

Safety Advisory: Fraud, U.S. Based Motor Carriers Identity Theft, Fraudulent Lease Agreements, Stolen Carrier Identity through Issuance of Temporary Registrations, and Fraudulent Certificates of Insurance.

Issue:

The Federal Motor Carrier Safety Administration (FMCSA) of the United States Department of Transportation (USDOT) is issuing this safety advisory as a notification to all North American Standard (NAS) Part A and B Certified Inspectors and State and Local Law Enforcement Agencies.

The Agency has been made aware that some motor carrier identities have been compromised and Independent Owner-Operators are being provided fraudulent lease agreements, certificates of insurance, and fictitiously obtained temporary registrations. In these instances, the carriers become victims along with the unwitting Owner-Operators who believe they have leased onto a legitimate motor carrier. The drivers are unknowingly operating without proper operating authority, registration, and insurance.

In other cases, drivers and carriers are intentionally obtaining and using false vehicle registrations, including International Fuel Tax Agreements (IFTA) and International Registration Plan (IRP) documentation, and displaying a USDOT number without the knowledge and consent of the motor carrier to which the number is registered. In these cases, the driver is generally the perpetrator of the fraudulent activity and the motor carrier is again the victim.

The improper carrier identification and assignment of inspections to the wrong carrier profile is negatively impacting the ability of the victim carrier to operate, allows fraudulent and poor performing drivers and vehicles to continue to operate, and invalidates the FMCSA Data Base and Comprehensive Safety Analysis (CSA) Safety Measurement System (SMS) scores.

Applicable Federal Motor Carrier Safety Regulations (FMCSR)

Inspectors are reminded that there are specific rules in the FMCSR that pertain to a motor carrier's operating authority, prohibited practices and levels of financial responsibility, as follows:

- § 390.21 Marking of self-propelled CMVs and intermodal equipment
- § 392.2 Applicable operating rules.
- § 392.9a Operating authority.
- § 392.9b Prohibited transportation.

- § 387.1 Purpose and scope.
- § 387.3 Applicability.
- § 387.7 Financial responsibility required.

These sections are important because they set forth the basis for a motor carrier's operations and compliance. FMCSA recommends that inspectors and other State and local partners, take the following actions to ensure that the driver and vehicle you have detained actually belongs to the motor carrier identified by the USDOT number displayed on the vehicle pursuant to 49 CFR § 390.21.

Verification of Temporary Registrations:

If you encounter a Temporary Registration during a roadside inspection or through other legal contact, FMCSA suggests that Inspectors or State and local law enforcement partners do the following:

- Contact the motor carrier directly using the contact information recorded on file through SAFER (<https://safer.fmcsa.dot.gov>) or the FMCSA Portal and verify the driver and vehicle are operating under the correct carrier identity.
- Check Query Central, the Commercial Vehicle Information Exchange Window (CVIEW), or other investigative databases for prior inspections listing the Temporary Registration assignment to multiple vehicles and inspections.

Verification of IFTA and/or IRP:

- Inquire if the driver is leased to the company they are operating for at the time.
- Verify vehicle markings relative to the requirements of § 390.21, including review of a rental or lease agreement when applicable.
- Verify the IRP registration matches the vehicle they are inspecting to include the vehicle identification number (VIN), make, and year of the tractor.
- Verify the company information matches the Electronic Logging Device (ELD) or Driver's Hours-of-Service (HOS) log.
- Verify that the IFTA account document matches what is reported in CVIEW.

Verification of Operating Authority:

- Verify through the FMCSA Portal or Safer Web (<https://safer.fmcsa.dot.gov>) that the Commercial Motor Vehicle is operating with proper operating authority, registration, and insurance and the number of drivers and vehicles on the carrier profile.
- Verify through the Licensing and Insurance System (L & I) that the information matches what the driver presents.
- If the information is different, contact the Motor Carrier to verify.

Note: *If the truck is found to be operating under a fictitious registration the inspector is*

urged to report this information up the Chain-of-Command due to the possibility of issues with Operating Beyond the Scope of their Authority and potential OOS Issues. Additionally, inspectors are urged to utilize any available state or local resources to pursue possible criminal fraud and other charges.

Verification of Financial Responsibility:

- Examine the insurance document. Verify through the FMCSA Portal and L& I to see if the information is correct.
- Fraudulent Certificates of Insurance (COI's) are prevalent in identity theft and cargo theft operations.

To report incidences of fraud and / or identity theft, please enter them into the FMCSA's National Consumer Complaint Database (NCCDB) at:

<https://nccdb.fmcsa.dot.gov/nccdb/home.aspx>

For questions or concerns specific to this alert, please contact the Hazardous Materials Division at 202-385-2307 or by email at:

FMCSA.Questions.Fraud.and.Identity.Theft@dot.gov