

identified specimen of the form is maintained on the medium for reference.

**§ 379.9 Companies going out of business.**

The records referred to in the regulations in this part may be destroyed after business is discontinued and the company is completely liquidated. The records may not be destroyed until dissolution is final and all pending transactions and claims are completed. When a company is merged with another company under jurisdiction of the Secretary, the successor company shall preserve records of the merged company in accordance with the regulations in this part.

**§ 379.11 Waiver of requirements of the regulations in this part.**

A waiver from any provision of the regulations in this part may be made by the Secretary upon his/her own initiative or upon submission of a written request by the company. Each request

for waiver shall demonstrate that unusual circumstances warrant a departure from prescribed retention periods, procedures, or techniques, or that compliance with such prescribed requirements would impose an unreasonable burden on the company.

**§ 379.13 Disposition and retention of records.**

The schedule in appendix A to this part shows periods that designated records shall be preserved. The descriptions specified under the various general headings are for convenient reference and identification, and are intended to apply to the items named regardless of what the records are called in individual companies and regardless of the record media. The retention periods represent the prescribed number of years from the date of the document and not calendar years. Records not listed in appendix A to this part shall be retained as determined by the management of each company.

APPENDIX A TO PART 379—SCHEDULE OF RECORDS AND PERIODS OF RETENTION

Item and category of records	Retention period
<b>A. Corporate and General</b>	
1. Incorporation and reorganization:	
(a) Charter or certificate of incorporation and amendments .....	Note A.
(b) Legal documents related to mergers, consolidations, reorganization, receiverships and similar actions which affect the identity or organization of the company.	Note A.
2. Minutes of Directors, Executive Committees, Stockholders and other corporate meetings.	Note A.
3. Titles, franchises and authorities:	
(a) Certificates of public convenience and necessity issued by regulating bodies.	Until expiration or cancellation.
(b) Operating authorizations and exemptions to operate .....	Until expiration or cancellation.
(c) Copies of formal orders of regulatory bodies served upon the company ....	Note A.
(d) Deeds, charters, and other title papers .....	Until disposition of property.
(e) Patents and patent records .....	Note A.
4. Annual reports or statements to stockholders .....	3 years.
5. Contracts and agreements:	
(a) Service contracts, such as for operational management, accounting, financial or legal services, and agreements with agents.	Until expiration or termination plus 3 years.
(b) Contracts and other agreements relating to the construction, acquisition or sale of real property and equipment except as otherwise provided in (a) above.	Until expiration or termination plus 3 years.
(c) Contracts for the purchase or sale of material and supplies except as provided in (a) above.	Until expiration.
(d) Shipping contracts for transportation or caretakers of freight .....	Until expiration.
(e) Contracts with employees and employee bargaining groups .....	Until expiration.
(f) Contracts, leases and agreements, not specifically provided for in this section.	Until expiration or termination plus 1 year.
6. Accountant's auditor's, and inspector's reports:	
(a) Certifications and reports of examinations and audits conducted by public accountants.	3 years.
(b) Reports of examinations and audits conducted by internal auditors, time inspectors, and others.	3 years.
7. Other .....	Note A.
<b>B. Treasury</b>	
1. Capital stock records:	

Item and category of records	Retention period
(a) Capital stock ledger .....	Note A.
(b) Capital stock certificates, records of or stubs of .....	Note A.
(c) Stock transfer register .....	Note A.
2. Long-term debt records:	
(a) Bond indentures, underwritings, mortgages, and other long-term credit agreements.	Until redemption plus 3 years.
(b) Registered bonds and debenture ledgers .....	Until redemption plus 3 years.
(c) Stubs or similar records of bonds or other long-term debt issued .....	Note A.
3. Authorizations from regulatory bodies for issuance of securities including applications, reports, and supporting papers.	Note A.
4. Records of securities owned, in treasury, or held by custodians, detailed ledgers and journals, or their equivalent.	Until the securities are sold, redeemed or otherwise disposed of.
5. Other .....	Note A.
<b>C. Financial and Accounting</b>	
1. Ledgers:	
(a) General and subsidiary ledgers with indexes .....	Until discontinuance of use plus 3 years.
(b) Balance sheets and trial balance sheets of general and subsidiary ledgers	3 years.
2. Journals:	
(a) General journals .....	Until discontinuance of use plus 3 years.
(b) Subsidiary journals and any supporting data, except as otherwise provided for, necessary to explain journal entries.	3 years.
3. Cash books:	
(a) General cash books .....	Until discontinuance of use plus 3 years.
(b) Subsidiary cash books .....	3 years.
4. Vouchers:	
(a) Voucher registers, indexes, or equivalent .....	3 years.
(b) Paid and canceled vouchers, expenditure authorizations, detailed distribution sheets and other supporting data including original bills and invoices, if not provided for elsewhere.	3 years.
(c) Paid drafts, paid checks, and receipts for cash paid out .....	3 years.
5. Accounts receivable:	
(a) Record or register of accounts receivable, indexes thereto, and summaries of distribution.	3 years after settlement.
(b) Bills issued for collection and supporting data .....	3 years after settlement.
(c) Authorization for writing off receivables .....	1 year.
(d) Reports and statements showing age and status of receivables .....	1 year.
6. Records of accounting codes and instructions .....	3 years after discontinuance.
7. Other .....	Note A.
<b>D. Property and Equipment</b>	
Note.—All accounts, records, and memoranda necessary for making a complete analysis of the cost or value of property shall be retained for the periods shown. If any of the records elsewhere provided for in this schedule are of this character, they shall be retained for the periods shown below, regardless of any lesser retention period assigned.	
1. Property records:	
(a) Records which maintain complete information on cost or other value of all real and personal property or equipment.	3 years after disposition of property.
(b) Records of additions and betterments made to property and equipment ...	3 years after disposition of property.
(c) Records pertaining to retirements and replacements of property and equipment.	3 years after disposition of property.
(d) Records pertaining to depreciation .....	3 years after disposition of property.
(e) Records of equipment number changes .....	3 years after disposition of property.
(f) Records of motor and engine changes .....	3 years after disposition of property.
(g) Records of equipment lightweighed and stenciled .....	Only current or latest records.
2. Engineering records of property changes actually made .....	3 years after disposition of property.
3. Other .....	Note A.
<b>E. Personnel and Payroll</b>	
1. Personnel and payroll records .....	1 year.
<b>F. Insurance and Claims</b>	
1. Insurance records:	
(a) Schedules of insurance against fire, storms, and other hazards and records of premium payments.	Until expiration plus 1 year.
(b) Records of losses and recoveries from insurance companies and supporting papers.	1 year after settlement.
(c) Insurance policies .....	Until expiration of coverage plus 1 year.
2. Claims records:	
(a) Claim registers, card or book indexes, and other records which record personal injury, fire and other claims against the company, together with all supporting data.	1 year after settlement.
(b) Claims registers, card or book indexes, and other records which record overcharges, damages, and other claims filed by the company against others, together with all supporting data.	1 year after settlement.
(c) Records giving the details of authorities issued to agents, carriers, and others for participation in freight claims.	3 years.

Item and category of records	Retention period
(d) Reports, statements and other data pertaining to personal injuries or damage to property when not necessary to support claims or vouchers.	3 years.
(e) Reports, statements, tracers, and other data pertaining to unclaimed, over, short, damaged, and refused freight, when not necessary to support claims or vouchers.	1 year.
(f) Authorities for disposal of unclaimed, damaged, and refused freight .....	3 years.
3. Other .....	Note A.
<b>G. Taxes</b>	
1. Taxes. ....	Note A.
<b>H. Purchases and Stores</b>	
1. Purchases and stores. ....	Note A.
<b>I. Shipping and Agency Documents</b>	
1. Bills of lading and releases:	
(a) Consignors' shipping orders, consignors' shipping tickets, and copies of bills of lading, freight bills from other carriers and other similar documents furnished the carrier for movement of freight.	1 year.
(b) Shippers' order-to-notify bills of lading taken up and canceled .....	1 year.
2. Freight waybills:	
(a) Local waybills .....	1 year.
(b) Interline waybills received from and made to other carriers .....	1 year.
(c) Company freight waybills .....	1 year.
(d) Express waybills .....	1 year.
3. Freight bills and settlements:	
(a) Paid copy of freight bill retained to support receipt of freight charges:	
(1) Bus express freight bills provided no claim has been filed .....	1 year.
(2) All other freight bills .....	1 year.
(b) Paid copy of freight bill retained to support payment of freight charges to other carriers:	
(1) Bus express freight bills provided no claim has been filed .....	1 year.
(2) All other freight bills .....	1 year.
(c) Records of unsettled freight bills and supporting papers .....	1 year after disposition.
(d) Records and reports of correction notices .....	1 year.
4. Other freight records:	
(a) Records of freight received, forwarded, and delivered .....	1 year.
(b) Notice to consignees of arrival of freight; tender of delivery .....	1 year.
5. Agency records (to include conductors, pursers, stewards, and others):	
(a) Cash books .....	1 year.
(b) Remittance records, bank deposit slips and supporting papers .....	1 year.
(c) Balance sheets and supporting papers .....	1 year.
(d) Statements of corrections in agents' accounts .....	1 year.
(e) Other records and reports pertaining to ticket sales, baggage handled, miscellaneous collections, refunds, adjustments, etc..	1 year.
<b>J. Transportation</b>	
1. Records pertaining to transportation of household goods:	
(a) Estimate of charges .....	1 year.
(b) Order for service .....	1 year.
(c) Vehicle-load manifest .....	1 year.
(d) Descriptive inventory .....	1 year.
2. Records and reports pertaining to operation of marine and floating equipment:	
(a) Ship log .....	3 years.
(b) Ship articles .....	3 years.
(c) Passenger and room list .....	3 years.
(d) Floatmen's barge, lighter, and escrow captain's reports, demurrage records, towing reports and checks sheets.	2 years.
3. Dispatchers' sheets, registers, and other records pertaining to movement of transportation equipment.	3 years.
4. Import and export records including bonded freight and steamship engagements.	2 years.
5. Records, reports, orders and tickets pertaining to weighting of freight .....	3 years.
6. Records of loading and unloading of transportation equipment .....	2 years.
7. Records pertaining to the diversion or reconsignment of freight, including requests, tracers, and correspondence.	2 years.
8. Other .....	Note A.
<b>K. Supporting Data for Reports and Statistics</b>	
1. Supporting data for reports filed with the Federal Motor Carrier Safety Administration, the Surface Transportation Board, the Department of Transportation's Bureau of Transportation Statistics and regulatory bodies:	
(a) Supporting data for annual financial, operating and statistical reports .....	3 years.
(b) Supporting data for periodical reports of operating revenues, expenses, and income.	3 years.
(c) Supporting data for reports detailing use of proceeds from issuance or sale of company securities.	3 years.

Item and category of records	Retention period
(d) Supporting data for valuation inventory reports and records. This includes related notes, maps and sketches, underlying engineering, land, and accounting reports, pricing schedules, summary or collection sheets, yearly reports of changes and other miscellaneous data, all relating to the valuation of the company's property by the Federal Highway Administration, the Surface Transportation Board, the Department of Transportation's Bureau of Transportation Statistics or other regulatory body.	3 years after disposition of the property.
2. Supporting data for periodical reports of accidents, inspections, tests, hours of service, repairs, etc..	3 years.
3. Supporting data for periodical statistical of operating results or performance by tonnage, mileage, passengers carried, piggyback traffic, commodities, costs, analyses of increases and decreases, or otherwise.	3 years.
<b>M. Miscellaneous</b>	
1. Index of records .....	Until revised as record structure changes.
2. Statement listing records prematurely destroyed or lost .....	For the remainder of the period as prescribed for records destroyed.

**Note A.**—Records referenced to this note shall be maintained as determined by the designated records supervisory official. Companies should be mindful of the record retention requirements of the Internal Revenue Service, Securities and Exchange Commission, State and local jurisdictions, and other regulatory agencies. Companies shall exercise reasonable care in choosing retention periods, and the choice of retention periods shall reflect past experiences, company needs, pending litigation, and regulatory requirements.

**PART 381—WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS**

**Subpart A—General**

- Sec.  
 381.100 What is the purpose of this part?  
 381.105 Who is required to comply with the rules in this part?  
 381.110 What definitions are applicable to this part?

**Subpart B—Procedures for Requesting Waivers**

- 381.200 What is a waiver?  
 381.205 How do I determine when I may request a waiver?  
 381.210 How do I request a waiver?  
 381.215 What will the FMCSA do after the agency receives my request for a waiver?  
 381.220 How long will it take the agency to respond to my request for a waiver?  
 381.225 Who should I contact if I have questions about the information I am required to submit to the FMCSA or about the status of my request for a waiver?

**Subpart C—Procedures for Applying for Exemptions**

- 381.300 What is an exemption?  
 381.305 How do I determine when I may apply for an exemption?  
 381.310 How do I apply for an exemption?  
 381.315 What will the FMCSA do after the agency receives my application for an exemption?  
 381.320 How long will it take the agency to respond to my application for an exemption?  
 381.325 Who should I contact if I have questions about the information I am re-

- quired to submit to the FMCSA or about the status of my application for an exemption?  
 381.330 What am I required to do if the FMCSA grants my application for an exemption?

**Subpart D—Initiation of Pilot Programs**

- 381.400 What is a pilot program?  
 381.405 Who determines whether a pilot program should be initiated?  
 381.410 What may I do if I have an idea or suggestion for a pilot program?  
 381.415 Who should I contact if I have questions about the information to be included in my suggestion?  
 381.420 What will the FMCSA do after the agency receives my suggestion for a pilot program?

**Subpart E—Administrative Procedures for Pilot Programs**

- 381.500 What are the general requirements the agency must satisfy in conducting a pilot program?  
 381.505 What are the minimum elements required for a pilot program?  
 381.510 May the FMCSA end a pilot program before its scheduled completion date?  
 381.515 May the FMCSA remove approved participants from a pilot program?  
 381.520 What will the FMCSA do with the results from a pilot program?

**Subpart F—Preemption of State Rules**

- 381.600 Do waivers, exemptions, and pilot programs preempt State laws and regulations?

**AUTHORITY:** 49 U.S.C. 31136(e) and 31315; and 49 CFR 1.73.