



*INTERNATIONAL REGISTRATION PLAN, INC.*

# **International Registration Plan.®**

with Official Commentary

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# INTERNATIONAL REGISTRATION PLAN

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## **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 21<sup>st</sup> century.

#### HISTORICAL NOTES

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

**Related Provisions, 2006 Plan:** Section 102.

**Related DRC Action, 2006 Plan:**

### 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.

**Related DRC Action, 2006 Plan:**

### 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, 2006 Plan:**

## **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, 2006 Plan:**

## **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.

## **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.

## **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:**

### **APM**

**“APM” means the Audit Procedures Manual required to be maintained in Section 1000.**

#### **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 98.1, November 19, 1998; Dispute Resolution Committee Decision 98.3, November 19, 1998; Dispute Resolution Committee Decision 99.5, November 13, 1999.

## **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:**

## **AUDIT**

**“Audit” means the physical examination of a Registrant’s Operational Records, including source documents, to verify the distances reported in the Registrant’s application for apportioned registration and the accuracy of the Registrant’s record-keeping 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:**

**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 96.7, October 7, 1996; Dispute Resolution Committee Decision 99.4, 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. Operational 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 1020). 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:**

**Related Provisions, 2006 Plan:** Section 218.

**Related DRC Action, 2006 Plan:** Dispute Resolution Committee Decision 97.21, November 16, 1997; Dispute Resolution Committee Decision 99.4, November 13, 1998.

#### ESTIMATED DISTANCE

**“Estimated Distance” means either (i) the anticipated distance a Fleet is expected to travel in a Member Jurisdiction during an applicable Registration Year as reported by an Applicant or (ii) the distance assigned to the Fleet by the Base Jurisdiction as determined in Section 320.**

#### HISTORICAL NOTES

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

**Related Provisions, 2006 Plan:** Section 219.

#### 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.

## **IN-JURISDICTION DISTANCE**

**“In-Jurisdiction Distance” means all of the distance operated during the Reporting Period or the distance estimated to be operated by a Fleet in a particular Member Jurisdiction for the Registration Year.**

### **HISTORICAL NOTES**

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

**Related Provisions, 2006 Plan:** Section 222.

**Related DRC Action, 2006 Plan:** Dispute Resolution Committee Decision 97.1 - September 11, 1997.

## **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.

#### IVDR

**“IVDR” means Individual Vehicle Distance Record. It is the original record generated in the course of actual Vehicle operation and is used as a source document to verify the Registrant’s reported distance. An IVDR must contain the information set forth in the APM.**

#### Official Commentary

An IVDR need not adhere to any particular format in order to be acceptable for purposes of Audit under the Plan.

#### HISTORICAL NOTES

**Adopted:** Ballot FT-333, effective July 1, 2008. **Amended:**  
**Related Provisions, 2006 Plan:** Section 274.

#### 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.

#### 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 Provisions, 2006 Plan:**

## **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.

## **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.

## **OPERATIONAL RECORDS**

**“Operational Records” means source documents that evidence distance traveled by a Fleet in each Member Jurisdiction, such as fuel reports, trip sheets, and driver logs, including those which may be generated through on-board recording devices and maintained electronically, as required by the APM.**

### **HISTORICAL NOTES**

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

**Related Provisions, 2006 Plan:** Section 232.

## **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.

## **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.

## **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.

**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.

**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:

<b>If the first month of Registration Year is:</b>	<b>The Reporting Period is:</b>
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 95.1 -Dispute Resolution Committee Decision 96.1 — 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 96.3 — April 15, 1996; Dispute Resolution Committee Decision 97.8 - September 11, 1997; Dispute Resolution Committee Decision 97.21 - 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, including that accrued on Trip Permits, operated by a Fleet of Apportioned Vehicles in all Member Jurisdictions during the Reporting Period.**

#### HISTORICAL NOTES

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

**Related Provisions, 2006 Plan:** Section 256.

**Related DRC Action, 2006 Plan:** Dispute Resolution Committee Decision 96.6, October 7, 1996; Dispute Resolution Committee Decision 97.11 - 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 Operational 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 Operational 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:**

**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 estimates of 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 may estimate the distance the Fleet is anticipated to travel in each Member Jurisdiction during the Registration Year. The Applicant shall be required to support such estimates to the satisfaction of the Base Jurisdiction.**
- (e) The Base Jurisdiction shall review any estimate of distance and any supporting documentation. If the Base Jurisdiction does not accept the Applicant's estimate of distance, or if the Applicant does not submit an estimate, the Base Jurisdiction shall estimate the distance for the Applicant's Fleet using the method provided in Section 320.**
- (f) 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 Operational Records or a written business plan as a basis for Estimated Distance in an application for registration under the Plan.

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:**

**Related Provisions, 2006 Plan:** Sections 400, 402, 800.

### **320 DISTANCE ESTIMATES BY BASE JURISDICTIONS**

**(a) When an Applicant for a Fleet that did not accrue any actual distance during the Reporting Period does not have an estimate of anticipated Fleet distance that is acceptable to the Base Jurisdiction, the Base Jurisdiction shall estimate distance for registration of the Fleet based on the average per-Vehicle distance in each Member Jurisdiction, as provided below.**

**(b) In preparing an estimate of 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) At least once every three years, each Member Jurisdiction shall update its average per-Vehicle distance per Member Jurisdiction.**

**(d) Except as provided in subsection (e), 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 Registration Year;**

**(ii) determining the number of Apportioned Vehicles for which the Base Jurisdiction served as Base Jurisdiction during the 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).**

**(e) If the Base Jurisdiction does not have adequate data to determine a valid estimate of distance under subsection (d) (i) for one or more other Member Jurisdictions, it may use a reasonable alternative method.**

#### Official Commentary

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 - whether too high or too low - in a particular instance. In

such a case, the Base Jurisdiction should adjust an estimate produced by this method to provide one that corresponds more closely to the Applicant's likely operation.

In determining the number of Vehicles under subsection (d)ii, only the replacement Vehicle should be included; the Vehicle deleted for transfer should not be included in the number of Vehicles for the estimate calculation.

#### HISTORICAL NOTES

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

**Related Provisions, 2006 Plan:** Section 800, 801.

### 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 for which registration is sought shall be calculated by multiplying the apportionment percentage calculated for the Member Jurisdiction pursuant to Section 405 or 415 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:**

**Related Provisions, 2006 Plan:** Sections 300,400.

**Related DRC Action, 2006 Plan:** Dispute Resolution Committee Decision 96.6 — October 7, 1996.

### **405 CALCULATION OF APPORTIONMENT PERCENTAGE**

**The following method is to be used to calculate the apportionment percentage with respect to a Fleet for each Member Jurisdiction in which apportioned registration is sought.**

**(a) For a Member Jurisdiction in which the Fleet (1) accrued distance during the Reporting Period, or (2) has never been apportioned and did not accrue distance during the Reporting Period:**

**(i) determine the total actual distance operated during the Reporting Period in all Member Jurisdictions where Fleet Vehicles were apportioned during the Reporting Period and where the Registrant desires to renew apportioned registration;**

**(ii) estimate the Total Distance to be operated by the Fleet during the Registration Year in all Member Jurisdictions where Fleet Vehicles were neither previously apportioned nor accrued actual distance during the Reporting Period, but in which the Registrant desires apportioned registration; and**

**(iii) add the amount determined in clause (i) to the amount determined in clause (ii).**

**The apportionment percentage for each such Member Jurisdiction is the distance attributed to that Member Jurisdiction divided by the amount determined in clause (iii) of this subsection (calculated to 6 decimal places and rounded to 5 decimal places), times 100.**

**(b) For a Member Jurisdiction in which the Fleet did not accrue distance during the Reporting Period but in which it has previously been apportioned:**

**(i) estimate the Total Distance to be operated during the Registration Year in all such Member Jurisdictions; and**

(ii) add this amount to the amount determined in clause (iii) of subsection (a).

The apportionment percentage for each Member Jurisdiction is the Estimated Distance attributed to that Member Jurisdiction divided by the amount determined in clause (ii) of this subsection (calculated to 6 decimal places and rounded to 5 decimal places), times 100.

(c) For purposes of subsection (a), a Fleet shall be considered never to have been apportioned in a Member Jurisdiction if the Registrant has neither (i) owned or Leased Apportioned Vehicles during the 18 months prior to the date of its application for apportioned registration, nor (ii) accrued actual distance by operating Apportioned Vehicles in any Member Jurisdiction during the Reporting Period.

(d) If a Fleet was apportioned in a Member Jurisdiction for no more than the last 90 calendar days of the Reporting Period, the Fleet's apportionment percentage for that Member Jurisdiction may, at the option of the Registrant, be calculated under subsection (a) if, with respect to that Member Jurisdiction, the Fleet otherwise meets the qualifications of subsections (a) and (c).

#### Official Commentary

Although basically the apportionment percentage for a Member Jurisdiction is the ratio of the distance operated or estimated to be operated by the Fleet in the Member Jurisdiction, complexity is added to the determination of this ratio by the necessity of calculating fees that are based on a second-year estimate at over 100%.

It is clear from these instructions that distance operated by a Fleet in a Jurisdiction for which the Registrant is not applying for renewal registration is not to be included in the denominator used to determine the Registrant's apportionment percentages as shown in the following example:

Member Jurisdiction	Actual/Estimate	Request Registration?	Distance	Percentage
A	Actual	Yes	24,680	64.508%
B	Actual	Yes	13,579	35.492%
C	Actual	No	36,925	n/a
Total (do not include Member Jurisdiction C )			38,259	100%

Examples for Subsection (a):

(i) – Determine the total actual distance

Member Jurisdiction	Actual/Estimate	Request Registration?	Distance
A	Actual	Yes	24,680
B	Actual	Yes	13,579
C	Actual	Yes	36,925
Total			75,184

(ii) – Determine the total first-year estimates

Member Jurisdiction	Actual/Estimate	Request Registration?	Distance
D	Estimate	Yes	4,000
E	Estimate	Yes	2,000
Total			6,000

(iii) – Add (i) and (ii)

Total from clause (i), subsection (a)	75,184
Total from clause (ii), subsection (a)	6,000
Total Distance	81,184

Calculation of percentage:

Member Jurisdiction	Actual/Estimate	Request Registration?	Distance	Percentage
A	Actual	Yes	24,680	30.400%
B	Actual	Yes	13,579	16.726%
C	Actual	Yes	36,925	45.483%
D	Estimate	Yes	4,000	04.927%
E	Estimate	Yes	2,000	02.464%
Total			81,184	100%

Examples for Subsection (b)

(i) – Determine the total second and subsequent-year estimates

Member Jurisdiction	Actual/Estimate	Request Registration?	Distance
F	Estimate	Yes	3,000
G	Estimate	Yes	4,000
Total			7,000

(ii) – Add to the total from Subsection (a) (iii)

Total from clause (iii), subsection (a)	81,184
Total from clause (i), subsection (b)	7,000
Total Distance	88,184

Calculation of percentages for Subsection (b)(i)

Member Jurisdiction	Actual/Estimate	Request Registration?	Distance	Percentage
A	Actual	Yes	24,680	30.400%
B	Actual	Yes	13,579	16.726%
C	Actual	Yes	36,925	45.483%
D	1 <sup>st</sup> yr Estimate	Yes	4,000	04.927%
E	Estimate	Yes	2,000	02.464%
Actual and Estimate Sub Total			81,184	100%
F	Estimate	Yes	3,000	03.402%
G	Estimate	Yes	4,000	04.536%
Grand Total			88,184	107.938%

Example for Subsection (c)

Today is January 1, 2010. Registrant X is requesting IRP registration. Registrant X had an IRP Fleet in the Member Jurisdiction that expired December 31, 2007. The Registrant had an in-state contract for the past two years and registered at the county. You are able to confirm this via the county registration database or by viewing the expired county registrations for 2008 and 2009. The Registrant is eligible to register under subsection (a).

Today is January 1, 2010. Registrant Y is requesting IRP registration. Registrant Y had an IRP Fleet in the Member Jurisdiction that expired December 31, 2008. The Registrant was in a different line of work for the past year but has now decided to return to trucking. The Registrant must register under subsection (b).

Examples for Subsection (d)

The Base Jurisdiction has calendar year registrations. Registrant Z began IRP operations as a new Registrant June 5, 2009, using all Estimated Distance. For the 2010 renewal, effective January 1, 2010, Registrant Z is required to use actual distances for the July 1, 2008 through June 30, 2009 Reporting Period. Registrant Z only had 25 days of operation during the Reporting Period, therefore the apportionment percentages may be calculated under subsection (a).

The Base Jurisdiction has calendar year registrations. Registrant XYZ began IRP operations as a new Registrant March 15, 2009, using all Estimated Distance. For the 2010 renewal, effective January 1, 2010, Registrant XYZ is required to use actual distances for the July 1, 2008 through

June 30, 2009 Reporting Period. Registrant XYZ had 108 days of operation during the Reporting Period, therefore the apportionment percentages must be calculated under subsection (b).

#### HISTORICAL NOTES

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

### **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.

### **415 ADDITIONAL JURISDICTIONS**

**(a) A Registrant may, after the beginning of the Registration Year, add one or more Member Jurisdictions to those in which its Fleet is apportioned.**

**(b) If the Fleet accrued actual distance in an added Member Jurisdiction during the Reporting Period, this amount must be used in calculating the apportioned fee for the Member Jurisdiction, and an estimate of distance may not be used. If the Fleet did not accrue actual distance during the Reporting Period in the Member Jurisdiction being added, an estimate representing annual distance to be traveled in the Member Jurisdiction shall be used.**

**(c) The apportionment percentage for a Member Jurisdiction to be added shall be:**

**(i) the actual distance or estimate determined for the Member Jurisdiction in subsection (b) divided by,**

**(ii) the sum of: the denominator determined under Section 405 for the apportionment percentages of the Registrant at the time of its initial application for apportioned registration for the Registration Year, plus the actual distance or estimate determined for the Member Jurisdiction in subsection (b), plus the sum of the actual distance or estimates for any other Member Jurisdiction or Member Jurisdictions added to its registration by the Registrant since the beginning of the Registration Year,**

(iii) with the quotient carried to six and rounded to five decimal places and multiplied by 100.

(d) The apportioned fee for the added Member Jurisdiction shall then be calculated according to Section 400.

(e) In no event shall the calculation of an apportioned fee for a Member Jurisdiction added to a registration during the Registration Year alter the apportionment percentages previously determined for any other Member Jurisdiction for the year.

### Official Commentary

#### Example 1:

Registrant XYZ is currently registered for Member Jurisdictions A and B. After the start of the registration year, the Registrant needs to add Member Jurisdiction C. The Registrant had actual distance during the Reporting Period for Member Jurisdiction C but initially chose to not register. The actual distance must be used when adding Member Jurisdiction C.

#### Initial Calculation:

Member Jurisdiction	Actual/Estimate	Request Registration?	Distance	Percentage
A	Actual	Yes	24,680	64.508%
B	Actual	Yes	13,579	35.492%
C	Actual	No	36,925	
Total (not including Member Jurisdiction C)			38,259	100%

#### Calculation when Member Jurisdiction C is added

Member Jurisdiction	Actual/Estimate	Request Registration?	Distance	Percentage
A	Actual	Yes	24,680	64.508%
B	Actual	Yes	13,579	35.492%
C	Actual	Yes	36,925	49.113%
Total			75,184	149.113%

#### Example 2:

Registrant XYZ is currently registered for Member Jurisdictions A and B. After the start of the Registration Year, the Registrant needs to add Member Jurisdiction C. The Registrant has never operated there and will use an estimate.

Initial Calculation:

Member Jurisdiction	Actual/Estimate	Request Registration?	Distance	Percentage
A	Actual	Yes	24,680	64.508%
B	Actual	Yes	13,579	35.492%
Total			38,259	100%

Calculation when Member Jurisdiction C is added

Member Jurisdiction	Actual/Estimate	Request Registration?	Distance	Percentage
A	Actual	Yes	24,680	64.508%
B	Actual	Yes	13,579	35.492%
C	Estimate	Yes	36,925	49.113%
Total			75,184	149.113%

The percentages for Member Jurisdictions A and B for both examples must remain exactly as established in the initial calculations.

**HISTORICAL NOTES**

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

**Related Provisions, 2006 Plan:** Section 400.

**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 Estimated Distance. An Applicant may not estimate 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. In calculating the Apportionable Fees that apply to such a Vehicle, the actual distance traveled by the Vehicle during the Reporting Period is to be used. The Applicant is not to be permitted to estimate distance in these circumstances.

### Example 1

- 123 Trucking company operated a Fleet of Vehicles during the Reporting Period based in Jurisdiction A with distance accrued in Jurisdictions A, B, C and D.
- The company relocated to Jurisdiction B closing all their operations and locations in Jurisdiction A. It moved two of the existing Vehicles and purchased an additional two.
- Meeting the definition of Established Place of Business in Jurisdiction B, 123 Trucking Company applies for IRP registration with Jurisdiction B as their Base Jurisdiction but is not permitted to estimate. It must use their actual distance operated during the Reporting Period while registered in Jurisdiction's A Fleet.

The following chart illustrates the distance which must be used in the original application to Jurisdiction B:

Jurisdiction	Distance operated by the Feet with Base Jurisdiction A	Distance submitted on the new Fleet based in Jurisdiction B	Distance Percent
A	3,000	3,000	60.000%
B	500	500	10.000%
C	1,000	1,000	20.000%
D	500	500	10.000%
Total	5,000	5,000	100%

### Example 2

Vehicle operator ABC leased Vehicle unit number 123 to the DMB Trucking Company during the Reporting Period, which provided the IRP registration in its name with Jurisdiction F as the Base Jurisdiction.

ABC has now decided to register in its own name. It will be running under DMB Trucking's authority and the operation will be the same.

Based on Section 305, ABC qualifies in Jurisdiction G to register. ABC is not allowed to estimate for the new Jurisdiction G Fleet but must use the actual distance operated during the Reporting Period while registered with DMB Trucking Company.

The following chart illustrates the distance which must be used in the original application to Jurisdiction G:

Jurisdiction	Distance Unit 123 operated with DMB Trucking	Percentage
F	1,000	20.000%
G	2,000	40.000%
H	500	10.000%
I	1,500	30.000%
Total	5,000	100%



The DMB trucking company must also report this distance as part of its Fleet renewal schedule for Jurisdiction F.

In the second example, we have the same situation with the additional information that ABC wishes to add an additional Jurisdiction:

Vehicle operator ABC leased Vehicle 123 to the DMB Trucking Company during the Reporting Period, which provided the IRP registration in its name with Jurisdiction F as the Base Jurisdiction.

ABC has now decided to register in its own name and operate in the same Jurisdictions that it did with DMB Trucking

Based on Section 305, ABC qualifies in Jurisdiction G to register. ABC is not allowed to estimate for the new Jurisdiction G Fleet but must use the actual distance operated while registered with DMB Trucking Company. However, ABC wishes to add a new Jurisdiction J in which it had never previously operated or apportioned and may use Estimate Distance within the calculation.

Jurisdiction	Distance operated with DMB Trucking	Percentage
F	1,000	16.667%
G	2,000	33.333%
H	500	8.333%
I	1,500	25.000%
J	1,000 <i>Estimated</i>	16.667%
Total	6,000	100%

#### HISTORICAL NOTES

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

### 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 reported in 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 for which registration is sought. Unless a Member Jurisdiction for which registration is sought 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:**

**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 where the Vehicle is apportioned or granted Reciprocity; 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:**

**Related Provisions, 2006 Plan:** Section 506.

**Related DRC Action, 2006 Plan:** Dispute Resolution Committee Decision 96.2 — 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 96.2, April 15, 1996.

### **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.

### **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 the Member Jurisdictions where the Apportioned Vehicle is proportionally registered, 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:**

**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.

**Related DRC Action, 2006 Plan:**

### **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 the Member Jurisdictions for which the Vehicle has been registered and the 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:**

**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 derived according to Sections 405 and 415 or, in the alternative, at the option of the Applicant, the apportionment percentage for each Member Jurisdiction in which registration is sought 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 for which registration is sought 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:**

**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.

#### **HISTORICAL NOTES**

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

**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.**

**HISTORICAL NOTES**

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

**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.**

**HISTORICAL NOTES**

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

**Related Provisions, 2006 Plan:** Section 1122.

## **ARTICLE X OPERATIONAL RECORDS AND AUDITS**

### **1000 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 within the text of the Plan. The provisions of the APM and changes to the APM must be approved by a membership ballot as amendments to the Plan.**

#### **HISTORICAL NOTES**

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

### **1005 PRESERVATION AND AVAILABILITY OF RECORDS**

**(a) The Base Jurisdiction shall require a Registrant to preserve all Operational Records on which the Registrant's application for apportioned registration is based for a period of 3 years following the close of the Registration year to which the application pertains and to make these records available for examination by the Base Jurisdiction at its request.**

**(b) Records may be kept on microfilm, microfiche, or other computerized or condensed record storage system acceptable to the Base Jurisdiction.**

#### **HISTORICAL NOTES**

**Adopted:** Ballot FT-333, effective July 1, 2008. **Amended:**  
**Related Provisions, 2006 Plan:** Section 1500.

### **1010 REGISTRANT'S FAILURE TO MAINTAIN OR PRODUCE RECORDS**

**The Base Jurisdiction may impose an assessment on a Registrant that fails to maintain records in accordance with the APM or that fails to provide records within 30 calendar days of the issuance of a written request by the Base Jurisdiction. Such an assessment shall be based on the Base Jurisdiction's estimate of the Registrant's true liability as determined from evidence furnished by the Registrant or available to the Base Jurisdiction from its own or other sources.**

#### **HISTORICAL NOTES**

**Adopted:** Ballot FT-333, effective July 1, 2008. **Amended:**  
**Related Provisions, 2006 Plan:** Section 1502.  
**Related DRC Action, 2006 Plan:** Dispute Resolution Committee Decision 97.20 - November 16, 1997.

### **1015 FREQUENCY 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) Each Member Jurisdiction shall conduct a number of Audits equivalent to an average of 3% 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 3% of the number of renewed Fleets.**

**(c) 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.**

**(d) For purposes of this requirement, the examination of one Fleet for one Registration Year shall be deemed to be one Audit.**

**(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:**

**Related Provisions, 2006 Plan:** Section 1600.

**Related DRC Action, 2006 Plan:** Dispute Resolution Committee Decision 97.10 - September 11, 1997; Dispute Resolution Committee Decision 97.19 - November 16, 1997.

### **1020 RECORDS NOT MAINTAINED IN BASE JURISDICTION**

**If a Registrant's Operational Records are not provided in its Base Jurisdiction and the Base Jurisdiction sends auditors beyond its borders to conduct the Audit, 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 examination.**

#### **HISTORICAL NOTES**

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

**Related Provisions, 2006 Plan:** Section 1602.

### **1025 NOTIFICATION OF AUDIT FINDINGS**

**Upon the completion of an Audit the Base Jurisdiction shall provide notice of the Audit findings to the Registrant and to all Member Jurisdictions in which the Registrant was apportioned or in which it traveled. The findings shall include a determination of any Apportionable Fees owed by the Registrant, net of any Apportionable Fees due the Registrant. The time periods specified in Sections 1035 and 1040 shall begin with the date on which the**

**Base Jurisdiction sends notice to the Registrant and other Member Jurisdictions of the final Audit findings.**

**HISTORICAL NOTES**

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

**Related Provisions, 2006 Plan:** Section 1604.

**1030 JOINT AUDITS**

**(a) An Audit may be conducted jointly by more than one Member Jurisdiction. 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 provide the other Member Jurisdictions participating in the Audit with adequate information concerning the Registrant.**

**(c) Upon the completion of a joint Audit, the Base Jurisdiction shall be responsible for providing Audit findings agreed upon by the participating Member Jurisdictions to all Member Jurisdictions in which the Registrant was apportioned or in which it traveled in a timely manner, for collecting and distributing Apportionable Fees adjusted pursuant to the Audit, and for resolving disagreements with the findings of the Audit.**

**HISTORICAL NOTES**

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

**Related Provisions, 2006 Plan:** Section 1606.

**Related DRC Action, 2006 Plan:** Dispute Resolution Committee Decision 96.4 — August 25, 1996.

**1035 AUDIT APPEALS**

**(a) The Base Jurisdiction shall provide a Registrant 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. In the conduct of an appeal, the Base Jurisdiction shall represent affected Member Jurisdictions.**

**(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:**

**Related Provisions, 2006 Plan:** Section 1608.

**1040 REEXAMINATIONS**

**(a) A Member Jurisdiction shall have 45 calendar days from the date it is notified of Audit findings under Section 1025 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:**

**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 1025.**

#### **HISTORICAL NOTES**

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

**Related Provisions, 2006 Plan:** Section 1612.

### **1050 FINALITY OF AUDIT FINDINGS**

**Following the expiration of the time periods within which an appeal or reexamination may be filed under Sections 1035 and 1040, and except in cases of fraud, the findings of an Audit or reexamination shall be final as to all Members and as to the Registrant Audited.**

#### **HISTORICAL NOTES**

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

**Related Provisions, 2006 Plan:** Section 1614.

### **1055 POST-AUDIT ASSESSMENTS—TIME PERIODS**

**Upon the conclusion of the Audit of a Registrant, the Base Jurisdiction shall assess the Registrant for any deficiency found to be due to any Member Jurisdiction. Unless an extension is granted by the Registrant, no assessment for deficiency or any refund may be made for any period for which the Registrant is not required to maintain records.**

#### HISTORICAL NOTES

**Adopted:** Ballot FT-333, effective July 1, 2008. **Amended:**  
**Related Provisions, 2006 Plan:** Section 1700.

### **1060 JURISDICTION STATUTORY AUTHORITY**

**An assessment, whether for a deficiency found on Audit, for a refund or credit of a fee paid, or for any other amount, including interest and auditor's expenses assessed under Section 1020, shall be made in accordance with the law of the Member Jurisdiction affected.**

#### HISTORICAL NOTES

**Adopted:** Ballot FT-333, effective July 1, 2008. **Amended:**  
**Related Provisions, 2006 Plan:** Section 1702.

### **1065 NETTING OF AUDIT ADJUSTMENTS**

- (a) When an Audit finds a net underpayment by the Registrant, the Base Jurisdiction shall collect the amount of the underpayment from the Registrant pursuant to the Base Jurisdiction's laws and procedures.**
- (b) Upon collection of any underpayment, the Base Jurisdiction shall transmit the fee changes to each affected Member Jurisdiction within 30 calendar days following the transmittal period during which such payment was received.**
- (c) 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.**
- (d) When an Audit finds a net overpayment by the Registrant, the Base Jurisdiction shall refund the amount of the overpayment to the Registrant; except that, if the Registrant failed to make necessary records available for examination or if the records made available were inadequate to conduct an Audit of the Registrant, the fees netted pursuant to the Audit shall not include credits for the Registrant which arise by virtue of the unavailability or inadequacy of its records.**
- (e) If the Audit findings indicate a net overpayment by the Registrant, the Base Jurisdiction shall transmit the fee changes to each affected Member Jurisdiction within 30 calendar days following the transmittal period during which the overpayment was refunded.**

#### Official Commentary

When, pursuant to the Base Jurisdiction Audit of a Registrant under the Plan, adjustments are made to the fees owed by the Registrant, this section requires those adjustments to be netted; that is, additional fees that may be owed by the Registrant to a Jurisdiction or Jurisdictions are to be offset by any overpayments the Registrant may have made to other Jurisdictions. Only the net amount is to be collected from the Registrant or credited or refunded to the Registrant, as the case may be.

Under subsections (d) and (f), however, netting is not to proceed if the Registrant's records are inadequate.

**HISTORICAL NOTES**

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

**Related Provisions, 2006 Plan:** Section 1704.

**1070 AUDIT TRANSMITTALS**

**Apportionable Fees adjusted pursuant to Audit shall be transmitted to Member Jurisdictions in the form of an appendix to required periodic transmittals among Member Jurisdictions in accordance with Section 1215. Audit transmittal information shall include each Audited Registrant's name and account Fleet number, each Registration Year Audited, each Registrant's adjusted Apportionable Fees due to or from a Member Jurisdiction, and the total of adjusted Apportionable Fees transmitted or due.**

**HISTORICAL NOTES**

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

**Related Provisions, 2006 Plan:** Section 1706.

## **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 97.14 - 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 estimates of distance.**

**(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:**

**Related Provisions, 2006 Plan:** Section 410

### **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 97.2 - September 11, 1997; Dispute Resolution Committee Decision 97.3 - September 11, 1997; Dispute Resolution Committee Decision 97.4 - September 11, 1997; Dispute Resolution Committee Decision 97.5 - September 11, 1997; Dispute Resolution Committee Decision 97.6 - September 11, 1997; Dispute Resolution Committee Decision 97.7 - September 11, 1997; Dispute Resolution Committee Decision 97.9 - September 11, 1997; Dispute Resolution Committee Decision 97.17 - 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

## **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 December 31 of the fiscal year. 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 January 15 of each year, send notification to the Member Jurisdiction by certified mail, 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:**

**Related Provisions, 2006 Plan:** Section 2126

**Related DRC Action, 2006 Plan:** Dispute Resolution Committee Decision 97.12 - September 11, 1997; Dispute Resolution Committee Decision 97.13 - September 11, 1997; Dispute Resolution Committee Decision 97.18 - November 16, 1997; Dispute Resolution Committee Decision 99.3, 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 twelve 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.**

**(iv) The twelfth member of the Board of the Repository shall be the chair of the board of directors of the American Association of Motor Vehicle Administrators or that person's designee. This person's term on the Board of the Repository shall be coterminous with that person's term as chair of the board of directors of the American Association of Motor Vehicle Administrators.**

**(b) Notwithstanding subsection (a), in the event that the federal government of Mexico shall become a Member Jurisdiction, it may name a representative as a thirteenth 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

**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 APM. 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 APM. 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 APM 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 APM.**

**(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 IRP. 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:**

**Related Provisions, 2006 Plan:** Section 2128.

**Related DRC Action, 2006 Plan:** Dispute Resolution Committee Decision 97.2 - September 11, 1997; Dispute Resolution Committee Decision 97.3 - September 11, 1997; Dispute Resolution Committee Decision 97.4 - September 11, 1997; Dispute Resolution Committee Decision 97.5 - September 11, 1997; Dispute Resolution Committee Decision 97.6 - September 11, 1997; Dispute Resolution Committee Decision 97.7 - September 11, 1997; Dispute Resolution Committee Decision 97.9 - September 11, 1997; Dispute Resolution Committee Decision 97.17 - 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 99.1, November 13, 1999; Dispute Resolution Committee Decision 99.2, 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, 1988	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**

Annual Report of Plan Activity	Member Jurisdiction
The following information is being provided in compliance with Section 1220 of the Plan	
1. Calendar Year Reported	
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 finalized during this calendar year.	Resulting in changes to fees _____ Resulting in no changes to fees _____ Total Audits _____
<b>Submitted By:</b>	
Name:	
Title:	
Agency:	
Signature:	Date:
6. Total Registrants	7. Number of Power Units

**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:**

<b>Power Units</b>	<b>Cost</b>
<b>1 - 1,000</b>	<b>\$1,120</b>
<b>1001 - 5,000</b>	<b>\$2,400</b>
<b>5001 - 10,000</b>	<b>\$5,600</b>
<b>10,001 - 15,000</b>	<b>\$8,800</b>
<b>15,001 - 20,000</b>	<b>\$14,400</b>
<b>20,001 - 30,000</b>	<b>\$19,200</b>
<b>30,001 - 50,000</b>	<b>\$25,600</b>
<b>50,001 - 100,000</b>	<b>\$28,000</b>
<b>100,001 – 150,000</b>	<b>\$30,400</b>
<b>150,001 – 200,000</b>	<b>\$33,200</b>
<b>200,001 – 250,000</b>	<b>\$36,000</b>
<b>251,000 – 300,000</b>	<b>\$38,800</b>
<b>300,001 – 350,0000</b>	<b>\$41,600</b>
<b>351,000 – 400,000</b>	<b>\$44,400</b>
<b>400,001 – 450,000</b>	<b>\$47,200</b>
<b>451,000 – 500,000</b>	<b>\$50,000</b>
<b>500,001 plus</b>	<b>\$52,800</b>