisdiction may, in lieu of issuing a renewal Plate, issue a renewal decal to be affixed to the Plate already issued for the Vehicle, or may, if the Base Jurisdiction requires neither renewal Plates nor renewal decals, issue only a renewal Cab Card.

(f) The Base Jurisdiction shall not issue Credentials for an Apportioned Vehicle until the Registrant has paid all Apportionable Fees due or past due.

Official Commentary

Only the Base Jurisdiction may charge a fee for the issuance of a Plate that is in addition to the proportional registration fee, since only the Base Jurisdiction may issue such a Plate.

Only the Base Jurisdiction may issue a Cab Card.

Unless required by the Base Jurisdiction, the original Cab Card issued by the Base Jurisdiction is not required to be kept with the Apportioned Vehicle for which the Cab Card was issued.

This Section is not intended to require any Member Jurisdiction to issue a Plate or renewal decal on an annual basis.

The requirements of subsection (f) do not apply to the issuance of temporary evidence of apportioned registration under Section 620.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Sections 500, 502.
Related DRC Action: Dispute Resolution Committee Decision 2006.2, September 30, 2006.

605 DISPLAY OF REGISTRATION CREDENTIALS; RENEWAL CREDENTIALS

(a) A Plate issued by the Base Jurisdiction shall be affixed to the Apportioned Vehicle for which it has been issued in accordance with the law of the Base Jurisdiction.

(b) Except as provided in subsection (c), when a Registrant receives renewal Credentials for an Apportioned Vehicle prior to the commencement of the registration period for which they are issued, the Registrant may remove the previously issued Plate and display the renewal Plate prior to the commencement of the new registration period. Both the Cab Card from the prior registration period and the Cab Card for the renewal period shall be carried in the Vehicle until the new registration period begins.

(c) When a Registrant moves an Apportioned Vehicle from one Base Jurisdiction to another near the end of a Registration Year, the Registrant must continue to carry in the Vehicle the previously-issued Cab Card until the new Registration Year begins, but may display both the new Base Jurisdiction's Plate and Cab Card as soon as they are issued.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 502.

610 CONTENTS OF THE CAB CARD

The Cab Card issued for an Apportioned Vehicle shall contain on its face all of the Member Jurisdictions, the weight (in pounds or kilograms) or number of combined Axles for which it is registered in each one, and any other necessary information, including:

(i) the date the Apportioned Vehicle was registered, the date of issuance of the Cab Card, or the effective date of the registration,

(ii) the expiration date of the Cab Card (and the Enforcement Date, if a Grace Period applies),

(iii) the model year of the Apportioned Vehicle,

(iv) the make of the Apportioned Vehicle,

(v) the vehicle identification number of the Apportioned Vehicle,

(vi) the assigned number of the Plate issued for the Apportioned Vehicle,

(vii) the equipment number of the Apportioned Vehicle,

(viii) the Registrant's name and address, and

(ix) the account number assigned to the Fleet by the Base Jurisdiction.

Official Commentary

The weight or number of combined Axles for which the Apportioned Vehicle is registered must appear on the face of the Cab Card so that enforcement personnel can know whether an Apportioned Vehicle is operating in excess of its registered weight or number of combined Axles.

An Apportioned Vehicle must not only be properly registered in its Base Jurisdiction with regard to declared gross weight, it must also comply with existing weight laws or regulations in other Member Jurisdictions into or through which it operates. For example, the payment of Apportionable Fees in Member Jurisdiction X at a declared gross combined weight of 80,000 pounds does not of itself authorize the operation of that Vehicle at 80,000 pounds in Member Jurisdiction Y, where the legal weight limit may be lower.

The term "other necessary information" refers to information required by Member Jurisdiction registration statutes and is not to be construed to require unrelated information, such as fuel use tax account numbers, operating authority numbers, weight-distance tax account numbers, etc.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 384 Full Reciprocity Plan, effective January 1, 2015.
Related Provisions, 2006 Plan: Sections 500,502.

615 PLATES OF WITHDRAWN VEHICLES

(a) If an Apportionable Vehicle is withdrawn from a Fleet during the Registration Year because the Vehicle has been sold, destroyed, or otherwise removed from the service of the Registrant, the Base Jurisdiction may require the Registrant to return the Plate issued for the Vehicle or certify that the Plate has been destroyed, lost, stolen, or held for re-use.

(b) The Base Jurisdiction may reassign the Plate to the Registrant's replacement Vehicle, if there is one.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 700.

620 TEMPORARY EVIDENCE OF APPORTIONED REGISTRATION

(a) The Base Jurisdiction may issue temporary evidence of apportioned registration pending the issuance of Credentials, and such temporary evidence of apportioned registration shall be recognized by other Member Jurisdictions.

(b) The temporary evidence of apportioned registration shall identify all of the Member Jurisdictions and the registered Vehicle weight or other qualifying information for each Member Jurisdiction. The temporary evidence of registration shall specify the effective date of the Vehicle's registration and an expiration date for the temporary evidence of registration that is not later than 60 calendar days following the Effective Date. The Base Jurisdiction issuing temporary evidence of apportioned registration shall collect all Apportionable Fees due to other Member Jurisdictions with respect to the Vehicle, and shall, under Section 1210, promptly suspend the registrations of a Registrant which fails to pay all Apportionable Fees due.

(c) The temporary evidence of apportioned registration may be issued by electronic means so long as it can be verified by law enforcement.

Official Commentary

It is the intent of this Section to provide a means for a Member Jurisdiction to issue temporary evidence of registration to a Registrant pending the issuance to that Registrant of Credentials. A Member Jurisdiction is not required to provide for the issue of such temporary evidence of registration, but if it does, such evidence of registration shall be recognized by other Member Jurisdictions as valid. It is the duty of the Member Jurisdiction issuing temporary evidence of registration to ensure that all **Apportionable Fees** are collected from the Registrant in a timely manner.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 384 Full Reciprocity Plan, effective January 1, 2015.
Related Provisions, 2006 Plan: Section 704.

ARTICLE VII
HOUSEHOLD GOODS CARRIERS

700 EQUIPMENT LEASED FROM SERVICE REPRESENTATIVES

A Household Goods Carrier using an Apportionable Vehicle Leased from a Service Representative may elect that the Base Jurisdiction for such Vehicle be either that of the Service Representative or that of the Household Goods Carrier.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 1200.

705 REGISTRATION IN BASE OF SERVICE REPRESENTATIVE

When a Household Goods Carrier elects under Section 700 to base an Apportionable Vehicle in the Base Jurisdiction of a Service Representative, the Vehicle shall be registered in the name of the Service Representative, with the name of the Household Good Carrier shown as the Lessee, and the fees for the Vehicle shall be apportioned according to the combined records of the Service Representative and the Household Goods Carrier. All of the records pertaining to the Vehicle shall be available in the Base Jurisdiction of the Service Representative. A Vehicle registered under this Section shall be deemed fully registered for operations under the authority of the Service Representative as well as that of the Household Goods Carrier.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 1204.

710 REGISTRATION IN BASE OF CARRIER

If a Household Goods Carrier elects under Section 700 to base an Apportionable Vehicle in the Base Jurisdiction of the Household Goods Carrier, the Vehicle shall be registered in the name of the Household Goods Carrier as well as the name of the Service Representative, as Lessor, and the fees for the Vehicle shall be apportioned according to the combined records of the Household Goods Carrier and the Service Representative. Such records shall be made available in the Base Jurisdiction of the Household Goods Carrier. A Vehicle registered under this Section shall be deemed fully registered for operations under the authority of the Service Representative as well as that of the Household Goods Carrier.

Official Commentary

The names of both the Household Goods Carrier, as Lessee, and Service Representative, as Lessor, must be shown since the Vehicle is operated on an intermittent basis under the Household Goods Carrier's interJurisdictional operating authority, pursuant to the regulations of the U.S. Department

of Transportation, and the Service Representative's intraJurisdictional operating authority pursuant to regulations promulgated by a state or province. IntraJurisdictional distance records are maintained by the Service Representative and interJurisdictional distance records are maintained by the Household Goods Carrier and furnished to the Service Representative.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 1206.

ARTICLE VIII
MOTOR BUS APPORTIONMENT

800 APPLICATION FILING

The application of a passenger carrier for apportioned registration shall designate which, if any, of its Vehicles are assigned to a Pool.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 1302.

805 DETERMINATION OF DISTANCE

The Apportionable Fees of a Fleet that is involved in a Pool may be calculated using Apportionment Percentages or, in the alternative, at the option of the Applicant, the Apportionment Percentage may be calculated by dividing (a) the scheduled route distance operated in the Member Jurisdiction by the Vehicles in the Pool by (b) the sum of the scheduled route distances operated in all the Member Jurisdictions by the Vehicles in the Pool. Scheduled route distances shall be determined from the farthest point of origination to the farthest point of destination covered by the Pool. If a Registrant has used this method to register its Fleet initially for a Registration Year, it shall also use this same method to register any Apportionable Vehicles it may add to its Fleet during the year.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 384 Full Reciprocity Plan, effective January 1, 2015.
Related Provisions, 2006 Plan: Section 1306.

ARTICLE IX
RENTAL VEHICLE REGISTRATION

900 BASE JURISDICTION FOR RENTAL FLEET

A rental company applying to register a Rental Fleet under the Plan shall select a Base Jurisdiction for the Fleet according to Section 305; except that when the term of the Lease of the Vehicles in the Fleet is greater than 60 days, the Lessee must (1) have an Established Place of Business in the Base Jurisdiction selected, and (2) the Fleet must accrue distance in the Base Jurisdiction selected.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 1111.

905 RENTAL PASSENGER CARS

Rental passenger car registrations may be allocated based on revenue earned in each Jurisdiction. Properly allocated rental passenger cars may be rented in any Member Jurisdiction. To determine the percentage of total Rental Fleet Vehicles to be registered in a Jurisdiction:

(i) Divide the gross revenue earned in a Jurisdiction in the preceding year for the use of all rental passenger cars by the gross rental revenue earned in all Jurisdictions and

(ii) Multiply the number of Vehicles in the Rental Fleet by the percentage determined in clause (i).

For purposes of this Section, gross rental revenue is earned in a Jurisdiction when the Vehicle rented first comes into the possession of the Lessee in that Jurisdiction.

Official Commentary

It is the intent of this Section that implementation of rental passenger car Allocation be optional on the part of a Member Jurisdiction.

The Audit of a Lessor which fulfills its registration obligations through Allocation under this Section will normally focus on the accuracy of the gross rental revenues reported by the Lessor in its application.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.
Related Provisions, 2006 Plan: Section 1116.

910 RENTAL UTILITY TRAILERS

The owner of rental utility Trailers of gross Vehicle weight 6,000 pounds (2,751.554 kilograms) or less shall register in each Member Jurisdiction a number of Trailers equal to the average number of Trailers rented in or through the Member Jurisdiction during the preceding year. For this purpose, a Trailer shall be considered to be rented in or through the Member Jurisdiction in which the Trailer first comes into possession of the Lessee.

Official Commentary

Audits of Registrants engaged in leasing utility Trailers under this Section are based on Records referred to as the "certified average registration program," or CARP, an average inventory of trailers located in or passing through various Member Jurisdictions over a period of time.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.
Related Provisions, 2006 Plan: Section 1120.

915 ONE-WAY VEHICLE

The owner of Trucks registered for 26,000 pounds (11,793.401 kilograms) or less that are identified as a part of a one-way Rental Fleet may (i) allocate all of such Vehicles to the respective Member Jurisdictions in proportion to the mileage operated in each Member Jurisdiction by the Rental Fleet, or (ii) register all of such Vehicles as Apportioned Vehicles under the Plan. A one-way Rental Vehicle registered in accordance with this Section may be used in both interJurisdictional and intraJurisdictional operation.

Official Commentary

Audits of Lessors engaged in renting one-way Vehicles under this Section will normally focus on "receiving contracts," the paperwork completed by Lessor and Lessee when a Vehicle is turned in by the Lessee, or "received."

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.
Related Provisions, 2006 Plan: Section 1122.

ARTICLE X
RECORDS AND AUDITS

1000 RETENTION AND AVAILABILITY OF RECORDS

(a) A Registrant shall retain the Records on which the Registrant's application for apportioned registration is based for a period of three years following the close of the Registration year to which the application pertains, and on request, shall make such Records available for Audit.

(b) Unless a waiver to the statute of limitations is granted by the Registrant, no assessment for deficiency or any refund shall be made for any period for which the Registrant is not required to retain Records.

Official Commentary

Registrants should recognize that this Section requires the retention of Records covering activities during the Reporting Period pertaining to the application for apportioned registration.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.
Related Provisions, 2006 Plan: Section 1500, 1501, 1502.
Related DRC Action: Dispute Resolution Committee Decision 2003.2, November 14, 2003.

1005 ADEQUACY OF RECORDS

(a) The Records maintained by a Registrant under Section 1000 shall be adequate to enable the Base Jurisdiction to verify the distances reported in the Registrant's application for apportioned registration and to evaluate the accuracy of the Registrant's distance accounting system for its Fleet.

(b) Provided a Registrant's Records meet the criterion in subsection (a), the Records may be produced through any means, and retained in any format or medium available to the Registrant and accessible by the Base Jurisdiction.

Official Commentary

Subsection (a) defines the purpose for which Registrants are required to keep Records: to allow the Base Jurisdiction to (1) verify the distances a Registrant has reported on its application, and (2) evaluate the Registrant's distance accounting system. If the Records made available by a Registrant for Audit are (a) sufficient and (b) appropriate for these purposes, they are deemed to be adequate.

Subsection (b) is intended to make clear that if the Registrant's Records are adequate under subsection (a), it does not matter how the Registrant has produced the Records or maintained them. However, the Records must meet the two conditions of sufficiency and appropriateness; there must be enough Records to substantially cover the operations of the Registrant's Fleet, and the Records must contain the kind of information an auditor needs in order to audit the Records for purposes of

the Plan. In addition, if Records are presented in a format or in a manner in which the Base Jurisdiction cannot audit them, they have not been "made available" as required.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.
Related Provisions, 2006 Plan: Section 1500, 1501, 1502.
Related DRC Action: Dispute Resolution Committee Decision 2003.2, November 14, 2003.

1010 CONTENTS OF RECORDS

Records containing the following elements shall be accepted by the Base Jurisdiction as adequate under Section 1005(a):

(a) For Records produced by a means other than a vehicle-tracking system:

(i) the beginning and ending dates of the trip to which the Records pertain
(ii) the origin and destination of the trip
(iii) the route of travel
(iv) the beginning and ending reading from the odometer, hubodometer, engine control module (ECM), or any similar device for the trip
(v) the total distance of the trip
(vi) the distance traveled in each Jurisdiction
(vii) the Vehicle identification number or Vehicle unit number

(b) For Records produced wholly or partly by a vehicle-tracking system, including a system based on a global positioning system (GPS):

(i) the original GPS or other location data for the Vehicle to which the Records pertain
(ii) the date and time of each GPS or other system reading
(iii) the location of each GPS or other system reading
(iv) the beginning and ending reading from the odometer, hubodometer, engine control module (ECM), or any similar device for the period to which the Records pertain
(v) the calculated distance between each GPS or other system reading
(vi) the route of the Vehicle's travel
(vii) the total distance traveled by the Vehicle
(viii) the distance traveled in each jurisdiction
(ix) the Vehicle identification number or Vehicle unit number

(c) Summaries:

(i) a summary of the Fleet's operations for each month, which includes both the full distance traveled by each Apportioned Vehicle in the Fleet during the calendar month, and the distance traveled in the month by each Apportioned Vehicle in each Jurisdiction
(ii) a summary of the Fleet's operations for each calendar quarter, which includes both the full distance traveled by Vehicles in the Fleet during the calendar quarter, and the distance traveled in each Jurisdiction by the Vehicles in the Fleet during the calendar quarter

(iii) a summary of the quarterly summaries

Official Commentary

This Section is intended to provide guidance on the contents of Records made available for audit. The basic criterion for the adequacy of Records is that they allow the auditor to conduct an audit. If Records made available to the Base Jurisdiction contain all of the elements set out in (a) or in (b), plus those set out in (c), the Base Jurisdiction will consider the Records to be adequate for an Audit. The Audit may, of course, show the Records to be inaccurate or to have been used inappropriately in producing the Registrant's application for apportioned registration. Records which do not contain all of the elements set out in this Section may still, depending on the nature of the Records and of the Registrant's operations, be fully adequate for an Audit.

Paragraph (b)(i) refers to the raw data produced by a GPS or other vehicle-tracking system pertinent to a Vehicle's location. Paragraph (b)(iii) refers to the location of a Vehicle as determined through the use of such raw data.

The summaries required by this Section may be necessary for the efficient Audit of a Registrant's Records. A Registrant must make summaries available for audit upon due notice and demand by the Base Jurisdiction.

HISTORICAL NOTES

Adopted: Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013. **Amended:**

1015 INADEQUATE RECORDS; ASSESSMENT

If the Records produced by the Registrant for Audit do not, for the Registrant's Fleet as a whole, meet the criterion in Section 1005(a), or if, within 30 calendar days of the issuance of a written request by the Base Jurisdiction, the Registrant produces no Records, the Base Jurisdiction shall impose on the Registrant an assessment in the amount of twenty percent of the Apportionable Fees paid by the Registrant for the registration of its Fleet in the Registration Year to which the Records pertain. In an instance where the Base Jurisdiction knows that it is the Registrant's second such offense, the Base Jurisdiction shall impose an assessment of fifty percent of the Apportionable Fees paid by the Registrant for the registration of its Fleet in the Registration Year to which the Records pertain. When the Base Jurisdiction knows it is the Registrant's third offense, and on any subsequent offenses of the Registrant known to the Base Jurisdiction, the Base Jurisdiction shall impose an assessment of 100 percent of the Apportionable Fees paid by the Registrant for the registration of its Fleet in the Registration Year to which the Records pertain.

The Base Jurisdiction shall distribute the amounts of assessment it collects under this Section on a *pro rata* basis to the other Jurisdictions in which the Fleet was registered.

Official Commentary

If the Registrant fails or refuses to make Records available for audit, or if the Records made available are, as a whole, so inadequate that they cannot be audited, the Base Jurisdiction shall impose the assessment described. The assessment is not to be imposed where the Records made

available, even though they may be of poor or inconsistent quality, can be audited for purposes of the Plan. Neither is an assessment to be imposed under this Section where, although Records pertaining to some individual Vehicles in a Fleet are lacking or inadequate, the Audit of the Fleet as a whole can proceed. The Base Jurisdiction is only to impose the added assessment for repeated offenses when, *on a subsequent Audit*, it finds the Registrant's Records still to be inadequate.

This is the only provision in the Plan in the nature of a penalty for inadequate Records or with respect to Audits generally. This does not, however, affect the ability of a Base Jurisdiction to exclude a Vehicle from apportioned registration if the Vehicle is found not to be an Apportionable Vehicle.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013; Ballot 384 Full Reciprocity Plan, effective January 1, 2015.
Related Provisions, 2006 Plan: Section 1502.
Related DRC Action, 2006 Plan: Dispute Resolution Committee Decision 1997.20, November 16, 1997.

1020 SCOPE OF AUDITS

(a) The Base Jurisdiction shall Audit the Registrants to which it has issued apportioned registration. The purpose of such an Audit shall be to assess the accuracy of the distances reported in a Registrant's application for apportioned registration and, where inaccuracies are found, to adjust the Registrant's fees accordingly.

(b) An Audit of a Registrant performed by the Base Jurisdiction shall be conducted on behalf of all the Member Jurisdictions, and the Base Jurisdiction may make assessments and collections of fees based on its Audit.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.
Related Provisions, 2006 Plan: Section 1600.
Related DRC Action, 2006 Plan: Dispute Resolution Committee Decision 1997.10, September 11, 1997; Dispute Resolution Committee Decision 1997.19, November 16, 1997.

1025 FREQUENCY OF AUDITS

(a) Each Member Jurisdiction shall conduct a number of Audits equivalent to an average of three percent per year of the number of Fleets whose registration it renews annually under the Plan, as required to be reported by the Member Jurisdiction in the annual report filed pursuant to the Plan. Upon the peer review of a Member Jurisdiction, this requirement shall be deemed to have been met if, during the interval since the previous peer review of the Member Jurisdiction, it has audited an average of three percent of the number of renewed Fleets.

(b) A new Member Jurisdiction shall not be required to conduct Audits until the January following its first full twelve months of full participation in the Plan.

(c) For purposes of the requirement in subsection (a), the examination of one Fleet for one Registration Year shall be deemed to be one Audit.

(d) For purposes of the requirement in subsection (a), a Member Jurisdiction may substitute three Records Reviews for one Audit; provided, that no Member Jurisdiction may substitute Records Reviews for more than twenty-five percent of the total of the Audits required by subsection (a). In order to use Records Reviews as a substitute for Audits, a Member Jurisdiction must adopt formal procedures that comply with the guidelines for Records Reviews set out in the Audit Procedures Manual.

(e) Nothing in this Section shall preclude a Member Jurisdiction from conducting more Audits than it is required to under this Section, or from Auditing a Registrant more than once during the interval between peer reviews.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.
Related Provisions, 2006 Plan: Section 1600.
Related DRC Action, 2006 Plan: Dispute Resolution Committee Decision 1997.10, September 11, 1997; Dispute Resolution Committee Decision 1997.19, November 16, 1997.

1030 JOINT AUDITS

(a) An Audit of a Registrant may be conducted jointly by the Base Jurisdiction and one or more other Member Jurisdictions. Each Member Jurisdiction that participates in a joint Audit shall receive full credit under Section 1015 for the performance of an Audit.

(b) In a joint Audit, the Base Jurisdiction of the Registrant under Audit shall retain its authority to direct the conduct of the Audit and shall provide such coordination to the Jurisdictions involved as shall permit the Audit to proceed in an orderly manner and not to burden the Registrant unreasonably.

(c) In a joint Audit, the Base Jurisdiction of the Registrant under Audit shall be responsible for the determination of the findings of the Audit, and for notifying the Registrant and other Member Jurisdictions of those findings in accordance with Section 1055.

Official Commentary

The coordination of a joint Audit provided by the Base Jurisdiction should extend to the scheduling of the Audit, setting procedural guidelines for its conduct within the requirements of the Plan, and providing means to resolve differences among the Jurisdictions participating in the Audit.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.
Related Provisions, 2006 Plan: Section 1606.
Related DRC Action, 2006 Plan: Dispute Resolution Committee Decision 1996.4, August 25, 1996.

1035 BASE JURISDICTION AUDIT EXPENSES

If a Registrant does not make its Records available for Audit in its Base Jurisdiction and the Base Jurisdiction sends auditors beyond its borders to Audit those Records, the Base Jurisdiction may require the Registrant to reimburse the Base Jurisdiction for the *per diem* and travel expenses that the auditors incur in conducting the Audit.

Official Commentary

It is not the intent of this Section to allow other Jurisdictions, other than the Base Jurisdiction, that may participate in a joint Audit to require the Registrant to reimburse their expenses.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.
Related Provisions, 2006 Plan: Section 1602.

1040 REEXAMINATIONS

(a) A Member Jurisdiction shall have 45 calendar days from the date it is notified of Audit findings under Section 1055 to provide written notification to the Base Jurisdiction and the Registrant of the Member's intent to conduct a reexamination of the records of the Registrant.

(b) The Base Jurisdiction shall notify other affected Member Jurisdictions of the reexamination.

(c) A reexamination conducted under this Section shall be based exclusively on the sample period used conducting the Audit.

(d) Reexaminations shall be performed within a reasonable time and in cooperation with the Base Jurisdiction.

(e) The expenses associated with conducting a reexamination shall be borne by the Member Jurisdiction conducting the reexamination.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.
Related Provisions, 2006 Plan: Section 1610.

1045 FINDINGS OF A REEXAMINATION

Any adjustment to the original Audit findings resulting from reexamination shall be reconciled with the initial Audit findings issued by the Base Jurisdiction. Revised Audit findings shall be issued by the Base Jurisdiction pursuant to Section 1055.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.
Related Provisions, 2006 Plan: Section 1612.

1050 NETTING AUDIT ADJUSTMENTS

(a) If, pursuant to an Audit of a Registrant by the Base Jurisdiction, adjustments are made to the Registrant's Apportioned Fees, those adjustments shall be netted; that is, the Base Jurisdiction is to offset the additional fees which may be owed by the Registrant to a Member Jurisdiction by any overpayments the Registrant may have made to Member Jurisdictions. Only the net amount shall be collected from the Registrant or refunded to the Registrant, as the case may be.

(b) The collection of an underpayment from the Registrant shall be governed by the laws and procedures of the Base Jurisdiction.

(c) Upon collection of any underpayment from a Registrant, the Base Jurisdiction shall transmit the appropriate fee changes to each affected Member Jurisdiction within 30 calendar days following the transmittal period during which the collection was made.

(d) If the Base Jurisdiction determines a net underpayment to be uncollectible, any credits due the Registrant, plus any partial payments made by the Registrant, shall be used to offset additional fees due to Member Jurisdictions on a pro-rata basis.

(e) If an Audit finds a net overpayment by the Registrant, the Base Jurisdiction shall refund the amount of the overpayment to the Registrant.

(f) If the Audit findings indicate a net overpayment by the Registrant, the Base Jurisdiction shall transmit the fee changes as debits to the appropriate Member Jurisdiction within 30 calendar days following the transmittal period during which the overpayment was refunded to the Registrant.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.
Related Provisions, 2006 Plan: Section 302, 803, 1702, 1704.
Related DRC Action: Dispute Resolution Committee Decision 2006.1, September 30, 2006.

1055 AUDIT REPORTS

(a) Upon the completion of an Audit the Base Jurisdiction shall provide an Audit report to the Registrant and to all Member Jurisdictions in which the Registrant was apportioned or in which it traveled.

(b) The Audit report shall include a narrative of the Audit, summary descriptions of the Registrant's record keeping and internal controls, and a billing summary of any Apportionable Fees owed by the Registrant, net of any Apportionable Fees due to the Registrant.

(c) The time periods specified in Sections 1040 and 1065 shall begin on the date on which the Base Jurisdiction sends the Audit report to the Registrant.

Official Commentary

For purposes of this Section, an Audit will ordinarily be considered to be completed when it has been reviewed and approved by the supervisor of the personnel who conducted the Audit.

Barring extenuating circumstances, the Base Jurisdiction should send the Audit report to all affected Jurisdictions at the same time it sends the report to the Registrant.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.
Related Provisions, 2006 Plan: Section 803, 1604.
Related DRC Action: Dispute Resolution Committee Decision 2008.2, July 26, 2008.

1060 AUDIT TRANSMITTALS

(a) Apportionable Fees adjusted pursuant to Audit, and assessments imposed under Section 1015, shall be transmitted to Member Jurisdictions in the form of an appendix to required periodic transmittals among Member Jurisdictions in accordance with Section 1215.

(b) Audit transmittal information shall include, for each Audited Registrant:

(i) the Registrant's name and account and Fleet numbers
(ii) each Registration Year Audited
(iii) the adjusted Apportionable Fees due to or from each Member Jurisdiction
(iv) any amounts of assessment imposed under Section 1015 due to each Member Jurisdiction
(v) the total adjusted Apportionable Fees transmitted or due
(vi) the total amount of assessments imposed under Section 1015 transmitted.

(c) Member Jurisdictions which participate in the clearinghouse operated by the Repository shall transmit Apportionable Fees adjusted pursuant to Audit, and assessments imposed under Section 1015, only through the clearinghouse.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.
Related Provisions, 2006 Plan: Section 1706.

1065 AUDIT APPEALS

(a) The Base Jurisdiction shall provide a Registrant at least 30 calendar days from the date the Registrant is notified of the findings of an Audit or a reexamination to file a written appeal of the Audit or reexamination with the Base Jurisdiction. Such an appeal shall proceed in accordance with the administrative and appellate procedures of the Base Jurisdiction.

(b) Upon the conclusion of the appeal process, the Base Jurisdiction shall notify all affected Member Jurisdictions of the results. If one or more findings of the Audit remain unresolved after these procedures have been exhausted, the Registrant may challenge disputed Audit findings that remain by filing a dispute in accordance with Section 1400.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.
Related Provisions, 2006 Plan: Section 1608.
Related DRC Action: Dispute Resolution Committee Decision 2004.1, November 5, 2004.

1070 FINALITY OF AUDIT FINDINGS

Following the expiration of the time within which an appeal or request for reexamination may be filed under Sections 1040 and 1065, and except in cases of fraud, the findings of an Audit or reexamination shall be final as to all Member Jurisdictions and as to the Registrant Audited.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.
Related Provisions, 2006 Plan: Section 1614.

1075 AUDIT PROCEDURES MANUAL

The Repository shall maintain an Audit Procedures Manual, the provisions of which shall be as binding on Member Jurisdictions as if the provisions of the APM were included in the text of the Plan. Changes to the Audit Procedures Manual must be approved in the same way as amendments to the Plan.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.
Related Provisions, 2006 Plan: Section 1607.

ARTICLE XI
MEMBERSHIP AND EXCEPTIONS

1100 JURISDICTIONAL MEMBERSHIP IN THE PLAN

(a) A Jurisdiction may apply to become a Member Jurisdiction by executing an adopting resolution and submitting it to the Repository.

(b) The adopting resolution shall contain such other information as may be specified by the Repository.

(c) Upon receipt of the executed adopting resolution, the Repository shall provide a copy of the resolution together with a ballot to all Member Jurisdictions.

(d) In order for the Jurisdiction to become a Member Jurisdiction, this ballot must be approved by all Member Jurisdictions.

(e) Ballots of Member Jurisdictions shall be cast not later than 120 calendar days following the date of distribution by the Repository. If a Member Jurisdiction does not notify the Repository of its approval or rejection of an adopting resolution within such time, the Member Jurisdiction shall be deemed not to have approved the admission of the Jurisdiction as a Member Jurisdiction.

(f) There shall be an implementation period of 120 calendar days following the date on which a Jurisdiction becomes a Member Jurisdiction. The purpose of this implementation period is to allow Registrants to come into compliance with the Plan. Any preexisting Reciprocity Agreements affecting the new Member Jurisdiction shall remain in effect throughout the implementation period.

Official Commentary

This Section means that a nation or a primary political subdivision of a nation may seek to become a Member Jurisdiction. It is expected that if a nation joins the Plan, it will administer interJurisdictional registration on behalf of its subdivisions. The list of potential members is intended to be exclusive; membership in the Plan is not open to local governments or such entities as Indian tribes.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Sections 1800, 2118.
Related DRC Action, 2006 Plan: Dispute Resolution Committee Decision 1997.14, September 11, 1997.

1105 WITHDRAWAL AS A MEMBER

(a) A Member Jurisdiction may cancel its membership in the Plan by submitting a notice to the Repository to that effect, executed by the appropriate officials of the Member Jurisdiction. The effective date of such a cancellation shall not be less than 30 calendar days from the date of notification. The Repository shall immediately notify the other Member Jurisdictions of the cancellation.

(b) The cancellation of a Member Jurisdiction's membership in the Plan shall not affect the validity of any Credentials issued under the Plan until the end of the canceling member's current Registration Year.

(c) Cancellation by one Member Jurisdiction shall not affect the agreement as between other Member Jurisdictions.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 1802.

1110 JURISDICTION EXCEPTIONS

(a) A Jurisdiction that applies to be a Member Jurisdiction of the Plan shall specify any Exceptions to the Plan in the adopting resolution required under Section 1100 of the Plan. The Exceptions made by a Jurisdiction that becomes a Member Jurisdiction of the Plan shall be effective upon the date it becomes a Member Jurisdiction and shall be listed in Appendix B.

(b) No Member Jurisdiction may adopt an Exception that would conflict with the following principles:

> **(i) a single registration Plate and a single registration Cab Card shall be issued for each Apportionable Vehicle of a Registrant's Fleet, and only by the Registrant's Base Jurisdiction; and**
>
> **(ii) a Fleet registered under the Plan shall be authorized to make both interJurisdictional and intraJurisdictional movements.**

Official Commentary

When the Plan was first developed, and membership in it was voluntary, it was felt to be important to provide for a means by which a Jurisdiction could join the Plan without meeting every Plan requirement – hence, the provisions in IRP for Exceptions. A number of states did join with Exceptions. Over the years, some of these were found to be burdensome for other Jurisdictions to accommodate, and pressure grew for the elimination of all Exceptions, or at least their periodic review by means of membership ballot. As of the effective date of Ballot FT 333, no Member Jurisdiction has an Exception. Nevertheless, it is felt advisable to retain within the Plan a mechanism for the establishment of an Exception by a Jurisdiction, should this prove to be necessary in the future.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Sections 1900, 1908.

1115 PERIODIC APPROVAL OF EXCEPTIONS

All Exceptions to the Plan shall be subject to periodic review by the Member Jurisdictions. In even-numbered years, the Repository shall for each existing Exception submit a ballot to the Member Jurisdictions to approve or disapprove its continuation. The extension of each Exception shall require the approval of four-fifths of all of the Member Jurisdictions.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 1902.

1120 AMENDMENTS TO EXCEPTIONS

A Member Jurisdiction that has made an Exception to the Plan may amend it. A Member Jurisdiction desiring to do so shall submit the proposed amendment to the Repository, which shall distribute the proposed amendment to the Member Jurisdictions in the form of a ballot. The amendment to an Exception shall require the approval of four-fifths of all Member Jurisdictions and, upon approval; the amended Exception shall be effective in the first Registration Year that begins after 30 calendar days following approval.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 1904.

1125 CANCELLATION OF EXCEPTIONS

A Member Jurisdiction that has made an Exception to the Plan may cancel it by notifying the Repository of its desire to do so. The Repository shall promptly notify the other Member Jurisdictions, and the cancellation shall be effective upon such notification.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 1906.

ARTICLE XII
MEMBER JURISDICTION DUTIES AND COOPERATION

1200 COOPERATIVE AGREEMENT

The Plan is a cooperative agreement, membership in which entails the fulfillment of certain duties:

(a) Each Member Jurisdiction shall administer the Plan in such a way that no other Member Jurisdiction is unfairly disadvantaged and with a reasonable degree of care and prudence toward the interests of the other Member Jurisdictions.

(b) The Base Jurisdiction shall cooperate with other Member Jurisdictions in connection with applications and the collection of Apportionable Fees.

(c) Each Member Jurisdiction shall exercise particular care with respect to the administration of any aspect of the Plan that affects the Apportionable Fees of other Member Jurisdictions.

(d) Each Member Jurisdiction shall expend reasonable resources to enforce the provisions of the Plan, and to be vigilant against fraud and sham, particularly in the areas of Registrant basing and distance reporting.

(e) Each Member Jurisdiction shall administer the Plan in a way consistent with the fundamental purpose of the Plan set forth in Section 105.

Official Commentary

Among other things, this Section is to be understood to require a Member Jurisdiction to take reasonable measures to prevent an Applicant from using a Grace Period to escape the payment of Apportionable Fees.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 384 Full Reciprocity Plan, effective January 1, 2015.
Related Provisions, 2006 Plan: Section 410
Related DRC Action: Dispute Resolution Committee Decision 2010.1, May 13, 2010.

1205 FEE CHANGES

(a) Whenever a Member Jurisdiction notifies the Repository of a change in the Member Jurisdiction's Apportionable Fees for apportioned registration, the Repository shall within ten calendar days notify the other Member Jurisdictions of the change.

(b) When notified of a change in a Member's Apportionable Fees, each other Member Jurisdiction shall implement the change within 120 calendar days.

(c) A Member Jurisdiction that implements a change in another Member Jurisdiction's Apportionable Fees within 120 calendar days of receiving notice of the change shall not be responsible for any rebilling or credit adjustments which may result from an earlier effective date of the change.

(d) A Member Jurisdiction shall submit the notice of a change in Apportionable Fees in such a format as may be established by the Repository.

Official Commentary

It is critical to the proper administration of the Plan that changes in Apportionable Fees be implemented timely by all Member Jurisdictions. The Section attempts to balance the need for a Member Jurisdiction to have all its Apportionable Fees collected, the need for a reasonable period to time for other Member Jurisdictions to accomplish an implementation, and the consequences of delay. The drafters' solution has been to make the Member Jurisdiction with the change responsible for timely notification and the other Member Jurisdictions responsible for timely implementation.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 306

1210 TIMELY COLLECTION OF APPORTIONABLE FEES

The Base Jurisdiction shall, within 90 calendar days of the issuance of an apportioned registration or temporary evidence of Apportioned Registration, suspend the registrations of a Registrant that has failed to pay all Apportionable Fees due.

Official Commentary

This Section provides a necessary safeguard for revenues of Member Jurisdictions. Its intent is to ensure that a Registrant pays all the Apportionable Fees it owes under the Plan within at most 90 calendar days of the issuance of registration privileges or has its account - that is, all its Plan registrations - suspended by its Base Jurisdiction.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**

1215 FEE TRANSMITTALS

(a) A Member Jurisdiction shall establish and follow procedures by which it shall regularly transmit to each other Member Jurisdiction all of the Apportionable Fees it has collected under the Plan for such other Member Jurisdiction. Such procedures shall ensure that fee transmittals are timely, complete, and accurate. The transmittals shall contain all information necessary for the receiving Member Jurisdiction to verify Apportionable Fees paid. The transmittals and appropriate funds shall be mailed or electronically transmitted to other Member Jurisdictions within the 30 days following the close of the transmittal period.

(b) The Base Jurisdiction shall regularly and promptly transmit to each other Member Jurisdiction the Apportionable Fees it has collected for the Member Jurisdiction. In no event shall transmittals be made less frequently than once each calendar month.

(c) A fee transmittal may be made by mail, express delivery service, or electronically.

(d) If the Repository operates a clearinghouse, a Member Jurisdiction may fulfill its obligation under this Section by transmitting the appropriate Apportionable Fees and information to the clearinghouse.

(e) Transmittals or supporting documentation shall contain at least the following information:

(i) Registrant account number,
(ii) Registrant name,
(iii) Registration Year,
(iv) batch number or date range,
(v) amount of payment,
(vi) original or supplement number,
(vii) distance and apportionment percentage,
(viii) payment date,
(ix) number of months for which Apportionable Fees are calculated,
(x) Vehicle types,
(xi) Vehicle weights (both old and new weights in the case of weight increases) or Axles for each Member Jurisdiction in which the Registrant is apportioned,
(xii) number of Vehicles,
(xiii) carrier type,
(xiv) supplement type, and
(xv) any additional data elements that pertain to the calculation of Apportionable Fees.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 408

1220 ANNUAL REPORT OF ACTIVITY

Each Member Jurisdiction shall submit to the Repository by March 1 of each year an annual report of the Member Jurisdiction's Plan activity for the preceding calendar year. This report shall contain the information required by Appendix C.

Official Commentary

Compliance with the requirement set out in this Section is necessary for an assessment of the adequacy of each Member Jurisdiction's operational and Audit data.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot ST-357, effective July 1, 2010.

1225 FEE TEST

A Member Jurisdiction shall complete an annual fee test according to such a format and schedule as determined by the Peer Review Committee.

Official Commentary

Compliance with the requirement set out in this Section is necessary for an assessment of the accuracy of each Member Jurisdiction's calculation of Apportionable Fees due to other Member Jurisdictions.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 2128
Related DRC Action, 2006 Plan: Dispute Resolution Committee Decision 1997.2, September 11, 1997; Dispute Resolution Committee Decision 1997.3, September 11, 1997; Dispute Resolution Committee Decision 1997.4, September 11, 1997; Dispute Resolution Committee Decision 1997.5, September 11, 1997; Dispute Resolution Committee Decision 1997.6, September 11, 1997; Dispute Resolution Committee Decision 1997.7, September 11, 1997; Dispute Resolution Committee Decision 1997.9, September 11, 1997; Dispute Resolution Committee Decision 1997.17, November 16, 1997.

1230 NOTIFICATON OF EXTENSIONS

A Member Jurisdiction shall advise the Repository of any Extensions it issues, and the Repository shall promptly notify the other Member Jurisdictions of the Extension.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 402
Related DRC Action: Dispute Resolution Committee Decision 2008.3, October 3, 2003.

ARTICLE XIII
PLAN ADMINISTRATION

1300 OFFICIAL REPOSITORY

(a) International Registration Plan, Inc., a Virginia non-stock corporation, is the official Repository of the Plan.

(b) The Repository shall compile the necessary information elements for calculating Apportionable Fees in accordance with the Plan

(c) The Repository shall keep Member Jurisdictions apprised of the status of the Plan in the manner determined by the Board to best accomplish this purpose. The other duties of the Repository shall be as set forth in the Plan and as determined by the Board.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Sections 2116, 2120.

1305 BOARD OF DIRECTORS

(a) The authority to handle substantive matters pertaining to the administration of the Plan and the compliance of Member Jurisdictions with the terms of the Plan is hereby vested in the Board.

(b) The Board shall adopt bylaws for the conduct of its business in accordance with the provisions of the Plan and applicable law.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Sections 2100, 2114.

1310 DUES

(a) Annual dues for Member Jurisdictions shall be for the fiscal year commencing October 1 and ending September 30 and shall be paid to the Repository no later than September 30 of the prior fiscal year. (Example: FY 2015 dues would be due by September 30, 2014). The payment of full dues of a Member Jurisdiction entitles every eligible official for such state, province, or political subdivision to active membership.

(b) Dues shall be as set forth in Appendix D. Changes to dues shall be proposed by the Board, and must be submitted to all Member Jurisdictions by ballot in accordance with Section 1320 and approved by the affirmative vote of three-fourths of the number of Member Jurisdictions that have cast a ballot.

(c) If a Member Jurisdiction fails to make timely payment of dues, the Repository shall, by November 15 of each year, send notification to the Member Jurisdiction requesting immediate payment.

(d) The Board chair shall be notified immediately if the Repository fails to receive payment within 30 calendar days following the notification required in subsection (c). The Board chair shall promptly issue a written notice to the Member Jurisdiction that its right to vote in matters arising under the Plan is suspended. The Board chair may place the matter on the agenda of the Board for further action. The Repository shall notify all Member Jurisdictions of the suspension of any Member Jurisdiction under this Section within ten calendar days of the date of the suspension.

(e) The Board may further restrict the delinquent Member Jurisdiction's right to participate in activities related to the Plan. If the Member Jurisdiction remains delinquent more than 90 calendar days following receipt of the certified letter, the Board may impose against the Member Jurisdiction any of the sanctions specified in Section 1410. If the Board imposes any of the sanctions specified in Section 1410, the Repository shall notify all Member Jurisdictions of the action within 30 calendar days.

(f) Payment of the delinquent dues shall result in the restoration of the Member Jurisdiction's rights and privileges that have been suspended under this Section. Such restoration shall become effective on the date the delinquent dues are paid in full.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 387, effective January 1, 2014.
Related Provisions, 2006 Plan: Section 2126
Related DRC Action, 2006 Plan: Dispute Resolution Committee Decision 1997.12, September 11, 1997; Dispute Resolution Committee Decision 1997.13, September 11, 1997; Dispute Resolution Committee Decision 1997.18, November 16, 1997; Dispute Resolution Committee Decision 1999.3, November 13, 1999.

1315 MEMBER JURISDICTIONS IN GOOD STANDING

A Member Jurisdiction shall be considered in good standing if it has paid its annual dues and when none of its rights and privileges under the Plan has been suspended. Only Member Jurisdictions in good standing shall be entitled to vote on matters requiring the vote of Member Jurisdictions under the Plan, except that all Member Jurisdictions shall be entitled to vote on the application of a Jurisdiction to become a Member Jurisdiction or upon the approval or amendment of an Exception to the Plan.

Official Commentary

It is the intent of this section to deprive members of the Plan that are not in good standing of the right to vote on most matters that come before the Plan membership. Since, however, the Plan is an agreement among sovereign governments; it is believed that all members must be allowed to vote, whatever their standing, on issues that affect the membership of the Plan; that is, membership for a new Jurisdiction and the approval or amendment of an Exception, which constitutes a condition of membership for the Jurisdiction making the Exception.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 2124.

1320 MEMBERSHIP BALLOTS

Any issue that requires the approval of the Member Jurisdictions shall be determined by a ballot sent by the Repository to each Member Jurisdiction. Each Member Jurisdiction shall be entitled to one vote on a ballot and, prior to voting on a ballot or to the commencement of any meeting where a vote of the Member Jurisdictions may be required, shall designate to the Repository the person who shall cast the vote for the Member Jurisdiction. On any issue other than the entry of a Member Jurisdiction into the Plan, the failure of a Member Jurisdiction to act on a ballot within 120 calendar days of its receipt shall be deemed an abstention by the Member Jurisdiction.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 2122.

1325 COMPOSITION OF THE BOARD OF DIRECTORS OF THE REPOSITORY

(a) Unless changed in accordance with this Section the Board shall consist of eleven voting members, selected as follows:

(i) Eight members of the Board shall be elected by the U.S. Member Jurisdictions, two Board members from each of the United States Regions. Nominations for these positions shall be solicited by the Repository and shall be made for each United States Region by its members, which shall submit to the Repository the names of nominees for each open position. The nominations shall be balloted and voted on, as provided in Section 1330, by the members of each United States Region. Board members so elected shall serve staggered terms of three years and shall not serve more than two consecutive terms.

(ii) One Board member from a U.S. Member Jurisdiction shall be elected to a position that shall rotate among the United States Regions, beginning with Region I. Nominations for this position shall be solicited by the Repository and shall be made by the members of the United States Region whose turn it is to fill the position, which shall submit to the Repository the names of nominees for the position. The nominations shall be balloted and voted on, as provided in Section 1330, by the U.S. Member Jurisdictions. A Board member so elected shall serve a single, two-year term, after which a representative of the next United States Region shall fill the position.

(iii) Two Board members shall be elected by the Canadian Member Jurisdictions. Nominations for these positions shall be solicited by the Repository and shall be made by the Canadian Member Jurisdictions, which shall submit to the Repository the names of nominees for each open position. These nominations shall be balloted and voted on by the Canadian Member Jurisdictions as provided in Section 1330. Board members so elected shall serve

staggered three-year terms and shall not serve more than two consecutive terms. At no time shall Canadian voting representation on the Board exceed two members.

(b) Notwithstanding subsection (a), in the event that the federal government of Mexico shall become a Member Jurisdiction, it may name a representative as an additional voting member of the Board.

(c) In the event the term of a member of the Board who has served as chair of the Board expires at the same time as that member's tenure as chair, the member shall continue to serve on the Board as a non-voting member for one year.

(d) Members of an advisory panel to the Board, comprising representatives of industry, federal governments or other organizations whose members include industry, state, provincial or federal governmental representatives, may be appointed annually at the discretion of the chair of the Board for terms of one year beginning January 1, without limit as to the number of consecutive terms, and may serve until a successor is appointed.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 363-ST, effective January 1, 2011. Ballot 378 Composition of the Board of Directors of the Repository, effective January 1, 2013.
Related Provisions, 2006 Plan: Section 2102.

1330 ELECTION OF BOARD MEMBERS

Elections for members of the Board shall be held as follows:

(a) The Repository shall prepare a ballot for each open position, with the nominees chosen as provided in Section 1325, and send it to all Member Jurisdictions in the United States Region where the vacancy exists or, in the case of a vacancy in Canadian representation, to all Canadian Member Jurisdictions;

(b) The ballot shall remain open for voting for a period of 60 calendar days;

(c) The nominee with the highest number of votes shall be the winner of each election;

(d) In the event of a tie, a run-off election shall be held in accordance with the procedures in subsections (a) through (c), among the nominees with the most votes; and

(e) The Repository shall notify the Member Jurisdictions of the results of each election.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 354 ST – Vacancies on the Board, effective July 1, 2009
Related Provisions, 2006 Plan: Section 2106.

1335 TERM OF OFFICE

The term of office of a Board member shall begin on January 1 following the election and end on December 31 of the second succeeding year; provided, however, that the term of a member filling the rotating position shall end on December 31 of the first succeeding year; and provided further that a Board member shall continue to serve until a successor has been duly appointed or elected.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 2108.

1340 VACANCIES ON THE BOARD

(a) If the remaining term of a position on the Board that becomes vacant is less than 120 calendar days from the date the vacancy is created, the vacant position shall not be filled prior to the expiration of the term of the vacant position. If the remaining term of the position on the Board that becomes vacant is 120 calendar days or more, the vacancy shall be filled through a process of nomination and election as set forth in Sections 1325(a)(i), 1325(a)(ii), or 1325(a)(iii), as applicable to the vacant position. The nominations shall be balloted and voted on as provided in Section 1330, except that the ballot shall remain open for voting for a period of not less than 10 calendar days.

For the purpose of the two-term limit established in Section 1325(a)(i), a Board member who has been elected to fill a vacancy occurring in the first six months of the vacated term will be considered to be serving for that member's first term.

(b) When a Board member shall have been absent for two or more consecutive Board meetings, the Board may, through majority action, declare the position vacant.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot ST-354 – Vacancies on the Board, effective July 1, 2009
Related Provisions, 2006 Plan: Section 2110.

1345 BOARD ACTIONS

(a) A quorum for conducting business by the Board shall be seven voting members of the Board.

(b) Each member of the Board shall have one vote on matters coming before the Board for decision, and Board actions shall require the concurrence of a majority of Board members voting, but in no event fewer than 5 concurring votes.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 2112.

1350 LIAISONS TO COMMITTEES

A Board member may be appointed by the chair of the Board to serve as a liaison to any committee established by the Board. Liaisons may advise the committee to which they are appointed, and may make reports to the Board on committee activity. A liaison may not make motions or vote on committee decisions. A Board member may not serve as an officer or member of any standing committee.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**

1355 PEER REVIEW

(a) Each Member Jurisdiction's administrative procedures and Audit program will be reviewed regularly to determine its compliance with the Plan and the Audit Procedures Manual. The peer review period will begin with the earliest un-reviewed calendar year and end with the most recently completed calendar year. The Board shall determine the schedule for the periodic review of all Member Jurisdictions.

(b) There shall be a Peer Review Committee, members of which shall be selected as determined by the Board, and whose duties and manner of conducting peer review activities shall be approved by the Board. The Peer Review Committee may develop and maintain a Peer Review Compliance Guide, which shall be approved by the Board.

(c) Following the peer review of a Member Jurisdiction, the Peer Review Committee shall decide by majority vote whether the Member Jurisdiction is in compliance with the Plan and the Audit Procedures Manual. The Committee shall notify the Member Jurisdiction of the Committee's findings, and shall direct a Member Jurisdiction which it finds to be in material noncompliance with the Plan or Audit Procedures Manual to take such steps as may be necessary to correct the problems found within one year.

(d) A Member Jurisdiction that has been found to be in material noncompliance may, if the Committee deems it necessary, be reviewed again by the Committee within a year to determine whether the Member Jurisdiction has corrected the problems found. Such a follow-up review shall be conducted by the full Peer Review Committee, which shall examine such supporting documentation as the Member Jurisdiction shall submit, to determine if the Member Jurisdiction has come into compliance with the Plan and Audit Procedures Manual.

(e) A Member Jurisdiction found to be in material noncompliance with the Plan, may, under guidelines developed by the Peer Review Committee, be brought before the Board by the Committee in accordance with the procedures of Section 1400. In such an instance, the Board may exercise all the powers granted it under Section 1410 to enforce compliance with the provisions of the Plan.

Official Commentary

The experience of the Plan with the peer review process indicates strongly that peer review is critical for the maintenance of the necessary level of uniformity among the members of the Plan in their administration of the Plan. Issues of member noncompliance with Plan requirements will

often be disclosed by peer reviews, and the process of follow-up reviews and appeals has proved invaluable in ensuring that, in matters of importance, all members administer the Plan similarly and fulfill all of the obligations of Plan membership.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:** Ballot 2011.371 IRP Audit Rewrite, effective July 1, 2013.
Related Provisions, 2006 Plan: Section 2128.
Related DRC Action, 2006 Plan: Dispute Resolution Committee Decision 1997.2, September 11, 1997; Dispute Resolution Committee Decision 1997.3, September 11, 1997; Dispute Resolution Committee Decision 1997.4, September 11, 1997; Dispute Resolution Committee Decision 1997.5, September 11, 1997; Dispute Resolution Committee Decision 1997.6, September 11, 1997; Dispute Resolution Committee Decision 1997.7, September 11, 1997; Dispute Resolution Committee Decision 1997.9, September 11, 1997; Dispute Resolution Committee Decision 1997.17, November 16, 1997.

XIV
DISPUTE RESOLUTION AND PLAN INTERPRETATION

1400 BOARD ACTION—RAISING OF ISSUES

(a) Final authority to interpret the provisions of the Plan and to resolve issues of compliance with the Plan by the Member Jurisdiction is hereby vested in the Board.

(b) The Board may delegate its authority to interpret the Plan and resolve issues of Plan compliance to a Dispute Resolution Committee chartered by the Board for those purposes. If the Board makes such a delegation, it shall retain the authority to entertain appeals of the decisions of such a committee in the circumstances and according to the procedures set out in Section 1420.

(c) For purposes of this Article, unless provided otherwise, references to the Board shall be deemed to include reference to a Dispute Resolution Committee chartered by the Board.

(d) Issues of Plan compliance and interpretation may be raised before the Board by any Member Jurisdiction, any Registrant, the Peer Review Committee, any Applicant seeking to be a Registrant, or the Repository. Issues brought before the Board under this Section shall be submitted in writing to the Repository. The submission of an issue shall include:

(i) the question or issue of compliance to be resolved,
(ii) relevant Plan references,
(iii) supporting documents, including evidence of prior actions, if any, taken by the parties to resolve the issue,
(iv) a statement of the relief, resolution, or interpretation sought, and
(v) a request that the Board hear and resolve the issue.

(e) Within 60 calendar days of the submission of an issue, the Board shall place the matter on its agenda for action or discussion.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**

Related Provisions, 2006 Plan: Section 2300.

1405 INVESTIGATION OF ISSUES

With respect to issues brought for resolution or interpretation in accordance with Section 1400, the Board is empowered to:

(i) receive testimony,
(ii) make inquiries,
(iii) conduct investigations,
(iv) weigh evidence,
(v) review facts, and

(vi) make findings.

The Board shall provide for a public notice of all meetings and allow all interested parties to attend and be heard. Rules of evidence required in judicial proceedings shall not apply in hearings of issues before the Board. The Board may from time to time adopt such rules of procedures as are reasonably required to govern its activities.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 2302.

1410 POWERS AND DUTIES OF THE BOARD

(a) The Board shall have full discretion with respect to an issue before it under this Article, except as may be otherwise provided in the Plan or the charter of a Dispute Resolution Committee chartered by the Board in accordance with this Article.

(b) The Board is empowered to grant appropriate relief to a Member Jurisdiction or Registrant, and may take action to ensure a Member's compliance with the Plan. Among other things, the Board may:

(i) determine a time period for compliance,
(ii) suspend rights and privileges of a Member Jurisdiction under the Plan, (including, without limitation, voting, participation on the Board or any committee of the Repository, submission of issues to the Board, input at meetings or working groups, and participation in the peer review process); provided, however, that nothing in this Section shall exempt a Member Jurisdiction from undergoing a peer review,
(iii) order a Member Jurisdiction to refund, credit, or transmit Apportionable Fees, with or without interest, and with or without a penalty of up to 10% of the amount to be refunded, credited, or transmitted, at the discretion of the Board,
(iv) order all Member Jurisdictions to suspend distribution of Apportionable Fees payable under the Plan to a Member Jurisdiction,
(v) permit a Member Jurisdiction that has been granted relief to withhold distribution or payment of Apportionable Fees payable under the Plan to another Member Jurisdiction, in an amount not to exceed the amount specified in the order, and
(vi) Initiate a civil action for injunctive, declaratory or other appropriate relief in a court of competent Jurisdiction.

(c) When a Member Jurisdiction is subject to an order to withhold funds from another Member Jurisdiction, the Member Jurisdiction withholding funds shall report to the Repository by the last day of each month in which the order is in effect the amount of funds it has withheld during the preceding month.

(d) In deciding any issue before it under this Article, the Board is empowered to interpret the Plan and the policies issued there under. Such an interpretation shall be binding on all Member Jurisdictions.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 2304.
Related DRC Action, 2006 Plan: Dispute Resolution Committee Decision 1999.1, November 13, 1999; Dispute Resolution Committee Decision 1999.2, November 13, 1999.

1415 DISPOSITION OF BOARD DECISIONS

(a) Within 30 calendar days of a decision of an issue by the Board or its designee under this Article, the Repository shall notify the parties to the issue of the findings, actions, and orders. Failure of a party to comply within the time set for compliance will subject the party, at the discretion of the Board or its designee, to imposition of one or more of the sanctions in Section 1410.

(b) A record of all Board decisions under this article shall be maintained by the Repository, which shall also prepare minutes of each Board hearing for review and approval by the Board. The Repository shall record all Board interpretations in an appendix to the Plan and shall insert informative footnotes to the sections of the Plan to which the interpretation relates.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 2306.

1420 APPEALS TO THE BOARD

(a) If the Board delegates to a Dispute Resolution Committee the authority to interpret the Plan and resolve issues of Plan compliance, the Board shall retain the authority to hear an appeal from a decision of that committee on an issue, but only where one or more of the following circumstances is alleged to exist:

> **(i) the Dispute Resolution Committee made a procedural error in handling the issue,**
> **(ii) the Dispute Resolution Committee abused its discretion in deciding the issue, or**
> **(iii) evidence has been found that was not available when the Dispute Resolution Committee decided the issue.**

(b) A party wishing to appeal a decision of the dispute resolution committee to the Board shall, within 45 calendar days following the decision by the committee, file with the Repository a statement that:

> **(i) identifies the decision being appealed,**
> **(ii) describes specifically the circumstances that permit an appeal of the decision under this Section,**
> **(iii) requests the Board to hear the appeal, and**
> **(iv) is accompanied by supporting documents the party believes will be of assistance to the Board.**

(c) The Repository shall promptly distribute the statement to the members of the Board and shall notify the Member Jurisdictions of the filing of the appeal. In the discretion of the chair of the Board, the Board may hear the appeal at its next regularly scheduled meeting or may hold a special meeting for that purpose, either in person or by telephone conference call.

(d) In hearing an appeal, the Board may exercise all of the powers granted it in this article. Without limitation, the Board may:

> **(i) hear the issue in its entirety,**
> **(ii) take testimony on specific questions relating to the issue or to the decisions or actions of the Dispute Resolution Committee,**
> **(iii) remand the issue to the committee with instructions,**
> **(iv) suspend a sanction or order imposed by the committee, uphold or overturn part or all of a decision of the committee,**
> **(v) dismiss the appeal for lack of merit, or**
> **(vi) take any other action that the Board in its discretion deems appropriate.**

(e) Nothing in this article shall preclude a Member Jurisdiction from seeking judicial relief after exhausting its remedies under the Plan.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 2307.

1425 REFUSAL TO ACT ON ISSUE

(a) If the Board refuses to place on its agenda an issue that has been properly submitted to it under this Article, or fails to reach a decision on an issue under this Article, except for an issue dismissed under subsection (b), the issue shall be referred for resolution to the Member Jurisdictions under the procedures of Section 1430.

(b) If the Board finds that an issue submitted to it under this Article is without merit or was submitted in bad faith, the Board shall dismiss the issue.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 2308.

1430 ISSUES REFERRED TO JURISDICTIONS

(a) The Board or its designee may determine to submit issues of Plan interpretation to a vote of the Member Jurisdictions. Issues to be placed before the Member Jurisdictions shall be submitted to the Repository in a form in which each issue to be decided may be accepted or rejected by the Member Jurisdictions.

(b) Within 30 calendar days following the Repository's receipt of an issue for determination by the Member Jurisdictions, the Repository shall submit the issue as a ballot to each Member Jurisdiction for approval or rejection.

(c) Decision of the issue shall be determined by a majority of the Member Jurisdictions in good standing casting a vote within 120 calendar days following submission of the ballot to them. Such a decision shall be binding upon all Member Jurisdictions, and a record of all such decisions shall be included in an appendix to the Plan.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 2310.

ARTICLE XV
AMENDMENTS TO THE PLAN

1500 AMENDMENT PROCESS

The Plan may be amended upon the affirmative vote of three-fourths of the number of Member Jurisdictions that have cast a ballot. Any Member Jurisdiction not casting a vote shall be deemed to have abstained, and such abstention shall not be considered in determining the number of votes required for passage of the ballot.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 2200.

1505 AMENDMENT INTRODUCTION PROCESS

(a) Before being balloted, any proposed amendment shall be submitted in draft form to the Repository at least 60 calendar days prior to an open meeting where it is to be discussed. An open meeting means the IRP/MCS Annual Meeting or a meeting so designated by the Board.

(b) The draft of the proposed amendment shall show the complete text of each Section to be amended, identifying new language by underlining and deleted language by strikeout.

(c) The draft of the proposed amendment shall include an explanation of the intent and purpose of the proposed amendment.

(d) Not later than 10 calendar days following receipt of a draft proposed amendment in accordance with the Plan, the Repository shall assign it a ballot number and distribute the draft proposed amendment to all Member Jurisdictions and to the members of the Board for review and comment. Comments may be submitted to the Repository prior to the open meeting or at the open meeting. All draft proposed amendments that have been circulated to the Member Jurisdictions shall be discussed at the open meeting. Sponsors of the draft proposed amendment shall have 45 calendar days to resubmit a final form of the proposed amendment that may include changes received through written comments and during discussion at the open meeting. Sponsors of the proposed amendment shall specify whether balloting on the proposed amendment is to proceed as a short-track ballot or a full-track ballot.

(e) Upon receipt of the final form of the proposed amendment, the Repository shall ensure that the final form of the proposed amendment is in proper format, and shall distribute the proposed amendment in ballot format to each of the Member Jurisdictions.

(f) Any proposed amendment that is not distributed to Member Jurisdictions for voting within 90 calendar days after an open meeting may only be considered following resubmission as required under Section 1505(a).

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 2202.

1510 FULL-TRACK BALLOT PROCESS

(a) Each full-track ballot shall contain the following:

(i) a full-track ballot number assigned by the Repository,

(ii) the date that the full-track ballot is distributed by the Repository,

(iii) a voting deadline, which shall be 90 calendar days from the date on which the full-track ballot is distributed to Member Jurisdictions,

(iv) an effective date for the proposed amendment in accordance with Section 1520, and

(v) the complete text of the Section of the Plan being amended or added that identifies new language by underlining and deleted language by strikeout.

(b) Immediately upon the close of the voting period, the Repository shall prepare a report of the ballot by ballot number and shall identify the votes of all Member Jurisdictions as well as abstentions as of the voting deadline. If the ballot is approved, the Repository shall distribute the text of the new or amended provision of the Plan.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 2204.

1515 SHORT-TRACK BALLOT PROCESS

(a) Each short-track ballot shall contain the following:

(i) a short-track ballot number assigned by the Repository,
(ii) the date that the short-track ballot is distributed by the Repository,
(iii) a voting deadline, which shall be 30 calendar days from the date on which the short-track ballot is distributed to Member Jurisdictions,
(iv) an effective date of the proposed amendment in accordance with Section 1520, and
(v) the complete text of the Section of the Plan being amended, or added that identifies new language by underlining and deleted language by strikeout.

(b) Immediately upon the close of the voting period, the Repository shall prepare a report of the ballot by ballot number, shall identify the votes of all Member Jurisdictions eligible to vote as well as abstentions as of the voting deadline. If the ballot is approved, the Repository shall distribute the text of the new or amended provision.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 2205.

1520 EFFECTIVE DATE OF PLAN AMENDMENTS

(a) The effective date of amendments to the Plan passed under full-track ballot procedures, unless otherwise specified in the text of the amendment in compliance with the following provisions, is the first day of January or July, whichever occurs first, 12 months after the close of the voting period.

(b) An amendment passed under full-track ballot procedures may have an earlier effective date than provided above; provided, however, that in order to have an earlier effective date, the effective date shall be voted on separately, and shall receive the affirmative vote of three-fourths of all Member Jurisdictions eligible to vote. A Member Jurisdiction not voting on the effective date shall be deemed to have voted in favor of the earlier effective date.

(c) An amendment passed under full-track ballot procedures may have a later effective date if that date is specified in the ballot.

(d) The effective date of amendments to the Plan passed under short-track ballot procedures is the first day of January, April, July or October, whichever occurs first, 6 months after the close of the voting period.

HISTORICAL NOTES

Adopted: Ballot FT-333, effective July 1, 2008. **Amended:**
Related Provisions, 2006 Plan: Section 2206.

APPENDIX A
MEMBER JURISDICTIONS

	Jurisdiction	Date Approved	Date of Entry
1	Kentucky	September 13, 1973	April 1, 1974
2	Tennessee	September 13, 1973	March 1, 1974
3	Missouri	September 13, 1973	January 1, 1974
4	Texas	September 13, 1973	April 1, 1974
5	Minnesota	September 13, 1973	January 1, 1975
6	Oregon	September 13, 1973	January 1, 1975
7	Nebraska	September 13, 1973	January 1, 1975
8	Utah	September 13, 1973	January 1, 1975
9	Colorado	September 13, 1973	January 1, 1975
10	Alberta	July 22, 1974	January 1, 1975
11	South Dakota	August 5, 1974	January 1, 1975
12	Mississippi	November 4, 1974	November 1, 1975
13	Virginia	February 24, 1975	March 1, 1975
14	Wyoming	July 14, 1975	January 1, 1976
15	Montana	October 10, 1975	January 1, 1976
16	Arkansas	October 10, 1975	July 1, 1976
17	Louisiana	December 1, 1975	April 1, 1976
18	Idaho	December 10, 1975	January 1, 1976
19	Illinois	July 7, 1976	January 1, 1977
20	North Carolina	July 16, 1976	January 1, 1977
21	Oklahoma	January 19, 1977	January 1, 1978
22	Wisconsin	May 23, 1977	January 1, 1978
23	Iowa	August 17, 1977	January 1, 1978
24	Alabama	September 5, 1979	October 1, 1980
25	Arizona	May 9, 1980	January 1, 1981
26	North Dakota	June 19, 1980	January 1, 1981
27	Kansas	July 9, 1980	January 1, 1981
28	Pennsylvania	September 15, 1982	June 1, 1983
29	Michigan	August 10, 1983	March 1, 1985
30	Florida	January 30, 1984	December 1, 1986
31	Connecticut	August 6, 1984	May 1, 1985
32	California	August 6, 1984	January 1, 1985
33	West Virginia	November 15, 1984	July 1, 1986
34	South Carolina	March 12, 1985	January 1, 1986
35	Indiana	July 14, 1986	March 1, 1987
36	Vermont	February 24, 1987	May 1, 1988
37	Maryland	March 20, 1987	May 1, 1988
38	Washington	April 27, 1987	January 1, 1988
39	New York	February 3, 198	March 1, 1989
40	New Hampshire	July 26, 1988	May 1, 1989
41	New Mexico	December 19, 1988	January 1, 1990
42	Nevada	May 11, 1990	January 1, 1992
43	Georgia	May 27, 1990	January 1, 1991
44	Ohio	July 27, 1990	June 1, 1991
45	Maine	February 22, 1991	July 1, 1993
46	Massachusetts	May 22, 1992	January 1, 1994
47	Saskatchewan	February 24, 1993	October 1, 1993

48	Delaware	December 30, 1993	January 1, 1995
49	British Columbia	October 19, 1995	January 1, 1996
50	Rhode Island	January 6, 1996	September 1, 1996
51	New Jersey	April 9, 1996	April 1, 1996
52	District of Columbia	November 29, 1996	April 1, 1997
53	New Brunswick	June 26, 1999	April 1, 2001
54	Quebec	September 29, 1999	April 1, 2001
55	Ontario	June 24, 2000	April 1, 2001
56	Manitoba	August 18, 2000	March 1, 2001
57	Prince Edward Island	November 8, 2000	April 1, 2001
58	Newfoundland & Labrador	November 21, 2000	April 1, 2001
59	Nova Scotia	December 29, 2000	April 1, 2001

APPENDIX B
EXCEPTIONS TO THE INTERNATIONAL REGISTRATION PLAN

As of July 1, 2008 there are no Exceptions to the Plan

APPENDIX C
FORM OF ANNUAL REPORT OF PLAN ACTIVITY

Member Jurisdiction Name	
1. Calendar Year Reported	Jan. 1 – Dec. 31, 2014
2. Total Fleets	
3. Number of Fleets RENEWED during this calendar year	
4. Number of NEW Fleets registering for the first time during this calendar year	
5. Number of Audits resulting in changes to fees	
6. Number of Audits resulting in NO changes to fees	
7. Total Number Audits finalized during this calendar year	
8. Number of Records Reviews conducted, if any	
9. Number of INADEQUATE records assessments issued	
10. Total dollars assessed for Inadequate records included above	
11. Total Registrants	
12. Number of Power Units	
13. Has the designated Website Coordinator verified that all of your jurisdiction information on www.irponline.org is up to date?	☐ Yes
Submitted by:	
Name:	
Title:	
Agency:	
Signature:	Date:

APPENDIX D
INTERNATIONAL REGISTRATION PLAN DUES

Dues payable by Member Jurisdictions shall be determined as follows:

For fiscal years beginning before October 1, 2008, the dues shall be determined with reference to the following table:

- **15,000 or fewer power units equal $6,000.00 U.S.**
- **15,001 to 30,000 power units equal $12,000.00 U.S.**
- **More than 30,000 power units equal $18,000.00 U.S.**

For fiscal years beginning on and after October 1, 2008, dues shall be $6,000.00 U.S. per Jurisdiction plus an amount based on the number of power units, determined with reference to the following table:

Power Units	Cost
1 - 1,000	$1,120
1001 - 5,000	$2,400
5001 - 10,000	$5,600
10,001 - 15,000	$8,800
15,001 - 20,000	$14,400
20,001 - 30,000	$19,200
30,001 - 50,000	$25,600
50,001 - 100,000	$28,000
100,001 – 150,000	$30,400
150,001 – 200,000	$33,200
200,001 – 250,000	$36,000
250,001 – 300,000	$38,800
300,001 – 350,000	$41,600
350,001 – 400,000	$44,400
400,001 – 450,000	$47,200
450,001 – 500,000	$50,000
500,001 plus	$52,800

APPENDIX E
GOVERNING BOARD DECISIONS

International Registration Plan
Governing Board
Dispute Resolutions/Interpretations
Chronological Order

January 14-15, 1985

1 - Define public notice identified in Section 2302 - the Board decided that this notice would be published in the AAMVA *Bulletin*, and ATA's *Transport Topics*, plus be sent to all Chief Administrators, law enforcement officials, industry representatives active within the AAMVA Standing Committee on Vehicle Reciprocity, and CCMTA for its publication.

March 14-15, 1985

2 - Alternatives for members may sit in on the Governing Board meetings, but may not vote. (Section 2112)

September 20, 1985

3 - The case before the Board was brought by the State of Pennsylvania against a carrier who said he had an established place of business in Virginia. (Section 218) Verified facts indicated otherwise. The Board charged Virginia to investigate and report back within 120 days if the carrier had an established a place of business in Virginia.

Note: The carrier is now complying with Section 218.

March 6, 1986

4 - The Board discussed the provision for proxy votes 6, 1986 for members who were not able to attend the meeting. The Board again endorsed that proxy votes would not be accepted. Section 2112 (Previously discussed on 3/14/85).

October 23, 1986

5 - A case was brought before the Board for interpretation of Section 210 and its Commentary. Could a carrier consolidate its fleet in California including some vehicles which did not generate California miles. The Board agreed that the carrier could do this.

6 - The Board was asked to interpret Section 906 concerning owner-operators. Some jurisdictions were requiring full compliance of the established place of business definition Section 218 for owner-operators, The Board agreed that Section 906 applies to owner-operators, rather than Section 218. Kansas had filed an exception to the Plan prior to the amendment which changed the treatment for owner-operator registration. The Board agreed that Kansas must file a new exception if it did not want to comply with the provisions of the amendment.

Note: All jurisdictions are complying with Section 906.

7- The interpretation of Section 410 concerning the untimely submission of fees was requested. Michigan indicated that Illinois was taking an average of 26 days to forward fees to jurisdictions. A few of the jurisdictions had a memorandum of understanding with Illinois for the money to be transmitted in a more timely fashion, and that if a check is returned, the receiving jurisdiction would refund that portion to Illinois. The Board suggested that Michigan attempt to negotiate a similar agreement with Illinois since there is nothing in the Plan that specifically indicates when a jurisdiction is required to transmit the money.

Note: A subsequent ballot to amend Section 408 specifies the time period for sending transmittals and fees.

8 - Illinois submitted for interpretation of Section 218, established place of business. Illinois indicated that there were applicants that were using the address of an attorney's office as the established place of business. Illinois further indicated that a physical inspection indicated that there were three separate phone numbers, separate offices within an office, and supposedly separate employees assigned to handle each company's trucking operation. The Board indicated that these registrants were in compliance.

March 10, 1987

9 - Did the amendment to the adopting resolution Appendix A requiring a six months notice mean that the ballot must be submitted six months in advance of the registration year or approved six months in advance of the registration year. The Board agreed that it means submitted.

10 - Texas indicated that there was some concern regarding all trailer fleets and the method for audit. It was questioned whether the Plan allows for all trailer fleet. The Board agreed that it does under Section 204 (a) (3).

March 29, 1988

11 - The case heard was determining mileage for combined fleets. A carrier closed its operation in Arizona. It disbanded the Arizona fleet - fleet three - and moved the vehicles to fleet one, which was based in another jurisdiction. The carrier included the mileage for fleet three with fleet one upon renewal. When audited by North Carolina, the carrier was instructed to exclude the fleet three mileage. North Carolina felt that the closing of the facility was considered a change of operation, even though fleet three and fleet one had operated in some of the same jurisdictions. California, however, felt that since all vehicles were moved form fleet three to fleet one, the mileage should have been combined and would have been consistent with Article VIII of the Plan. The Board found it difficult to rule that North Carolina was incorrect, since there is not policy on combining fleets and mileage. The Board agreed that North Carolina was justified in its action. In addition, the Board asked the Motor Carrier Services Audit Subcommittee to initiate a policy and guidelines for combining fleets and mileage, and to ballot the issue with member jurisdictions.

Note: A work-group was created to address this issue.

12 - Can vehicles operating exclusively in a single jurisdiction use IRP plates. The State of Arizona stated when a carrier intends to run 100% in one jurisdiction, it should be fully plated with that jurisdiction. The Board agreed that it was improper for vehicles to operate with IRP plates when they are doing only intrastate operations for the entire registration period. Vehicles must travel in two or more IRP jurisdictions in order to register under the program (Section 204).

September 20, 1988

13 - The item for discussion concerned restricted plates under the IRP. The State of Maryland was concerned that West Virginia was not recognizing its dump plate as a restricted plate and, therefore, was requiring the vehicles to be apportioned. The Board felt that the plate qualified as a restricted plate under IRP and that West Virginia should continue to treat these specific vehicles under the pre-IRP arrangement with Maryland (Section 204 and Commentary).

April 4, 1989

14 - The legal counsel of the Chair has indicated that incorporated by reference as specified in Article XVI in the IRP is as binding as other commentary. The Audit Guidelines are to be read as though they are published in Article XVI as official commentary.

15 - There was a question as to whether the Official Commentary is considered to be part of the Law. The Commentary contained in Code is not part of the Law.

16 - Jurisdictions were not uniformly applying refund procedures. It was agreed that each jurisdiction should be applying refund procedures under their own statutes regardless of the base of the vehicle.

17 - The Board addressed the question of whether British Columbia's exception as filed was actually an exception to the Plan (Section 1900). The Board decided that it was not an exception and suggested British Columbia re-file a ballot without exception.

September 12, 1989

18 - The item discussed concerned Section 104, Commentary, which was inadvertently printed as Unofficial Commentary. Previous printings in the original ballot showed it as Official. The Board voted to correct as a housekeeping item.

19 - A case was brought before the Board by Oliver Trucking to clarify those sections of the Plan used to determine base state (Section 210). This issue previously submitted by the states and resolved by them was brought before the Board by the Company. The first issue concerned whether vehicles could be registered in a lessee's base jurisdiction if different from the lessor. The Board agreed that this could happen. The second issue was whether Oliver Trucking had established a proper base in North Carolina. The Board decided that the base was now proper.

20 - An issue brought before the Board by the Commonwealth of Kentucky was to clarify the action taken when a registration is erroneously issued. The Board agreed that a registration may be suspended by an apportioned jurisdiction only when fees due are not paid (Section 504). All other actions must be taken by the base state.

21- A request for interpretation of Section 508 was made. Missouri inquired whether apportioning a vehicle in a jurisdiction at less than its empty weight was a legal form of

discounting. Missouri claimed this registration practice constitutes discounting and is prohibited under Section 508 of the Plan. Missouri also requested the Board require joint audits of any carrier with questionable weight variance registrations. The Oklahoma Tax Commission indicated: 1) a request for the Board to interpret what constitutes discounting is not a substantive issue for the Board to act upon, 2) the authority under Section 508 is discretionary and is vested solely in the base jurisdiction, and 3) Missouri's request to authorize a joint audit by the base jurisdiction in these cases is an attempt to circumvent the provisions of Section 508 and is beyond the Board's scope of authority. The Board answered on the following points. The purpose of enacting Section 508 of the Plan was to prevent the practice of discounting. Therefore, discounting is a substantive issue under Section 508 of the IRP, and the interpretation of this issue is within the Board's scope of authority (Section 2312). The passage of Section 508 is clear that the intent is to grant authority to the base jurisdiction to demand verification of weight variances. The applicant has the burden of proving that it reflects operating practice. Therefore, weight variance for a jurisdiction cannot be granted for a weight variance for a jurisdiction cannot be granted for a weight below the empty weight of the vehicle. And last, Article XVI in the IRP provides for audits of carriers. Section 1606 specifically says that audits may be made by the commissioners by several jurisdictions. Therefore, the Board has the authority to recommend a joint or separate audit be conducted by the jurisdictions. The State of North Carolina changed its procedures as a result of this action, by the state of Oklahoma disagreed and asked that the interpretation be put on ballot for official adoption.

Note: The ballot failed

April 9, 1991

22 - The case was presented by Signal Delivery Service, requesting a refund from the State of Florida under Article VII. Florida did a partial refund according to its Statute. The company wanted a total refund for a wrecked vehicle since it was wrecked before the registration period began. The request was made after the beginning of the registration period. The Board ruled in Florida's favor since its statute specifically says that the refund application date is the deciding factor on how much refund is processed. Section 700 indicates the state's statues rule.

23 - The case concerned a consolidated fleet with a base in Connecticut and Indiana. Connecticut was requiring Connecticut to be the base for IRP registration of the fleet since the vehicles were based there. The Board ruled there was an established place of business in Indiana and, therefore, Connecticut could not require those vehicles based in Connecticut to declare Connecticut as the base state (Article 210).

24 - The Working Group's interpretation of reduced operations that had been addressed by the Board at the last meeting (Sections 222 and 300) was requested again. This Board also did not endorse the Working Group's interpretation indicating the language was not clear.

Note: New language, as requested by the previous Board, was drafted, balloted and passed in 1992 effective for the 1993 registration year.

August 25, 1991

25 - A question between Illinois and Indiana concerning an audit of the Central Blacktop Company was resolved. Illinois audited an estimate and substituted actual miles for the current registration period. The questions arising form this are: 1) can a jurisdiction adjust second year mileage estimates following an audit, and 2) what is the appropriate approach to an audit when there are insufficient miles in the preceding year. Illinois had audited the carrier's 1988 registration year application using the actual mileage accrued during the 1988 registration year rather than the preceding year since there were so few miles in the preceding year. The Audit Subcommittee had been asked for an opinion in this case. It referenced Section 800 of the IRP describing the procedure for initial applications. When operations were not conducted in the previous year, the carrier is to include a proposed method of operation and estimates for miles for the jurisdictions. The base jurisdiction's Commissioner can adjust the estimated miles if not satisfied. The Audit Subcommittee also referenced the Policies and Procedures Manual Section 5000 and 5020, indicating estimated miles are used by the registrant in the initial year of operation and should be scrutinized at that point, and that neither the Plan, the Audit Manual, not the Policies and Procedures Manual addresses the number of months a carrier must have actual mileage history before being required to report actual miles on the application. The Audit Subcommittee indicated that Illinois should not apply actual mileage accrued from July, 1987 through June, 1988 to a previous registration year. The subcommittee recognized that the base state could audit a second year application, but only using the miles traveled during the preceding year.

Note: Amendment adding Section 400(b) effective for the 1992 registration year relates to matters discussed in this case.

26 - A request by Indiana for interpretation of fee calculation when there is estimated mileage was decided. Indiana was concerned the states are using various methods of fee calculation in their approaches to addressing estimated miles in regard to expanding operations at the time of renewal. Should the calculation of percentages include the estimate of calculate over 100%. The Board ruled the overall calculation should be included in the 100% unless state statutes provide otherwise as indicated in Article VIII Commentary. If the state's statute is silent on this, then the percentage must total within 100%.

January 21, 1992

27 - The State of Colorado asked for a Board interpretation on the requirement for a single registration plate. The articles affected were Sections 104, 212 (a), and 400. The question was whether a carrier could apportion in one jurisdiction and buy full plate in another jurisdiction for operation in that state. The Board interpreted that a carrier can apportion, trip permit, or obtain a full plate from jurisdictions. The issuance and use of trip permits and full plates are governed by the state authority. A carrier could use two plates, thereby having a full plate form one state and an apportioned plate for other member states.

September 13, 1992

28 - The request by Indiana for New Hampshire to refund a transfer fee that only Indiana had collected from its carriers for several years was resolved. The issue considered Section 202, 302 Commentary and 304 of the Plan. The Board ruled the base state can collect apportioned fees only. Any other fee should be collected by the other jurisdictions. The fees should not

have been collected by Indiana for New Hampshire. Therefore New Hampshire should refund the transfer fees to the Indiana carriers. The method of refund was left to the two jurisdictions to decide.

29 - A case of a refund for a South Dakota carrier by the jurisdiction of Wyoming was resolved. The South Dakota carrier had apportioned all its vehicles with Montana, South Dakota, and Wyoming. At the time of audit, it was found that seven of the eight vehicles never left the jurisdiction of South Dakota. The issue here is whether intent was involved (Section 204). Did the carrier intend to leave South Dakota, or did it incorrectly complete the applications and apportion vehicles that were never intended to leave the state? The Board decided that the audit of the operations of the carrier indicated the carrier never intended for these vehicles to leave the state and, therefore, a refund would be due if Wyoming's statutes provide for refunds as a result of audit. Wyoming said it would refund.

August 21, 1993

30 - A case was brought before the Board at the April 20, 1993 meeting concerning Averitt Express and an audit conducted by the State of Tennessee as the base state. The result of the audit was that Averitt owed substantial additional sums to Tennessee, and was entitled to substantial refunds from certain other IRP jurisdictions. There was then an adjustment to the audit, and the adjusted results were sent out to all appropriate jurisdictions. There were no objections to the results. As a result of the audit, Averitt then paid Tennessee the registration fees that it claimed were due, and then sought the refunds from the affected jurisdictions. Thirteen jurisdictions refunded in accordance with the terms and results of the Tennessee audit. The refunds due to Averitt from the States of Illinois, Kentucky, and Virginia were either denied or not responded to. The Board recommended that the issue be sent to the Audit Subcommittee for evaluation and fact-gathering. The issue was then re-examined at the August 21, 1993 meeting. The Audit Subcommittee obtained additional information from the State of Tennessee concerning the audit, made a recommendation based on the IRP agreement, audit guidelines, and the audit documentation. In the audit report, the auditors indicated that Averitt's records reflected that only long haul drivers prepare trip reports and only the mileage generated by the long haul trucks were accumulated and reported although the vehicles may have been operated many thousands of miles in shuttle or pick-up service. The Audit Subcommittee further stated that it was very clear to them that the registrant did not maintain adequate records on which a true liability could be determined. The Board decision was to accept the Audit Subcommittee's report and hold the states of Virginia, Kentucky and Illinois harmless on the refund. The states would not be required to issue refunds as a result of the Tennessee audit.

April 26, 1994

31 - Oklahoma came to the board for advisement upon its interpretation of Article II, Section 218, Established Place of Business. Their interpretation involved a dispute that Oklahoma had been having with a business representing itself as a licensing service to help carriers set up in Oklahoma. The state's contention was that this business was not legitimate, and was merely providing an address and phone number for carriers to use for declaring Oklahoma as their base-state. The carriers were not legitimately established in the state of Oklahoma, and therefore Oklahoma rejected their applications. Since the line service was not doing the

business of the carrier, the definition of 218 was not met. Oklahoma came to the board for assurance that it was indeed acting in compliance with the Plan. The board advised that Oklahoma had the power to make that decision, and were therefore in compliance with the Plan.

July 14, 1994

32 - The State of Utah came to the Board for advisement on the registration of rental cars. The Board advised that if a passenger car is registered as apportionable, then records must be kept like any other apportioned vehicle. Allocated vehicles must follow that definition, and must calculate full plate percentages according to revenue, and fully plate the correct percentage of vehicles in each jurisdiction. The Board also advised that base jurisdictions are not required to report rental passenger car information to other jurisdictions; in fact, it is up to the companies to report to any state that asks to see their records.

DISPUTE RESOLUTION COMMITTEE DECISIONS

1995.1 Class of Dispute: Class 4, Interpretation
Petitioner: Comdata Saunders vs. State of Washington
Articles/Sections: Article II, Section 238 Preceding Year
Meeting Date: August 28, 1995

Issue: Comdata Saunders challenged the policy of the state of Washington under which mileage reporting years are staggered. Comdata raised the issue of Washington staggering a registration year and staggering the mileage reporting year. Washington felt it was to the carrier's benefit to be able to have a staggered registration year and report current year mileage as close to the stagger year as possible. The amendment was made to Washington registration law with no testimony opposing it at the time.

Decision: The Dispute Resolution Committee advised that all jurisdictions abide by the International Registration Plan Official Commentary definition of "Preceding Year," Article II, Section 238.

1996.1 Class of Dispute: Class 1, Non-Compliance Resulting in Monetary Loss
Petitioner: Comdata Saunders vs. State of Washington
Articles/Sections: Article II, Section 238 Preceding Year
Meeting Date: April 15, 1996

Issue: Comdata challenged the state of Washington's policy to stagger the mileage reporting year when Washington initiated a staggered registration year. Comdata will be forced to perform programming and system changes to comply with Washington's staggered mileage reporting year. This change results in a monetary loss. Comdata stated that if one jurisdiction could deviate from the definition of preceding year other jurisdictions could do the same.

Decision: The committee reaffirmed its August 1995 decision that all jurisdictions abide by the International Registration Plan Official Commentary definition of "Preceding Year," Article II, Section 238. The committee also ruled that Washington carriers not be penalized for using the preceding year definition as defined in Section 238 until Washington changes its statute to comply with the Plan.

1996.2 Class of Dispute: Class 4, Interpretation
Petitioner: States of Alabama, Florida, Texas vs. State of Wyoming
Articles/Sections: Article IV, Section 404, Trailer Apportionment - Exception to the Plan
Article V, Section 506, Operation under Apportioned Registration
Meeting Date: April 15, 1996

Issue: The states of Alabama and Texas challenged Wyoming's request that registration fees be collected based on whether a carrier has Wyoming intrastate operating authority. The fee schedule presented by Wyoming for carriers with intrastate authority requires trailer apportionment. The two states reported that Wyoming allegedly stopped

requiring trailers to be apportioned and consequently changed their fees. There is no record on file at the repository that Wyoming withdrew its trailer exception.

The state of Florida challenged that the Wyoming fee structure is not in compliance with Article V, Section 506.

Decision: The committee denied the request by Alabama and Texas because the Wyoming trailer exception is still valid and in force. The request made by Florida was denied.

1996.3 Class of Dispute: Class 4, Interpretation
Petitioner: Protran Services, Inc.
Articles/Sections: Article IX, Section 906, Established Place of Business
Meeting Date: April 15, 1996

Issue: Protran Services, Inc. requested the committee allow Canadian carriers to continue licensing in the Canadian province of their choice. Prior to Saskatchewan and British Columbia becoming members of IRP, all Canadian carriers had the flexibility to shop where they wanted for insurance. Since joining the IRP, many carriers previously licensed out of one of the three provinces have been denied further licensing privileges because of the place of business requirement in Section 906.

Decision: The committee moved to deny Protran's request to allow carriers to license in the province of their choice without having an established place of business in that province.

1996.4 Class of Dispute: Class 1, Non-Compliance Resulting in Monetary Loss
Petitioner: Knight Transportation vs. State of California
Articles/Sections: Article XVI, Audits, Section 1606 Multiple Audits by Commissioners
Meeting Date: August 25, 1996

Issue: Knight Transportation raised the issue of California's compliance with the Plan by conducting an audit of Knight Transportation for the same years as Oklahoma. The State of Oklahoma completed an audit of Knight Transportation for the 1993-1994 registration year. In June 1996, the California Department of Motor Vehicles initiated an audit of Knight Transportation covering an overlapping period between 1994 and 1996. California DMV informed Knight Transportation that the purpose of the audit was to audit trailer miles and unladen weight costs. It would involve an analysis of areas not covered in the Oklahoma audit program. Knight Transportation challenged that Oklahoma's audit was a base state audit, performed on behalf of the base state and all other states in which Knight apportioned registration. They contend the California audit was a duplicate, which posed a hardship to the carrier.

Decision: The committee determined that California has the right to audit the 1995-1996 and subsequent years not previously audited. California also has the right to conduct subsequent audits for the years of 1993 and 1994.

1996.5 Class of Dispute: Class 1, Non-compliance which results in monetary loss

Petitioner: Paramour Trucking vs. State of Missouri
Articles/Sections: Refund on unused plates
Meeting Date: October 7, 1996

Issue: As a Missouri-based carrier, Paramour sought a full refund from Missouri for the return of unused license plates on a fleet of two vehicles. The issue concerned the internal refund policy of the State of Missouri and was not subject to review by the Dispute Resolution Committee. Internal refund policies are set by statute in each IRP jurisdiction and are not specifically addressed in the Plan.

Decision: The committee moved to deny Paramour Trucking's request for a full refund from Missouri for the unused license plates.

1996.6 Class of Dispute: Class 4, Interpretation
Petitioner: State of New York
Articles/Sections: Section 256, Total Distance
Section 300, Determination of Fees
Meeting Date: October 7, 1996

Issue: The state of New York requested clarification on the definitions of "total miles" and "total distance" with respect to reduced operations. Mr. Chevalier reported that the request was an interpretation of what New York considers a difference in meaning between the two terms. New York felt the terms were subject to misinterpretation and possible misuse because they are used differently in two sections of the Plan.

Decision: The committee moved that the definition of "total miles" and "total distance" are the same.

1996.7 Class of Dispute: Class 4, Interpretation
Petitioner: Transport Systems of Miami, Inc.
Articles/Sections: Section 210, Base Jurisdiction
Section 218, Established Place of Business
Meeting Date: October 7, 1996

Issue: Transport Systems of Miami, Inc. represented a registrant who transports and provides grandstands. The registrant wanted to continue using Florida as his base even though it did not accrue fleet mileage in Florida during the preceding year. Florida policy requires that a registrant accrue mileage in the state to claim Florida as the base.

Decision: The committee found that the registrant must satisfy the commissioner that it may be located within the base jurisdiction. It is also the commissioner's prerogative to require miles in the jurisdiction to claim it as the base.

1997.1 Class of Dispute: Class 4, Interpretation
Petitioner: State of Idaho
Articles/Sections: Article II- Definitions, Section 222, In-Jurisdiction Miles
Article III-Fees for Apportioned Registration
Meeting Date: September 11, 1997

Issue: The issue involved three carnival operations based in Idaho who operate in several western states. On February 1997 the Idaho staff noticed that the companies included in their applications miles, miles operated in the states of Nevada and Montana, even though these companies did not intend to apportion for these two states. A review of the issue indicated that Nevada has a law precluding carnival operations from registration fees. Instead, Nevada assesses an entertainment tax on these vehicles. Approximately 75% of the miles operated by the three companies was included in the mileage reported for Nevada. Idaho denied the miles because according to the Plan, the base state can add reciprocity miles to a carrier only when it operates in non-member jurisdictions. Idaho does not believe this applies because the Plan contains full U.S. membership. From this issue, another issue was raised on whether IRP takes precedence over jurisdiction law.

Decision: The committee moved to separate Idaho's request into two questions/issues. In regards to the first issue, the committee advised Idaho that it's interpretation of the Plan with respect to the calculation of the fees used in the mileage is incorrect in that Nevada and Montana are member jurisdictions and it is not the committee's position to dictate to those jurisdictions what their fees should be. For the second issue, the committee agreed to leave the issue of IRP precedence over jurisdiction law on the agenda for the next Dispute Resolution Committee meeting and tasked IRP, Inc. to consult with AAMVA's legal Services Committee to determine options on the issue of precedence.

1997.2

Class of Dispute:	Class 2, Jurisdiction's Non-Compliance with the Plan, No Monetary Loss
Petitioner:	State of Oregon
Articles/Sections:	Article XVI-Audits, Section 1600, Frequency of Audits
Meeting Date:	September 11, 1997

Issue: As part of the Peer Review Program, Oregon did not comply with the required number of audits for 1996.

Decision: The committee granted Oregon a 12 month extension to come into compliance with Section 1600, at which time the issue will be re-visited.

1997.3

Class of Dispute:	Class 2, Jurisdiction's Non-Compliance with the Plan, No Monetary Loss
Petitioner:	State of Virginia
Articles/Sections:	Article IV- Application for Apportioned Registration, Section 400, Application Filed with Base Jurisdiction, Section 410, Jurisdiction Cooperation Article XVI- Audits, Section 1600, Frequency of Audits
Meeting Date:	September 11, 1997

Issue: As part of the Peer Review Program, Virginia had three outstanding issues in November 1995. Based on a follow up report and information sent to the repository, Virginia was still not in Compliance with Section 1600.

Decision: In regards to Sections 400 and 410, the committee agreed to have the repository review a copy of Virginia's revised apportioned registration manual to ensure compliance with the sections and to then report back to the committee. In regards to Section 1600, the committee granted Virginia an additional 12 months to come into compliance.

1997.4

Class of Dispute:	Class 2, Jurisdiction's Non-Compliance with the Plan, No Monetary Loss
Petitioner:	State of Tennessee
Articles/Sections:	Article IV- Application for Apportioned Registration, Section 408, Jurisdiction Notification of Application Filing Article XVI- Audits, Section 1600, Frequency of Audits
Meeting Date:	September 11, 1997

Issue: As part of the Peer Review Program, Tennessee was still not in compliance with Sections 408 and 1600 a year after the follow-up review. However, within a year Tennessee anticipates to be in compliance with both sections, once problems are resolved with a newly installed computer system and additional auditors are added to the staff.

Decision: The committee granted Tennessee a 12 month extension to come into compliance with both sections.

1997.5

Class of Dispute:	Class 2, Jurisdiction's Non-Compliance with the Plan, No Monetary Loss
Petitioner:	State of Florida
Articles/Sections:	Article XVI- Audits, Section 1600, Frequency of Audits
Meeting Date:	September 11, 1997

Issue: As part of the Peer Review Program, Florida submitted additional information (numbers of audits conducted for 1994-1996) to the repository regarding compliance with Section 1600. After reviewing the information Florida was found to be in compliance.

Decision: To ensure that Florida remains in compliance with Section 1600, the committee agreed to reexamine Florida's numbers in another 12 months.

1997.6

Class of Dispute:	Class 2, Jurisdiction's Non-Compliance with the Plan, No Monetary Loss
Petitioner:	State of Minnesota
Articles/Sections:	Article XVI- Audits, Section 1600, Frequency of Audits
Meeting Date:	September 11, 1997

Issue: As part of the Peer Review Program, Minnesota responded to a follow up review that they were still not in compliance with Section 1600. However, with changes and the addition of more auditors, Minnesota anticipates being in compliance.

Decision: The committee granted Minnesota a 12 month extension to come into compliance with section 1600.

1997.7 Class of Dispute: Class 2, Jurisdiction's Non-Compliance with the Plan, No Monetary Loss
Petitioner: State of Utah
Articles/Sections: Article XVI- Audits, Section 1600, Frequency of Audits
Meeting Date: September 11, 1997

Issue: As part of the Peer Review Program, Utah responded to a follow up review that they were still not in compliance with Section 1600, because their auditors were reassigned to a legislative type of audit that had a priority at that time. Utah assured the peer review that it planned to increase IRP audit coverage.

Decision: The committee granted Utah a 12 month extension to come into compliance.

1997.8 Class of Dispute: Class 4, Interpretation
Petitioner: State of Oklahoma
Articles/Sections: Article IX-Registration of Owner-Operator Vehicles, Section 906, Place of Business
Meeting Date: September 11, 1997

Issue: The Oklahoma Tax Commission requested the committee's advise whether interpretation of Article IX, Section 906, Place of Business, was interpreted correctly. The Oklahoma legislature amended Title 47 Oklahoma Statute 1120 to require that all applicants for proportional registration by an owner-operator shall include proof of a current Oklahoma driver license issued to the owner-operator. Oklahoma had difficulty in locating a registrant, which led to Oklahoma seeking new procedures, and stated that if a registrant cannot be located, they cannot be audited. Also, Oklahoma confirmed that it is a requirement that an owner-operator in Oklahoma have either an established place of business or an Oklahoma commercial driver license.

Decision: The committee agreed that Oklahoma interpreted Section 906 correctly.

1997.9 Class of Dispute: Class 4, Interpretation
Petitioner: State of California
Articles/Sections: Article IV-Application for Apportioned Registration, Section 408, Jurisdiction Notification of Application Filing
Meeting Date: September 11, 1997

Issue: Based on a September 1994 peer review, California was found to be not in compliance with Section 408. After given an extension to come into compliance, California examined the late transmittals and discovered that they might not have been out of compliance. One of the transmittals was not considered late by California because California was holding them pending payment by the corresponding jurisdiction who was late in payment to California. California does not have the authority to disperse fees to jurisdictions who owe money to California. In turn, California requested

additional time until December 1997 to examine the transmittals pulled by the peer review team.

Decision: The committee granted California an extension until December 1997.

1997.10 Class of Dispute: Class 4, Interpretation
Petitioner: State of Michigan
Articles/Sections: Article XVI- Audits, Section 1600, Frequency of Audits
Meeting Date: September 11, 1997

Issue: Michigan was first peer reviewed in May 1995 and was granted an additional 12 month extension in August 1996 to come into compliance with Section 1600. Based on documentation submitted, Michigan began the process of coming into compliance with the Plan.

Decision: The committee granted Michigan an extension to December 1997 to come into compliance with Section 1600 and requested Michigan to annually report to the current Peer Review Committee chair that they are meeting their goals. In turn, the Peer Review Chair is to report the findings to the Dispute Resolution Committee at subsequent meetings.

1997.11 Class of Dispute: N/A-Update Report: Proposed Amendment on Measures
Petitioner: N/A
Articles/Sections: Article II-Definitions, Section 256, Total Distance
Article III-Fees for Apportioned Registration, Section 300, Determination of Fees
Meeting Date: September 11, 1997

Issue: At the request of the committee, the repository 1) developed a proposed amendment to address the issue of a clarification of "total miles" and "total distance" (as requested by NY in October 1996) and 2) distributed the proposed amendment to the membership for comment. The comments included many concerns with the ballot—wording, calculations and conversions from miles to kilometers.

Decision: The committee moved that the repository amend the proposed ballot to include the suggestions from the committee, verify the weight calculations, and distribute the amended proposed ballot to the Dispute Resolution Committee prior to the MCS/IRP, Inc. Workshop.

1997.12 Class of Dispute: Class 3, Failure to Pay IRP Repository Dues
Petitioner: State of New Jersey
Articles/Sections: Article XXI-Administration, Section 2126 Dues
Meeting Date: September 11, 1997

Issue: New Jersey was late in their payment of fiscal year 1997 dues. They submitted a letter to IRP, Inc. upon receiving notice of appearing before the committee, stating that February 1997 was the earliest available date to pay their 1997 dues because the IRP budget was not approved by the New Jersey Department of Transportation until then.

New Jersey does not anticipate any problem with paying their dues for fiscal year 1998.

Decision: The committee moved to accept New Jersey's dues.

1997.13 Class of Dispute: Class 3, Failure to Pay IRP Repository Dues
Petitioner: State of Indiana
Articles/Sections: Article XXI-Administration, Section 2126 Dues
Article XXXIII-Dispute Resolution, Section 2300, Board Action
Meeting Date: September 11, 1997

Issue: Indiana failed to pay IRP, Inc. dues by December 31, 1996. IRP, Inc. followed the guidelines set forth in the Plan for late payment of dues, and finally received payment from Indiana on March 20, 1997 However, Indiana did not correspond with IRP as to the reason for late payment or did they respond to correspondence stating that they would be brought before the committee.

Decision: The committee agreed to send a letter to all the states discussing the importance of timely payments and the cash flow problems late payments cause the repository.

1997.14 Class of Dispute: Class 4, Interpretation
Petitioner: State of Alaska
Articles/Sections: Article XVIII-Entry and Withdrawal, Section 1800, Jurisdiction
Entry into IRP
Meeting Date: September 11, 1997

Issue: In 1975 Alaska was approved to join the IRP Agreement by unanimous vote of the then current members. In 1977 Alaska withdrew according to the procedures outlined in the Plan. In 1997, Alaska contacted IRP, Inc. on how to re-enter the Plan and IRP, Inc. on behalf of Alaska is asking for an interpretation of how Alaska may re-enter the Plan.

Decision: The committee agreed that Alaska should submit a formal request to reapply to the Plan and that the notification letter from the repository should include a discussion about exceptions.

1997.15 Class of Dispute: N/A-Update Report: Precedence of IRP vs. Jurisdictional Statute
Petitioner: N/A
Articles/Sections: N/A
Meeting Date: November 16, 1997

Issue: At the direction of the committee, IRP, Inc. 1) consulted with AAMVA's Legal Services Committee for resolution to the issue of IRP prevailing over state law and 2) will continue to update the committee on the issue.

Decision: The committee directed the repository to continue pursuing the matter and report its progress at the next meeting.

1997.16 Class of Dispute: N/A-Update Report: Late Dues
Petitioner: N/A
Articles/Sections: N/A
Meeting Date: November 16, 1997

Issue: IRP, Inc. reported that a letter was sent to all jurisdictions who paid the 1997 dues late (IN, NJ, NM). The letter discussed the importance of timely payments and the cash flow problems late payments caused the repository.

Decision: The committee accepted the report and considered the matter resolved.

1997.17 Class of Dispute: N/A-Update Report: Peer Review Follow-Up
Petitioner: N/A
Articles/Sections: N/A
Meeting Date: November 16, 1997

Issue: IRP, Inc. reported that Virginia is now in compliance with Sections 400, Application Filed with Base Jurisdiction and 410, Jurisdiction Cooperation of the Plan.

Decision: The committee accepted the report and considered the matter resolved.

1997.18 Class of Dispute: Class 4, Interpretation
Petitioner: IRP, Inc.
Articles/Sections: Article XXI- Administration, Section 2126, Dues
Meeting Date: November 16, 1997

Issue: Because several jurisdictions paid their dues within the 15 day grace period after receiving the non-payment notification, IRP, Inc. requested clarification involving the notification of non-payment, grace period and Board Dispute Resolution notice when a jurisdiction fails to pay IRP dues by December 31.

Decision: The committee agreed that on January 1, IRP, Inc. would send a letter listing non-paying jurisdictions to the IRP, Inc. Board of Directors. On January 16, IRP, Inc. would send a certified letter to non paying jurisdictions. Thirty days from receipt of the certified letter, IRP, Inc. would send to the Dispute Resolution Committee a list of non-paying jurisdictions for further action.

1997.19 Class of Dispute: Class 4, Interpretation
Petitioner: State of Missouri
Articles/Sections: Article XVI-Audits, Section 1600, Frequency of Audits
Meeting Date: November 16, 1997

Issue: The Missouri Highway Reciprocity Commission requested an interpretation of Article XVI, Section 1600, Frequency of Audits to help determine and ensure compliance with the IRP Agreement. Missouri also questioned the Peer Review Committee's determination of finding of compliance based upon an annual listing of audits, due to the fact that the active accounts are different each year, making the audit requirements difficult to calculate for compliance purposes.

Decision: The committee moved that the Audit Committee review the issue of determining the values that need to be determined for the 15% and five-year period and correspond with IFTA representatives to ensure there is uniformity between the two plans and report back to the Dispute Resolution Committee at the next meeting.

1997.20 Class of Dispute: Class 1, Jurisdiction's Non-Compliance with the Plan, Monetary Loss
Petitioner: Rollins Leasing Corporation
Articles/Sections: Article XV-Preservation of Records and Audit, Section 1502, Failure to Preserve or Maintain Records
Policies & Procedures Manual, Section 3030, Refunds
Introduction to the Uniform Audit Procedures Guidelines
Meeting Date: November 16, 1997

Issue: Rollins Leasing Corporation filed a Class 1 dispute against Illinois regarding an audit of the 1995 licensing renewal year for one of the company's fleets. Rollins felt that Illinois chose not to use the available records to determine the true liability for both Rollins and the other affected jurisdictions. The Illinois audit resulted in an inflation of the fees actually due Illinois and the other jurisdictions involved in the audit. In turn, Rollins claimed they suffered a monetary loss as a result of the manner in which Illinois conducted an IRP audit.

Decision: The committee agreed to uphold the Illinois audit in order to ensure that the decisions made throughout the years are uniform and are not arbitrary or capricious.

1997.21 Class of Dispute: Class 1, Jurisdiction's Non-Compliance with the Plan, Monetary Loss
Petitioner: Lawrence Robertson Transportation
Articles/Sections: Article II- Definitions, Section 218, Established Place of Business
Article IX- Registration of Owner-Operator Vehicles, Section 906, Place of Business
Meeting Date: November 16, 1997

Issue: Lawrence Robertson Transportation filed a Class 1 dispute against Oklahoma regarding whether or not Oklahoma can impose upon IRP registrants wishing to declare Oklahoma as a base jurisdiction, basing criteria in addition to that provided for in Sections 218 and 908 of the Agreement. It was noted that during the last meeting of the Dispute Resolution Committee the committee was asked by Oklahoma for an interpretation with respect to the issue, and the committee found that Oklahoma had the right to establish their own requirements. Also, it was noted that the case brought before the committee was a monetary dispute, and that there was no mention of a monetary loss during the petitioner's opening statement.

Decision: The committee agreed that since no monetary loss was shown under the Class 1 dispute, the case should be dismissed and the petitioner should return before the committee as such time as there is a monetary loss.

1998.1 Class of Dispute: Class 4, Interpretation

Petitioner: State of Maryland
Articles/Section: Article II-Definitions, Section 204, Apportionable Vehicle
Meeting Date: November 19, 1998

Issue: Maryland submitted a Class 4 interpretation regarding the issue of whether recycler plates are accepted under the Plan's definition of Restricted Plates and if so, whether vehicles in excess of 26,000 pounds bearing recycler plates are required to be apportionable under Article II, Section 204. Pennsylvania responded with the assertion that if the committee found that recycler plates were not required to be apportioned as defined under Section 204, then the IRP had no legal authority to require Pennsylvania to grant reciprocity to non-Pennsylvania recycler plates and that registration requirements must be guided by Pennsylvania law.

Decision: The committee agreed that the recycler plate in Maryland contains a commodity restriction, which would meet the definition of restricted plate under the IRP and agreed that if vehicles in question are non-apportionable, it is up to the jurisdictions to determine how the jurisdictions' laws apply to them.

1998.2 Class of Dispute: Class 4, Interpretation
Petitioner: States of Michigan and New York
Articles/Section: Article XVI-Audits
Meeting Date: November 19, 1998

Issue: To determine if the Audit Guidelines manual is a binding document. There is some question whether the Guidelines, which are incorporated into the Plan by reference are in deed binding.

Decision: The committee tasked the repository to locate the original ballot, and if the original ballot containing the Audit Guidelines is unclear, a ballot should be developed with language clearly stating that the Audit Guidelines are either binding or not.

1998.3 Class of Dispute: Class 4, Interpretation
Petitioner: Overnite Transportation Company
Articles/Section: Article II-Definitions, Section 204, Apportionable Vehicle
Meeting Date: November 19, 1998

Issue: Stan Kelly reported that Overnite Transportation Company from Richmond, Virginia, asked the committee for an interpretation of Article II, Section 204. Overnite Transportation registers its fleets in Oklahoma. In 1997 they were assessed additional fees due to single jurisdiction presence of a part of its fleet. Overnite Transportation is protesting the assessment, claiming that the vehicles were qualified as apportionable under Section 204 of the Plan. Oklahoma suggested that the company approach the Dispute Resolution Committee with an interpretation of Section 204 and a response to whether Oklahoma can charge full fees and if so, would other jurisdictions be required to refund. Oklahoma, clarified that the audit on Overnite was not complete and that Oklahoma wanted to give Overnite a chance for a decision from the committee before the audits were completed. During the audit Oklahoma maintained that the vehicles

that did not run in two or more jurisdictions during the 24 month period reviewed were not qualified to be apportioned under the audit.

Decision: The committee agreed to defer the issue until the next Dispute Resolution Committee meeting, until Oklahoma completes the audit of Overnite Transportation.

1999.1

Class of Dispute:	Class 4, Interpretation
Petitioner:	IRP, Inc, Repository
Articles/Sections:	Article XXIII-Dispute Resolution Section 2304, Power and Duties of the Board
Meeting Date:	November 13, 1999

Issue: The repository asked AAMVA's legal counsel what should be the effective date of actions taken by the committee. Counsel responded that because the Plan does not contain provisions related to the timeframe for the effective date of committee actions, any actions taken by the committee are to become effective immediately following adoption of any decisions. IRP, Inc. asked the committee to affirm and conclude with counsel's remarks or for clarification as to what is the effective date of actions taken by the committee – either on the date the action was taken or when the committee minutes are approved.

Decision: The committee agreed that the actions of the Dispute Resolution Committee are effective immediately upon completion of that action unless otherwise noted by the Dispute Resolution Committee in its deliberation.

1999.2

Class of Dispute:	Class 4, Interpretation
Petitioner:	State of Montana
Articles/Sections:	Article XXIII-Dispute Resolution Section 2304, Power and Duties of the Board
Meeting Date:	November 13, 1999

Issue: The jurisdiction of Montana sought an interpretation from the committee on whether or not the committee had the flexibility to allow jurisdictions who have taken several years to come into compliance with the Plan to continue to be members in good standing so long as those jurisdictions have a plan of action that is approved by the committee and who demonstrate a commitment to address their issues of non-compliance. An opinion from AAMVA's legal counsel was provided to the committee.

Decision: The committee agreed to accept the AAMVA attorney's opinion regarding the latitude of the Dispute Resolution Committee to deal with issues related to Class 1, 2 and 4 disputes which states the committee had a great deal of latitude as to what it can do regarding sanctions and other actions that relate to jurisdictional disputes. It is within the authority of the committee to review the issues and try to determine a lesser punitive approach when dealing with jurisdictions who are making good faith efforts to come into compliance with the Plan.

1999.3 Class of Dispute: Class 4, Interpretation

Petitioner: IRP, Inc. Repository
Articles/Sections: Article XXI-Administration
Section 2126, Dues
Meeting Date: November 13, 1999

Issue: The jurisdiction of New Brunswick entered the IRP on June 26, 1999, with an implementation date of April 1, 2001. The repository asked the committee to determine whether New Brunswick should be invoiced immediately for IRP membership dues or when they begin implementing the IRP.

Decision: The committee agreed that New Brunswick not be considered an official member of the Plan until 2001. New Brunswick, and other Canadian jurisdictions in the process of joining the Plan, would not be required to pay IRP dues in the current fiscal year, but will be required to pay IRP dues when they are billed in July 2000.

1999.4 Class of Dispute: Class 4, Interpretation
Petitioner: State of Indiana
Articles/Sections: Article II-Definitions
Section 210, Base Jurisdiction and Section 218, Established Place of Business
Meeting Date: November 13, 1999

Issue: The jurisdiction of Indiana, on behalf of Comdata, requested a Class 4 interpretation asking 1) if a third-party IRP registration service provider can allow their physical address to be used by an IRP registrant and 2) whether or not the employees of the third-party service provider are considered to be persons conducting the fleet registrant's business.

Decision: The committee agreed that the requirement under Section 210 is that the registrant have an established place of business as defined in Section 218 and that established place of business cannot be provided for the registrant in the form of a third-party licensing provider.

1999.5 Class of Dispute: Class 4, Interpretation
Petitioner: State of Texas
Articles/Sections: Article II-Definitions
Section 204, Apportionable Vehicle
Meeting Date: November 13, 1999

Issue: The jurisdiction of Texas requested an interpretation of Section 204, and asked whether the term "gross vehicle weight" as used in Option 3 of the definition of an apportionable vehicle, allows the use of the registered gross vehicle weight to determine if the combination of vehicles are apportionable.

Decision: The committee agreed that Item #3 under Section 204 refers to the actual weight of the combination and does not refer to gross vehicle weight or registered weight.

1999.6 Class of Dispute: Class 4, Interpretation
Petitioner: State of California

	Articles/Sections:	Article IV-Application for Apportioned Registration Section 404, Trailer Apportionment- Exception to Plan Article XIX-Exceptions Section 1902, Amendments to Exceptions; Section 1904, Cancellation of Exceptions; and Section 1906 Prohibited Exceptions
	Meeting Date:	November 13, 1999

Issue: The jurisdiction of California requested an interpretation regarding 1) whether or not IRP jurisdictions must continue to collect and transmit trailer fees to California until 2001, 2) whether IRP rules prevail over jurisdiction laws, 3) whether the IRP can change its rules without consent of the contracting parties affected as to exceptions granted at the time of joining IRP, and 4) whether the Dispute Resolution Committee may delay the removal of the Exception for California for the collection of trailer fees for a two-year period. California, later withdrew questions 2 and 3.

Decision: In regards to question 1, the committee agreed that the IRP member jurisdictions must continue to collect and transmit trailer fees to California until January 1, 2001. For questions 2 and 3, the committee allowed California to withdrawal them. For question 4, the committee agreed that they may not delay the removal of the California exceptions for the collection of trailer fees for a 2-year period.

2000.1	Class of Dispute:	Class 1, Jurisdiction's Non-Compliance with the Plan, Monetary Loss
	Petitioner:	Jurisdiction of Illinois
	Articles/Sections:	Article VIII-New Operations, Section 800, Application for Initial Registration
	Meeting Date:	November 11, 2000

Issue: Illinois reported that registrants previously apportioned and based in Illinois, as well as in other member jurisdictions, are eliminating and closing their IRP accounts and changing their base of application to Oklahoma. Illinois claimed it is losing substantial revenues and brings action against Oklahoma.

Illinois asked the committee to resolve the following questions:

1. Should registrants be allowed to base in jurisdictions where they do not have an established place of business?
2. Should registrants moving from one base jurisdiction to another be required to report the actual miles operated by the vehicles during the preceding year?
3. Should Oklahoma allow its registrants to estimate the same mileage with a pattern of high mileage in low fee jurisdictions and low mileage in high fee jurisdictions?
4. Should Oklahoma process an initial application in their jurisdiction if it has knowledge that the registrant has previously been apportioned in another jurisdiction without requiring actual mileage or inquiring as to the present status of the fleet prior to allowing the registrant to estimate in Oklahoma?

Decision: In responding to Illinois's questions, the committee agreed to the following:

A registrant should not be allowed to base in a jurisdiction where they do not have an established place of business in accordance with the International Registration Plan.

1. Registrants should be allowed to move to a jurisdiction, and when they do, they have to use actual miles if actual miles are recorded in that jurisdiction, and if there are no actual miles, they are allowed to estimate based on the reasonable mileage for those jurisdictions, and it cannot be used to reduce fees.

To dispense with questions three and four as being not necessary to be answered directly under this dispute.

2000.2

Class of Dispute:	Class 1, Jurisdiction's Non-Compliance with the Plan, Monetary Loss
Petitioner:	Jurisdictions of Arizona, California, Maine and Virginia
Articles/Sections:	Article IV-Application for Apportioned Registration, Section 408, Jurisdiction Notification of Application Filing
Meeting Date:	November 11, 2000

Issue: The jurisdictions of Arizona, California, Maine and Virginia asked the committee to take action against the District of Columbia to resolve the issue of the District of Columbia not distributing IRP revenues to the member jurisdictions in accordance with Article IV, Section 408, of the Plan.

Decision: The committee agreed that the District of Columbia is out of compliance with Article IV, Section 408, and ordered the District of Columbia to transmit by December 26, 2000, IRP transmittals and all IRP fees collected for other member jurisdictions to the appropriate jurisdictions. In addition, the committee ordered the District of Columbia to forthwith comply and remain in compliance with Article IV, Section 408, of the Plan. The District of Columbia is also required to provide to the repository a monthly update of its transmittal activities for the next year, and if the District of Columbia is found out of compliance with the monthly reviews, the committee shall meet again via conference call and rule on the petitioner's request, with respect to withholding funds.

2000.3

Class of Dispute:	Class 4, Interpretation
Petitioner:	Peer Review Committee
Articles/Sections:	Article IV-Application for Apportioned Registration, Section 400 (b), Application Filed with Base Jurisdiction
Meeting Date:	November 11, 2000

Issue: The Peer Review Committee sought an interpretation request from the Dispute Resolution Committee on whether second and subsequent year estimates should be included in the 100% calculation, the percentage of fees due to the jurisdictions where the carrier had actual mileage is decreased. Therefore, those actual mileage jurisdictions are not getting their fair share based on the actual mileage. The Peer Review Committee asked the Dispute Resolution Committee to resolve the question of whether a does the second year estimate mean for a jurisdiction or an account.

Decision: The committee agreed that the first time that a jurisdiction is added to a renewal or initial application, estimates would be allowed. Subsequent years' listing of the same jurisdiction without actual mileage will be considered at above 100%, provided the operations of the fleet were more than 90 days.

2001.1

Class of Dispute:	Class 1, Jurisdiction's Non-Compliance with the Plan, Monetary Loss
Petitioner:	Jurisdiction of Illinois
Articles/Sections:	Article VIII-New Operations, Section 800, Application for Initial Registration
Meeting Date:	November 1, 2001

Issue: Illinois agreed to a continuance requested by Oklahoma with the stipulation that the Class 1 dispute would be immediately re-filed by the next IRP Board of Directors meeting scheduled for May 2002.

Decision: The committee accepted the request by Illinois with the understanding that a Dispute Resolution Committee meeting be held in the spring of 2002.

2001.2

Class of Dispute:	Class 4, Interpretation
Petitioner:	Jurisdiction of Maine
Articles/Sections:	Article III – Fees for Apportioned Registration; Section 300, Determination of Fees Article XXI – Administration; Section 2128, Peer Review
Meeting Date:	November 1, 2001

Issue: Maine requested an interpretation on whether the IRP annual fee test as prepared by the IRP Peer Review Committee was a mandatory annual component of the peer review process.

Decision: The committee determined that while the Plan does not require the annual submission of the IRP fee test to be mandatory, they directed the Peer Review Committee submit a ballot to address the issue of a mandatory fee table submission on an annual basis.

2002.1

Class of Dispute:	Class 4, Interpretation
Petitioner:	Jurisdiction of Indiana
Articles/Sections:	Article IX, Registration of Owner-Operator; Section 906, Place of Business
Meeting Date:	April 16, 2002

Issue: As a continuation of a DRC conference call on January 31, 202, Indiana asked for an interpretation of what was required under Section 906 for established place of business.

Decision: The committee determined that an owner operator must meet the requirements in Section 906, specifically, a street address within the base jurisdiction, a telephone

number, and any other documentation as required by the Commissioner, and the owner operator must meet the definition of owner operator as defined in Section 234.

2002.2	Class of Dispute:	Class 1, Jurisdiction's Non-Compliance with the Plan, Monetary Loss
	Petitioner:	Jurisdiction of Illinois
	Articles/Sections:	Article VIII-New Operations, Section 800, Application for Initial Registration
	Meeting Date:	April 16, 2002

Issue: Illinois asked the committee to determine if a jurisdiction who has violated the Plan and caused economic damage to other jurisdictions be required to pay damages to those jurisdictions who were injured. Illinois submitted documentation supporting the findings of the statistician hired by Illinois to determine the amount of revenue Illinois claimed it lost to Oklahoma due to Oklahoma allowing registrants to register unlawfully in Oklahoma.

Decision: The committee determined that as a result of hearings conducted over an extended time period, Oklahoma was out of compliance in allowing service companies to use estimated distance charts that were skewered toward high distance in low-fee jurisdictions. By doing that, they failed to comply with Section 800 of the IRP. This failure to comply has caused Illinois to suffer monetary losses. The committee directed Illinois and Oklahoma to work together to find the agreeable level of loss and the terms under which both sides will settle. If the jurisdictions are unable to reach an agreement, then a review of the new accounts from 1999 to the present must be done. If the jurisdictions are unable to agree how that is done, then a 100 percent must be reviewed by an independent company and the cost will be shared by Oklahoma and Illinois. Both parties were directed to report back at the November 2002 DRC meeting.

2002.3	Class of Dispute:	Class 1, Jurisdiction's Non-Compliance with the Plan, Monetary Loss
	Petitioner:	Jurisdiction of Illinois
	Articles/Sections:	Article VIII-New Operations, Section 800, Application for Initial Registration
	Meeting Date:	November7 & 9, 2002

Issue: Continuation of April 16, 2002, decision by the Dispute Resolution Committee. Illinois reported that were unable to reach an agreement with Oklahoma, and Illinois proposed that the two jurisdictions' experts work together to find the agreeable level of loss. Illinois offered to pay half of the cost of these services. Oklahoma indicated that its statutes prohibit Oklahoma from settlements in excess of $250,000 without the approval of the Oklahoma legislature. Oklahoma was unable to accept a proposal to have an independent party review joint audits to resolve the issue.

Decision: The committee determined that with the failure of Oklahoma to reach an agreement with Illinois concerning its Class 1 dispute, the DRC ordered all jurisdictions to withhold funds from Oklahoma until Oklahoma presents an acceptable plan to the

DRC to compensate Illinois for its monetary losses. Oklahoma is also instructed to continue sending monthly transmittals and funds to all jurisdictions as required by Section 408. Withholding of funds were to begin December 1, 2002.

2002.4 Class of Dispute: Class 4, Interpretation
Petitioner: Jurisdiction of California
Articles/Sections: Article XVI, Section 1604, Notification of Audit Results
Meeting Date: November 7 & 9, 2002

Issue: California asked if Section 1604 applied to Oregon's non-netted audit reports issued to a trucking company on June 22, 2000, and later released to California and other affected jurisdictions on July 25, 2000.

Decision: The committee dismissed California's interpretation request until the parties have exhausted all options for administrative appeals.

2002.5 Class of Dispute: Class 1, Jurisdiction's Non-Compliance with the Plan, Monetary Loss
Petitioner: United Parcel Service (UPS)
Respondent: California
Articles/Sections: Article XIX, Section 1906 Cancellation of Exceptions; Article XXIII, Section 2304 – Power and Duties of the Board
Meeting Date: November7 & 9, 2002

Issue: UPS asked 1) if California was out of compliance with the Plan by continuing to collect, under its exception to the IRP, apportioned fees for trailers, semitrailers, and auxiliary axles (dollies) beyond the expiration date of December 31, 2000; 2) Should California be required to refund the total California fees paid by UPS to its base jurisdictions, including California, for its IRP semitrailer and dolly fleets apportioned with California for 2001 and beyond, less the appropriate increase in UPS's IRP power unit fleets apportioned with California during the corresponding period; 3) Should the audit assessment issued for 2001 and beyond by California to UPS for additional California fees for all UPS IRP semitrailer and dolly fleets apportioned with California be declared void as a result of California's non-compliance.

Decision: The committee dismissed the dispute until UPS has exhausted all of its administrative appeals.

2002.6 Class of Dispute: Class 4, Interpretation
Petitioner: Jurisdiction of Indiana
Articles/Sections: Article V, Section 502 – Identification Plates and Cab Cards
Meeting Date: November 7 & 9, 2002

Issue: Indiana sought an interpretation on whether or not Quebec had the authority to require that the total number of a vehicle's axles (power unit and trailing unit) be printed on jurisdiction cab cards.

Decision: The committee determined that under Section 502, Quebec has the right to require that the cab card clearly identify the number of axles on which the fees were calculated.

2002.7

Class of Dispute:	Class 4, Interpretation
Petitioner:	Jurisdiction of Alabama
Articles/Sections:	Article II, Section 218 – Established Place of Business
Meeting Date:	November 7 & 9, 2002

Issue: Alabama sought an interpretation of Section 218 and what constitutes a fleet registrant's business, in order to limit base jurisdiction shopping.

Decision: The committee determined that the Plan does not indicate what a registrant's business is and that it is up to the commissioner to do so.

2003.1

Class of Dispute:	Class 4, Interpretation
Petitioner:	Peer Review Committee
Articles/Sections:	Article IV – Application for Apportioned Registration: Section 400 – Application Filed with Base Jurisdiction, Article Viii – New Operations; Section 800 – Application for Initial Registration
Meeting Date:	November 14, 2003

Issue: The Peer Review Committee requested an interpretation from the DRC on the following questions:

- What process must jurisdictions use to determine estimated distances for renewals and added jurisdictions?
- Is it the peer Review Committee's responsibility to verify that jurisdictions reject unreasonable estimated distances on all applications, Initial and renewal?

Decision: The Committee agreed that when determining second and subsequent year estimates, IRP jurisdictions must use estimated distances based on miles or kilometers that are reasonable and fair. The Committee agreed that it is the Peer Review Committee's responsibility to verify that jurisdictions reject unreasonable estimated distances on all applications, initial and renewal, in accordance with the Peer Review Compliance Guide as approved by the IRP, Inc. Board of Directors.

2003.2

Class of Dispute:	Class 4, Interpretation
Petitioner:	Province of British Columbia
Articles/Sections:	Article II: Section 204 Apportionable Vehicle, Article XV Preservation of Records and Audit: Section 1501 – Adequacy of Records, Section 1501 – Adequacy of Records, Section 1502 – Failure to Preserve or Maintain Records.
Meeting Date:	November 14, 2003

Issue: The Province of British Columbia, requested an interpretation based on the large number of rental vehicles that have recently switched from

allocating to apportioning. The following questions were submitted to the DRC:

- Does "Intended for Use" include any vehicle or fleet of vehicles that might eventually at some unknown point in the future travel into another jurisdiction?
- What does the Plan consider to be adequate records to substantiate the claim of Interjurisdictional travel, and where does the onus of proof lie in determining if a vehicle actually operates in two or more jurisdictions?

A representative from U-Haul suggested to the DRC that the interpretation request should have been in the form of a Class I dispute.

Decision: The Committee agreed that the first question submitted by British Columbia is answered by Governing Board decisions #12 and #29, which are hereby confirmed by the Dispute Resolution Committee**.**

The Committee agreed that the burden of proof lies with the registrant. The registrant must maintain adequate records in accordance with Article XV of the Plan. Motion passed.

2004.1 Interpretation/Dispute

Petitioner:	State of Illinois & State of California
Articles/Sections:	Article XVI Audits: Section 1608 – Audit Appeals,
Meeting Date:	November 05, 2004

Issue: The State of Illinois asked for an interpretation of Section 1608 – Audit Appeals:

- Is there a time limit by which a party must exercise the right to have the Dispute Resolution Committee review the validity of an audit or reexamination if the party wishes to have such a review?
- Assuming there is no time limit, if a registrant appeals an audit concerning fees paid to a non-base jurisdiction and prevails in the administrative and appellate procedures of the base jurisdiction, when may the base jurisdiction refund an overpayment pursuant to Section 1704 and make a net adjustment in the transmittal to the other jurisdiction without incurring the possibility that the non-base jurisdiction will at some future time request a hearing before the DRC and, if successful, demand a refund from the base jurisdiction?

The issue arose out of an audit on f a carrier that resulted in Illinois assessing the carrier additional fees on behalf of California. The carrier paid a portion of the fees to Illinois under protest and sought a hearing with Illinois. A hearing was conducted in which California did not appear but mailed a motion to dismiss for lack of personal and/or subject matter jurisdiction. The finding of the hearing determined that the assessment was improper, with the exception of $2,282. The order further found that California was entitled to interest and penalties on the $2,282. Illinois was ordered to initiate the collection and return the paid fees to the carrier.

It was explained that Illinois was hesitant to follow through on the order while California had the right to seek review of the decision according to Section 1608. Illinois was concerned that if Illinois deducted the refund amount from transmittals to California and issued a refund to the carrier, and California subsequently prevailed in a review of the action by the DRC, presumably California could then recoup the amount by making a deduction from future transmittals to California.

It was reported that California believed Illinois failed to act on California's behalf pursuant to Section 1608. California had requested that Illinois act on California's behalf at the administrative hearing, and Illinois rejected California's request, asserting that it fulfilled its obligation under the IRP by providing the forum and opportunity for jurisdictions to assert their interests. Prior to the hearing California made two appeals to Illinois to act on California's behalf regarding the audit findings, which California contended Illinois failed to do.

California asked the DRC for enforcement of the obligation of Illinois in the appeal under Section 1608 and asked the DRC to rule that Illinois failed to act on behalf of California in the appeal.

Decision: The Committee agreed that Illinois complied with the provisions of IRP Section 1608.

The Committee agreed that a party must exercise its right to seek a review by the Dispute Resolution Committee within a reasonable time.

2004.2 Interpretation/Dispute

Petitioner:	State of Delaware
Articles/Sections:	Article IV – Application for Apportioned Registration: Section 404 – Trailers, Semi-trailers & Auxiliary Axles- Reciprocity;
Meeting Date:	November 05, 2004

Issue: The State of Delaware asked the DRC for an interpretation of Section 404 – Trailers, Semi-Trailers and Auxiliary Axles – Reciprocity by asking for affirmation of Delaware's law that requires owners of motor vehicles, trailers or other vehicles to register those vehicles in Delaware within 60 days after taking up residence in Delaware. Delaware believed that the IRP only exempts trailers but does not cover the registration of trailers

Decision: The Committee agreed that the Delaware issue is being dismissed for failure to state the issue to be interpreted.

2004.3 Interpretation/Dispute

Petitioners:	Gordon Food Service, Inc. and Koleaseco, Inc.
Articles/Sections:	Article IV – Application for Apportioned Registration: Section

404 – Trailers, Semi-trailers & Auxiliary Axles- Reciprocity;
Meeting Date: November 05, 2004

Issue: A representative for Gordon Food) reported that Gordon Food asked for an interpretation of Section 404 – Trailers, Semi-Trailers and Auxiliary Axles – Reciprocity. Specifically, Gordon Food requested a determination that Section 404 requires all IRP jurisdictions to afford full reciprocity to trailers operated in interstate commerce so long as those trailers are properly registered in any other jurisdiction.

Gordon's Food representative reported that the Michigan State Police begin citing Gordon Food, registered in Michigan, for having plates on their trailers from other jurisdictions. Gordon Food was informed by Michigan that motor carriers must register at least their Michigan-based trailers in Michigan and may not register those trailers in any other jurisdiction unless the carrier had a facility in that other jurisdiction. Gordon Food believed that under Section 404, carriers are legally entitled to operate trailers registered in other jurisdictions in trans-border operations and that Michigan is prohibited from requiring carriers to register such trailers in Michigan.

A representative from the State of Michigan reported that after Michigan trailer plate fees increased from $39 to $300, Michigan noticed a drop in trailer plate fees in Michigan by about 20,000 units from October 2003 to October 2004. In March 2004 the Michigan State Police began enforcing registration violations for trailers under the following circumstances:

- A Michigan-based carrier registers a power unit through Michigan's IRP. A trailer owned by the carrier is registered out of state but only used in Michigan.
- A Michigan-based carrier registers a power unit through Michigan's IRP. They register and use their trailer out of state. However, the carrier does not have a base of operations and does not have business or travel in the state where the trailer is registered. For example, a Michigan IRP power unit pulls a trailer owned by the carrier and registered in Maine, but the power unit and trailer are only used in neighboring states listed on the cab cards (Illinois, Indiana and Ohio).
- A Michigan-based carrier has a power unit licensed only for intrastate operation in Michigan. However, the trailer is owned by the carrier and registered out of state.

Decision: The Dispute Resolution Committee dismissed the issue by Gordon Food Service Inc. & Koleaseco Inc. because it is now under judicial review in Michigan.

2006.1 Interpretation/Dispute

Petitioner: Peer Review Committee
Articles/Sections: Article XVII – Assessment Claims Under Audit; Section 1702 – Jurisdiction Statutory Authority, Section 1704 – Netting of

Audit Adjustments, APM Section 302 – Auditor Responsibilities and APM Section 803 – Interjurisdictional Audit Report and Distribution of Audit Findings
Meeting Date: September 30, 2006

Issue: The Chair of the Peer Review Committee sought an interpretation of Article XVII – Assessment Claims Under Audit, regarding whether or not a jurisdiction was required to transmit audit fees due to affected member jurisdictions, regardless of the amount, if the net audit amount falls within a monetary threshold that a base jurisdiction has established.

Decision: The Committee agreed that a jurisdiction is required to transmit audit fees due to or from an affected member jurisdiction regardless of the amount.

2006.2 Interpretation/Dispute

Petitioner: Wiley Sanders Truck Lines
Articles/Sections: Article V – Registration of Apportionable Vehicles; Section 502 – Identification Plates and Registration Cab Cards
Meeting Date: September 30, 2006

Issue: On behalf of Wiley Sanders Truck Lines, a representative from the State of Alabama sought an interpretation of Section 502 – Identification Plates and Registration Cab Cards, regarding the issuance of cab cards via electronic means.

Decision: The Committee agreed that IRP jurisdictions must accept a cab card that has been issued in accordance with the requirements of the base jurisdiction.

2007.1 Interpretation/Dispute

Petitioner: Latex Construction Co. v. State of Georgia
Articles/Sections: Article II; Sections 204 – Apportionable Vehicle
Meeting Date: September 28, 2007

Issue: Latex Construction Company filed a dispute against Georgia related to the carrier's assertion that Georgia has failed to permit Latex to register its under-26,000 lb. vehicles as apportionable vehicles.

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Decision: The Committee agreed that based on the information presented, Georgia must allow Latex Construction Company to apportion the vehicles at issue here. Georgia must issue credit to Latex Construction Company for all full base-plated Georgia fees and trip permits for the vehicles at issue here. Recommend that the IRP, Inc. Board of Directors direct the Peer Review Committee to conduct a limited scope review of Georgia on this issue.

2008.1 Interpretation/Dispute

Petitioner:	Peer Review Committee
Articles/Sections:	Article III – Applications for Apportioned Registration, Section 320 – Distance Estimates by Base Jurisdictions; Official Commentary
Meeting Date:	June 26, 2008 via Conference Call

Issue: The Chair of the Peer Review Committee (PRC), reported that the PRC had received requests from several member jurisdictions for a ruling on whether a proposed modification in the application of their estimated distance chart would be in compliance with Article III, Section 320 of the Plan. The modification being proposed would be applied in all situations where a Registrant, with an existing fleet, adds a jurisdiction (or jurisdictions) to their renewal application and does not provide reasonable estimates of their own. The proposed methodology would adjust the estimated distance for the added jurisdiction(s), as determined by the ratio between the fleet's actual distance and the total distance on the estimated distance chart (see attached example). The objective of the methodology is to keep jurisdictional fees relative for all registrants, regardless of their operations. According to the official commentary in Article III, Section 320 of the Plan, "Only under extraordinary circumstances should the Base Jurisdiction resort to alternatives to the method provided in this Section. However, a Base Jurisdiction should not adhere to this method when it produces unreasonable estimates…in a particular instance…" Consequently, the PRC was seeking direction concerning a jurisdiction's consistent application of the above outlined modification, as it relates to compliance.

Decision: The Committee agreed that any modifications to the formula outlined in Section 320 of the Plan are not permitted. Only on a case by case basis, in an extraordinary circumstance, should a Base Jurisdiction adjust the results determined under the formula provided for in Section 320 of the Plan.

2008.2 Interpretation/Dispute

Petitioner:	Peer Review Committee
Articles/Sections:	Article VIII, Audit Procedures Manual (APM) Section 803(a) – Interjurisdictional Audit Report
Meeting Date:	June 26, 2008 via Conference Call

Issue: The Chair of the Peer Review Committee (PRC), reported that the above referenced Section of the APM currently states, "The Audit file (or other record maintained separately) shall include evidence that timely notification to other Member Jurisdictions was given…" Prior to the Plan rewrite, the APM required the Registrant and Member Jurisdictions to be notified on the same date, which afforded a measure by which to determine compliance with Section 803(a). Although the PRC believes the intent of the change was to allow (while not requiring) Member Jurisdictions the

opportunity to wait until the Registrant's appeal period was exhausted, the wording of the Section does not make the intent clear. Accordingly, the PRC is now tasked with defining what is "timely" as it relates to compliance, which is not the PRC's responsibility. This is an important issue considering the respective appeal periods do not commence until the findings are appropriately communicated, and an audit is not officially closed until both the Registrant's and Member Jurisdictions' appeal periods are exhausted. Additionally, it is probable there will be varying interpretations among the Member Jurisdictions as to what constitutes "timely" notification.

Decision: The Committee agreed that Section 803(a) of the Audit Procedures Manual refers to the management of an audit file. To determine the timelines for notification to other Member Jurisdictions, one should reference Section 1025 of the Plan which stipulates that the notice of the audit be sent to both the Registrant and to the Member Jurisdictions upon completion of the audit.

2008.3 Interpretation/Dispute

Petitioners:	State of Maryland & State of Pennsylvania
Articles/Sections:	Article II – Definitions; Article XII Member Jurisdiction Duties and Cooperation, Section 1230 – Notification of Extensions
Meeting Date:	October 3, 2008

Issue: Maryland and Pennsylvania asked:

1) If the Plan permitted a jurisdiction to issue a two-month extension of a registration year based upon the impact of increased operational costs (excluding state registration fees) to the registrant,
2) whether a two-month extension of a registration year may be considered a permissible extension of a grace period in this situation, and
3) if either question 1) or 2) was answered in the affirmative, whether the institution of a two-month grace period based upon the increased operational costs (excluding state registration fees) to the registrant is reasonable.

Decision: The Committee agreed that the Plan does not permit a jurisdiction to issue an extension of a registration year based upon the impact of increased operational costs (excluding state registration fees) to the registrant and (ii) that an extension of a registration year may not be considered a permissible extension of a grace period in this situation. Further, no Member Jurisdiction may change the registration obligations due any other Member Jurisdiction.

2010.1 Interpretation/Dispute

Petitioner:	Texas
Articles:	Article I, Article II, Article V, Article XI Sections: 105, 115, 120, 125,135, 515, 1200
Meeting Date:	May 13, 2010

Issues/Decisions:

The Committee agreed that the following responses be provided to the questions raised by Texas.

1) Does the Plan, as a reciprocity agreement, apply to trailers since they are not within the definition of "apportionable vehicle"?

Yes.

2) If the answer to question No. 1 is "yes", then does the Plan allow a registrant to select a jurisdiction to register its trailers without a presence or nexus in that jurisdiction?

When registering trailers, the Plan does not require the consideration of presence or nexus.

3) Is it the intent of Plan Section 515 to allow registrants to evade or avoid paying fees or taxes authorized by the laws of the member jurisdiction where the registrant has an actual presence or nexus?

No. Section 135 addresses the question of fee or tax avoidance by saying that, "Nothing in this Plan shall be construed to waive any fees or taxes authorized by the laws of any Member Jurisdiction in connection with the ownership or operation of Vehicles," which includes trailers.

4) Is it allowable and acceptable, under the Plan, for one jurisdiction to effectively waive another jurisdiction's safety inspection by allowing a registrant to register trailers in the jurisdiction without a presence or nexus in that jurisdiction?

The Plan is a registration reciprocity agreement. It does not address other areas, including safety inspection

2010.2 Interpretation/Dispute

Petitioner: Wyoming
Articles/Sections: Article II, Definitions – Lease, Lessee, Lessor, Properly Registered Vehicle, Registrant
Meeting Date: May 13, 2010

Issues/Decisions:

The Committee agreed that the following responses be provided to the questions raised by Wyoming.

1) Does the International Registration Plan allow a Jurisdiction to issue IRP registration to XXXX, LLC for the 1,078 buses; even though XXXX, LLC does not own or operate any of the buses because the buses are owned and operated by the 25

different bus companies (Company A, Company B, etc.)?

The Plan does not prohibit a jurisdiction from registering XXXX, LLC in these circumstances.

2) Since XXXX, LLC owns 100% stock in each company, does XXXX, LLC have indirect ownership in the buses?

The nature of the ownership of the buses is not relevant to the Plan or administration of the Plan.

3) Would it make a difference if the owners lease their buses to XXXX, LLC and then XXXX, LLC leases them back to the owners? If this transpires are we not back to where we originally started; XXXX, LLC still does not own or operate any of the vehicles. On the cab cards XXXX, LLC would not be listed at all because they are not the owner or the operator just the account holder.

The lease arrangements outlined in the request for interpretation would seem to make no difference to the registration of the buses as far as the Plan is concerned.

4) Wyoming would like to know if it is appropriate to register this LLC, or if each of the 25 companies under the LLC should be registered individually.

The Plan does not prohibit a jurisdiction from registering XXXX, LLC in these circumstances.

2012.01 Interpretation/Dispute

Petitioner: Peer Review Committee
Articles/Sections: Article IV, Section 410
Meeting Date: May 18, 2012

Issue: Peer Review Committee request for interpretation of Section 410 of the Plan: "Does the required payment of $1.00 for fees calculated between one cent and ninety cents constitute a minimum registration fee?"

Decision: The Committee agreed that a jurisdiction requiring the payment of $1.00 for fees calculated between $0.01 and $0.99 constitutes a minimum registration fee, unless an apportionable vehicle can be registered without payment of any registration fee.