



Unified Carrier Registration Plan
Board of Directors Meeting Minutes

October 17, 2019

San Diego, CA

In Person and Via Teleconference

**UCR Board of Directors Meeting
October 17, 2019**

MINUTES

OPEN TO THE PUBLIC

I. Welcome, Call to Order & Introductions – UCR Board Chair
The Board Chair called the meeting to order, called roll for the Board, and confirmed the presence of a quorum.

II. Verification of Meeting Notice – Operations Manager
The UCR Operations Manager verified that the publication of the meeting notice occurred on the UCR website on October 4, 2019 and in the Federal Register on October 9, 2019 (Page 54272; Vol. 84; No. 196)

III. Review and Approval of Board Agenda and Setting of Ground Rules – UCR Board Chair
The UCR Board Chair presented a proposed agenda of items to be considered at this the October 17, 2019 meeting of the Board.

A MOTION was MADE and SECONDED to approve the October 17, 2019 Board agenda as presented. THE MOTION CARRIED UNANIMOUSLY.

IV. Approval of Minutes of the Aug. 1 & Sept. 5 UCR Board Meetings – UCR Board Chair
The Board Chair next presented drafts of the minutes from the August 1, 2019 and the September 5, 2019 Board meetings for review and approval.

After discussion, a MOTION was MADE and SECONDED to approve as presented the minutes of the August 1, 2019 and September 5, 2019 Board meetings. THE MOTION CARRIED UNANIMOUSLY.

V. Report of FMCSA – FMCSA Representative
The FMCSA representative reported that the proposed rulemaking to establish UCR fees for 2020 is under review at the Department of Transportation (DOT). The FMCSA representative also reported that candidates to replace the three Board members who recently resigned are under review by the DOT.

VI. UCR Executive Director Position – UCR Board Chair
The Board Chair proposed that the Board hire Mr. Avelino Gutierrez as an independent contractor to fill the UCR Executive Director position. The Chair reminded the Board that funding for this position was approved in the FY 2019 budget.

After discussion, a MOTION was MADE and SECONDED to authorize the Board Chair to negotiate and execute a contract with Mr. Gutierrez as an independent contractor serving as Executive Director of the UCR. THE MOTION CARRIED by a vote of 11 yeas; 1 nay by M. Wiederhold; and zero abstentions.

VII. SUBCOMMITTEE REPORTS

Procedures Subcommittee

A. Proposed Amendments to UCR Refund Procedure – Depository Manager
The Depository Manager led a discussion regarding the need to amend the UCR refund procedure so that states may provide carriers a refund following the findings of an audit.

After discussion, a MOTION was MADE and SECONDED to adopt new language to address this scenario in the refund procedure. THE MOTION CARRIED UNANIMOUSLY.

Next, the Depository Manager proposed adding a new step to the UCR registration process for third-parties (e.g., permit agents) to verify that they have legal authority to register a given customer. Following discussion, this proposal was tabled.

B. Proposed Amendments to UCR Handbook – UCR Vice Chair

The UCR Vice Chair reviewed proposed new amendments to the UCR Handbook to address (1) the procedure for requesting, reviewing and processing carrier refunds, (2) the situation whereby a carrier registers for UCR online and elects to pay by paper check, (3) annual carrier audit requirements for participating states and (4) the definition of a commercial motor vehicle.

After discussion, a MOTION was MADE and SECONDED to adopt the new Handbook amendments. THE MOTION CARRIED UNANIMOUSLY. (*The latest edition of the UCR Handbook is available at plan.ucr.gov*).

C. Proposed Amendment to the UCR Agreement – Operations Manager

The UCR Operations Manager, with assistance from the Registration System Subcommittee Chair, reviewed a proposal to amend Section 10 of the UCR Agreement to clarify the annual start and end dates of the UCR registration period.

After discussion, a MOTION was MADE and SECONDED to adopt the new language for Sec. 10 of the UCR Agreement. THE MOTION CARRIED UNANIMOUSLY. (*The latest edition of the UCR Agreement is available at plan.ucr.gov*).

D. Proposed Board Subcommittee Policy – Depository Manager

The Depository Manager led a discussion regarding a proposed policy to establish criteria for service on, and composition of, UCR Board Subcommittees. Following discussion, this item was tabled.

E. Proposed Written Information Security Policy – Chief Legal Officer

The Chief Legal Officer reviewed a proposed policy to ensure the security, confidentiality, integrity, and availability of personal and other sensitive information collected, created, used, and maintained by the UCR. Following discussion, this item was tabled.

F. Proposed Incident Response Action Plan - Chief Legal Officer

Next, the Chief Legal Officer reviewed a proposed policy to provide a structured and systematic incident response process for all information security incidents that affect any of the UCR's information technology systems, network, or data, including the UCR's data held or IT services provided by third-party vendors or other service providers. Following discussion, this item was tabled.

Audit Subcommittee

A. Report from States Delinquent on 2018 Carrier Audits – Audit Subcommittee Chair

The Audit Subcommittee Chair reported that representatives from three states that have not submitted their annual UCR carrier audits have been notified and requested to appear before the Board (either in-person or via teleconference). None of the state representatives were present. Mr. Hoeme reported he plans to follow up with each individually and report to the Board.

B. Report on FY 2018 Depository Audit – Depository Manager

The Depository Manager reported that the independent financial audit of the UCR Depository for FY 2018 is complete and a draft report is being prepared. The Depository Manager stated that the audit firm is reporting a clean review.

C. 2020 Proposed Audit Plan - Depository Manager

The Depository Manager proposed the following key components of the 2020 UCR Audit Plan:

- Conducting compliance reviews for eight (8) participating states in 2020
- Conducting an independent financial review of the National Registration System for FY 2019 (vendor to be determined)
- Contracting with Williams, Benator & Libby, LLP to conduct an independent financial audit of the Depository for FY 2019

After discussion, a MOTION was MADE and SECONDED to approve these elements of the Audit Plan as presented. THE MOTION CARRIED UNANIMOUSLY.

D. Compliance Goal for Participating States – Audit Subcommittee Chair

The Audit Subcommittee Chair led a discussion on the need for establishing a UCR compliance goal for all participating states. The Audit Subcommittee Chair recommended the goal be set at 85%.

After discussion, a MOTION was MADE and SECONDED to adopt the new compliance goal. THE MOTION CARRIED UNANIMOUSLY.

E. Solicitation of New and Unregistered Motor Carriers – Audit Subcommittee Chair

Next, the Audit Subcommittee Chair reported on a proposal to require all participating states to solicit new and unregistered carriers based in their states.

After discussion, a MOTION was MADE and SECONDED to adopt the new requirement. THE MOTION CARRIED UNANIMOUSLY.

Finance Subcommittee

A. Contract Addendum with UCR Administrator - UCR Board Chair

The UCR Board Chair reported that negotiations for a contract renewal with the UCR Administrator (Kellen) are ongoing and that the new UCR Executive Director will now become involved in that process.

B. Ending 2018 FARs on Dec. 31, 2019

The Finance Subcommittee Chair reviewed a proposal requiring participating states to immediately conclude their review and processing of any focused anomaly reviews (FARs) identified for the 2018 registration year.

After discussion, a MOTION was MADE and SECONDED to adopt this proposal. THE MOTION CARRIED UNANIMOUSLY.

Education and Training Subcommittee

A. Review of Timeline – Education and Training Subcommittee Chair and Operations Manager

The Education and Training Subcommittee Chair, with assistance from the Operations Manager, provided a brief activities report, noting that the first education/training sessions are scheduled to debut in Q1 2020.

VIII. Updates Concerning UCR Legislation – UCR Board Chair

The UCR Board Chair called for any updates regarding UCR Legislation since the last Board meeting. No updates were provided.

IX. Contractor Reports

• UCR Administrator (Kellen)

The UCR Administrator provided their monthly management report. It was noted that new .gov emails for all Board members are now available and all UCR correspondence will be conducted through these new email accounts starting Nov. 1, 2019.

• DSL Transportation Services, Inc.

DSL reported that \$1.84 million has been collected by the states through the Focused Anomalies Review (FARs) program to date.

• Seikosoftware

Seikosoftware reported the National Registration System portal is no longer accepting registrations for the 2018 UCR period.

X. Data Event Update – Chief Legal Officer

The Chief Legal Officer stated that notification letters are now being distributed to those potentially affected by the data event reported to the Board on June 4, 2019.

XI. Proposed Calendar for 2020 UCR Meetings – Operations Manager

The Operations Manager reviewed a proposed calendar of UCR meetings (Board & Subcommittees) for 2020. Following discussion, this item was tabled to provide the Executive Director an opportunity to review.

XII. Old/New Matters – UCR Board Chair

The UCR Board Chair called for any business, old or new, from the floor. No additional items were raised.

XIII. Adjournment – UCR Board Chair

The UCR Board Chair requested a motion for adjournment.

A MOTION was MADE and SECONDED to adjourn the meeting. THE MOTION CARRIED UNANIMOUSLY.