



MAINE OIL DEALERS ASSOCIATION

TECHNICAL BULLETIN #12.3

USDOT HAZARDOUS MATERIALS

TRANSPORTER REGISTRATION

May, 2000, replaces TB #12.2 October, 1996;

The Research and Special Programs Administration (RSPA) of the Department of Transportation published in the Federal Register on Feb 14, 2000 revised rules of the hazardous materials transportation registration and fee assessment program. The rule becomes effective on May 1, 2000 and applies to people submitting a registration for the 2000-2001 registration year and future years. The new rules, require all persons who offer for transportation, or transport, in foreign, interstate, or intrastate commerce, a quantity of hazardous material that requires placarding. The new rule introduces two significant changes in the registration requirements. All must now register and the fee structure has changed.

2 significant changes for MODA members:

1. Under 3500 gallon exemption removed

This newly amended rule removes the "under 3500 gallon" exemption that many MODA members were able to use to avoid paying the fee. Now, ALL persons who offer hazardous materials for transportation must pay. The registration fee is per company, not per truck.

2. Fees have changed

The fee has been changed and is now a two tiered fee structure. There are now two fee levels, basically, \$300 for small companies and \$2,000 for large companies. The amount of the fee is based upon the standard industrial classification (SIC) code that describes the company's primary commercial activity. After determining the company's primary SIC code, you must determine if the company meets the small business criteria. Examples:

If a marketer or wholesaler (SIC 5171 or 5172) has 100 or fewer employees, the company pays the \$300 fee. If the marketer or wholesaler has more than 100 employees, the company pays the \$2000 fee.

If a fuel oil dealer (SIC 5983) has \$9.0 million or less in annual receipts, the company pays the \$300 fee. More than \$9.0 million, \$2000.

If a gasoline service station (SIC 5541) has \$6.5 million or less in annual receipts, the company pays the \$300 fee. More than \$6.5 for the gasoline station, the company pays the \$2000.

If a Convenience store (SIC 5411) has \$20 million or less in annual receipts, the company pays the \$300 fee. More than \$20 million, \$2000.

The fee is applied per company. If you have five companies transporting or offering hazmat, then you must register each and pay five fees.

Remember, base your size determination on your primary SIC code.

Also, part-time employees are counted in your employee calculations.

How are the registration fees used?

DOT makes grants to States and Indian tribes with the funds generated by this program. These grants support planning and training of emergency personnel to respond to incidents involving hazardous materials. Of the fee paid, all but \$50 is supposed to come back to Maine in order to support communities so that they can prepare for spill, accident or hazardous materials emergencies that may occur in transportation.

Who is covered?

All those who commercially transport or offer for transport a hazardous material in a bulk packaging, container, or cargo tank.

Definition of "Offeror" clarified.

In the final rule, RSPA agreed that the act of ordering hazmat (not actually transporting hazmat) is not included within the meaning of "causes to be transported" and in and of itself, does not require registration. Beginning in Registration year 2000-2001, RSPA as a matter of policy will no longer consider the presence of a person's name on the shipping paper as the shipper or one of the shippers as conclusive evidence of whether a person is required to register. Therefore, a person who purchases a hazardous material, has his or her name on the shipping paper as a shipper, and performs no "offeror" functions, will not be required to register. Please see the definition of "offeror" in the registration materials.

What are the registration dates?

You must register before July 1, 2000 and July 1st of all future years. However, you must have your DOT certificate and registration number before you offer or transport hazardous materials. – which would mean before July 1st. The DOT states that you must allow four weeks after mailing your completed registration in order to get your certificate. For 2000-2001, it is expected to take much longer to

get registration numbers back to marketers as the new rule has brought in more than 10,000 new registrants. Send in your forms early.

What if you haven't registered for prior registration years? (1992-93 was the first registration year)

Then you must register now by filing a registration statement and paying \$300 for each year that you neglected to register*. You may copy and use the 2000-2001 or current statement for each previous year.

*** You are not required to pay for prior years if you were exempt from paying in those prior years. For example, if you did not pay because you were not required to under the 3500 gallon exemption, then you are not required to pay for previous years.** However, if you were required to pay during the previous years and did not, RSPA wants you to pay for all of those years in order to avoid penalties.

Attachments

The federal program description and application form are attached. Anyone wishing a complete copy of the new Feb. 14, 2000 regulation should contact the MODA office.