



May 22, 2017

Mark Miller
Student Transportation of Nebraska, Inc.
5402 L St.
Omaha, NE 68117

Subject: Calculation of number of school buses for UCR payment purposes

Dear Mr. Miller:

The Unified Carrier Registration Plan Board of Directors (“UCR Board”) has been asked by the State of Nebraska whether a motor carrier transporting passengers may subtract school buses used in intrastate commerce from its vehicle count for purposes of determining Unified Carrier Registration fees. After review of the issue, the UCR Board has determined that a motor carrier may not subtract school buses used in intrastate commerce from its vehicle count for purposes of determining Unified Carrier Registration fees. The UCR Board’s determination is based on the application of a school bus to the Unified Carrier Registration Act (“Act”)¹.

The Act defines a “commercial motor vehicle” as having the same meaning such term has under 49 U.S.C. § 31101.² 49 U.S.C. § 31101 defines a “commercial motor vehicle” as a self-propelled vehicle used on the highways in commerce and having a gross vehicle weight rating or gross vehicle weight of at least 10,000 pounds *or* designed to transport more than 10 passengers including the driver.³ Clearly, a school bus fits under this definition.

The Act does permit a motor carrier and motor private carrier from subtracting commercial motor vehicles used exclusively in the intrastate transportation of *property, waste or recyclable material* from the number of commercial motor vehicle owned or operated for purposes determining Unified Carrier Registration fees.⁴ However, the Act does not allow for exclusion of vehicles used in the intrastate transportation of passengers.

If you have any questions regarding this letter, please contact feel free to contact me. Thank you.

¹ P.L. 109-59 (August 10, 2005).

² 49 U.S.C. § 14504a(a)(1)(A).

³ 49 U.S.C. § 31101 (1)(A) and (B). [Emphasis added.]

⁴ 49 U.S.C. § 14504a(f)(3). [Emphasis added.]

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Sincerely,

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cc: Mark Byrne, Audit Supervisor, Nebraska Department of Motor Vehicles
Cathy Beedle, Administrator, Nebraska Department of Motor Vehicles