OFFICIAL AMENDMENT TO THE INTERNATIONAL REGISTRATION PLAN

Ballot Number: 392 – Inadequate Assessment

Ballot Date: June 20, 2014

Ballot Expiration Date: Sept. 18, 2014

Amendment Effective Date, If Approved: Jan. 1, 2015

Sponsor(s): State of Nebraska

Contact Person (Name/Title/Agency/Jurisdiction/Telephone/Email):
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☑ Sponsor’s(s’) IRP voting member notified

SECTIONS TO BE AMENDED

International Registration Plan:
Article X, Records and Audits – Section, 1015 Inadequate Records; Assessment

SUMMARY

The purpose of this ballot is to address an issue with the Inadequate Records provision in light of the passage of the Full Reciprocity Plan (FRP). Under FRP, carriers will report all their actual distance and pay fees to each jurisdiction where actual distance was reported. This makes it essential that all distance be reported correctly. It is possible to have records that fail the tests for appropriate and/or sufficient, and still find evidence of activity in a jurisdiction that was not originally reported. Under the current language of Section 1015, the auditor would not be able to add in distance and fees for the unreported jurisdiction(s). The reason for this is that Section 1015 states 20%, 50%, or 100% fees are to be calculated and assessed only on fees paid. This proposed ballot would allow the auditor to apply the inadequate records provision and calculate fees that should have been paid to both the reported and the unreported jurisdiction(s).
For example:

During the audit, the carrier provides no distance records. The auditor classifies the records as inadequate. The auditor also notes several DOT inspections and/or fuel receipts in jurisdictions that were not reported on the carrier’s renewal. Under the current language of Section 1015, no distance could be added for these non-reported jurisdictions and no registration fees would be calculated under full reciprocity. Using the best information available to the auditor, distance will be determined for the unreported jurisdiction and used for the assessment.

**AMENDMENT**

**1015 Inadequate Records; Assessment**

If the Records produced by the Registrant for Audit do not, for the Registrant’s Fleet as a whole, meet the criterion in Section 1005(a), or if, within 30 calendar days of the issuance of a written request by the Base Jurisdiction, the Registrant produces no Records, the Base Jurisdiction shall impose on the Registrant an assessment in the amount of twenty percent of the Apportionable Fees paid by the Registrant or found owed due to unreported jurisdictions, for the registration of its Fleet in the Registration Year to which the Records pertain including Apportionable Fees based on Estimated Distance. In an instance where the Base Jurisdiction knows that it is the Registrant’s second such offense, the Base Jurisdiction shall impose an assessment of fifty percent of the Apportionable Fees paid by the Registrant or found owed due to unreported jurisdictions, for the registration of its Fleet in the Registration Year to which the Records pertain. When the Base Jurisdiction knows it is the Registrant’s third offense, and on any subsequent offenses of the Registrant known to the Base Jurisdiction, the Base Jurisdiction shall impose an assessment of 100 percent of the Apportionable Fees paid by the Registrant or found owed due to unreported jurisdictions, for the registration of its Fleet in the Registration Year to which the Records pertain. The Base Jurisdiction shall distribute the amounts of assessment it collects under this Section on a pro rata basis to the other Jurisdictions in which the Fleet was registered.