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Title: **FMCSA proposes higher UCR fees and reviews HOS**

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### **Unified Carrier Registration fees may increase**

The Federal Motor Carrier Safety Administration's (FMCSA) proposed rulemaking, which would raise the Unified Carrier Registration (UCR) fees by 122 percent, received a large amount of feedback from industry groups and associations.

The UCR program collects fees from carriers, private fleets, freight forwarders, brokers and leasing companies, which are used to fund state enforcement activities. The current fee brackets range from \$39 - \$37,500 for companies with up to two vehicles to companies with more than 1,000 vehicles respectively.

While opponents to the proposed legislation anticipated the fees would increase, they believe the proposed fees are too high. Also, many businesses believe that increasing UCR fees will not solve underlying issues such as low collection rates. According to the FMCSA register, states were unable to collect a large portion of fees in 2008. The proposed fees ranging from \$87 - \$83,412 are expected to compensate for low collection rates and a recent federal law change that eliminated trailer registration fees.

States are eager to get the new fees approved, but many businesses are urging the FMCSA to reconsider.

### **Hours-of-service lawsuit suspended**

The Department of Transportation (DOT) has agreed to review the current hours-of-service (HOS) regulation and in exchange, advocacy groups Public Citizen and Teamsters will suspend the lawsuit, which challenges two HOS provisions.

The battle on the HOS provisions started in 2003, when the Bush administration proposed changes to the 60-year-old regulation. Prior to the current HOS, a workday was limited to 15 hours of which the driver could only operate a vehicle for 10 hours. Advocacy groups argue the new provisions, which allow workers to drive 11 hours out of a 14 hour workday and allow the workweek to restart after taking 34 consecutive hours off; increase driver fatigue, decrease drivers' health and harm the public. In 2004 and 2007, the federal appeals court rejected the hours-of-service regulation, but both times the Federal Motor Carrier Safety Administration (FMCSA) did not make any significant changes.

While many oppose the current HOS, the American Trucking Associations strongly supports the current HOS. According to the ATA, the number of truck-involved fatalities decreased 19 percent from when the rules were first implemented in 2004.

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As part of the agreement between the DOT and the advocacy groups, the DOT will submit a new HOS regulation to the White House within nine months and implement a final rule within 21 months. With a new administration, advocacy groups are hopeful that FMCSA will review all the evidence and decide to update the HOS regulation.

### **Insurance solutions**

While obeying the HOS regulation may help reduce accidents, carriers can take additional steps to limit liability. As a premier provider, Avalon understands your business and the many exposures you face each day. Let our industry experts work with you to find the best program to reduce your liability.

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For a competitive quote, please contact your local Avalon office or Anna Vize, Product Manager at (847) 700-8154 or at [avize@avalonrisk.com](mailto:avize@avalonrisk.com). A list of our eleven North American offices can be found at [www.avalonrisk.com](http://www.avalonrisk.com).

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