May 18, 1993, the Commission adopted final regulations that replaced a multistate motor vehicle and operating authority registration system with a simplified, single-state, insurance-based registration system. The Commission acted in accordance with Congressional revisions to 49 U.S.C. 11506—Registration of Motor Carriers by a State, which required the Commission to prescribe amendments to the regulations that had governed the registration system under the old law.

On judicial review, in *Nat'l Ass'n of Regulatory Util. Comm'rs* v. *ICC*, 41 F.3d 721 (D.C. Cir. 1994), the court found that the Commission had improperly balanced conflicting policy goals in adopting regulations giving motor carriers the authority to copy the registration receipts required by law to be kept in each motor vehicle. The court remanded such provisions to the Commission for further consideration. The Commission requested comments in light of the court's decision.

Upon consideration of the court's opinion and the comments received from the trucking and insurance industries, state regulatory agencies, and other interested parties, the Commission is revising the receipt provisions of the regulations. Under the revised rules, states will issue official copies of registration receipts, and motor carriers will be required to maintain an official copy in each reported motor vehicle. Motor carrier copying of receipts will be prohibited.

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Interstate Commerce Commission Building, 1201 Constitution Avenue NW., Room 2229, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD service (202) 927–5721.]

## **Regulatory Flexibility Certification**

Pursuant to 5 U.S.C. 605(b), we conclude that our action in this proceeding will not have a significant economic impact on a substantial number of small entities. No new regulatory requirements are imposed,

directly or indirectly, on such entities. As before, all motor carriers registering with participating states will be required to distribute copies of registration receipts to their vehicles; but, under the revised regulations, motor carriers are relieved of the burden of reproducing the receipt copies. The economic impact on small entities, if any, should be positive but is not likely to be significant within the meaning of the Regulatory Flexibility Act.

# **Environmental and Energy Considerations**

We conclude that this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

### List of Subjects in 49 CFR Part 1023

Insurance, Motor carriers, Surety bonds.

For the reasons set forth in the preamble, title 49, chapter X, part 1023 of the Code of Federal Regulations is amended as follows:

## PART 1023—STANDARDS FOR REGISTRATION WITH STATES

1. The authority citation for part 1023 continues to read as follows:

**Authority:** 49 U.S.C. 10321 and 11506; 5 U.S.C. 553.

2. Section 1023.5 is revised to read as follows:

### §1023.5 Registration receipts.

- (a) On compliance by a motor carrier with the annual or supplemental registration requirements of § 1023.4, the registration State must issue the carrier a receipt reflecting that the carrier has filed the required proof of insurance and paid fees in accordance with the requirements of that section. The registration State also must issue a number of official copies of the receipt equal to the number of motor vehicles for which fees have been paid.
- (1) The receipt and official copies must contain only information identifying the carrier and specifying the States for which fees were paid. Supplemental receipts and official copies need contain only information

relating to their underlying supplemental registrations.

- (b) Receipts and official copies issued pursuant to a filing made during the annual registration period specified in § 1023.4(b)(2) must be issued within 30 days of filing of a fully acceptable registration application. All other receipts and official copies must be issued by the 30th day following the date of filing of a fully acceptable supplemental registration application. All receipts and official copies shall expire at midnight on the 31st day of December of the registration year for which they were issued.
- (c) A carrier is permitted to operate its motor vehicles only in those participating States with respect to which it has paid appropriate fees, as indicated on the receipts and official copies. It may not operate more motor vehicles in a participating State than the number for which it has paid fees.
- (d) A motor carrier may not copy or alter a receipt or an official copy of a receipt.
- (e) A motor carrier must maintain in each of its motor vehicles an official copy of its receipt indicating that it has filed the required proof of insurance and paid appropriate fees for each State in which it operates.
- (f) A motor carrier may transfer its official copies of its receipts from vehicles taken out of service to their replacement vehicles.
- (g) The driver of a motor vehicle must present an official copy of a receipt for inspection by any authorized government personnel on reasonable demand.
- (h) No registration State shall require decals, stamps, cab cards, or any other means of registering or identifying specific vehicles operated by a motor carrier.

Decided: May 24, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald. Vice Chairman Owen commented with a separate expression.

### Vernon A. Williams,

Secretary

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