

## § 367.6

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 §367.4(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

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other means of registering or identifying specific vehicles operated by a motor carrier.

[60 FR 30012, June 7, 1995. Redesignated at 61 FR 54707, Oct. 21, 1996, as amended at 62 FR 15420, Apr. 1, 1997]

### § 367.6 Registration State accounting.

(a) A participating State must, on or before the last day of each month, allocate and remit to each other participating State the appropriate portion of the fee revenue registrants submitted during the preceding month. Each remittance must be accompanied by a supporting statement identifying registrants and specifying the number of motor vehicles for which each registrant submitted fees. A participating State must submit a report of “no activity” to any other participating State for which it collected no fees during any month.

(b) A participating State must maintain records of fee revenue received from and remitted to each other participating State. Such records must specify the fees received from and remitted to each participating State with respect to each motor carrier registrant. A participating State must retain such records for a minimum of 3 years.

(c) A participating State must keep records pertaining to each of the motor carriers for which it acts as a registration State. The records must, at a minimum, include copies of annual and supplemental registration applications containing the information required by §367.4(c). A registration State must retain all such records for a minimum of 3 years.

[58 FR 28933, May 18, 1993. Redesignated at 61 FR 54707, Oct. 21, 1996, as amended at 62 FR 15420, Apr. 1, 1997]

### § 367.7 Violations unlawful; criminal penalties and civil sanctions.

Any violation of the provisions of these standards is unlawful. Nothing in these standards shall be construed to prevent a State from imposing criminal penalties or civil sanctions upon any person or organization violating any provision of them.

APPENDIX A TO PART 367—UNIFORM APPLICATION FOR SINGLE STATE REGISTRATION FOR MOTOR CARRIERS REGISTERED WITH THE SECRETARY OF TRANSPORTATION

Motor Carrier Identification Numbers:
FMCSA MC No.(s.)
US DOT No.
Applicant (Identical to name on FMCSA order):

Name:
D/B/A
Principal Place of Business Address:1
Street
City
State
Zip
Mailing Address if Different From Business Address Above:
Street
City
State
Zip

- Type of Registration:
[ ] New Carrier Registration— The motor carrier has not previously registered.
[ ] Annual Registration— The motor carrier is renewing its annual registration.
[ ] Supplemental Registration— The motor carrier is adding additional vehicles or States of travel after its annual registration.
[ ] New Registration State Selection— The motor carrier has changed its principal place of business or its prior registration State has left the registration program. The prior registration State was
[ ] Additional States not registered in prior years. List

Type of Motor Carrier: (Check one)
[ ] Individual [ ] Partnership [ ] Corporation

If corporation, give State in which incorporated:

List names of partners or officers:

Name:
Title:
Name:
Title:
Name:
Title:

Type of FMCSA Registered Authority:

1 A principal place of business is a single location that serves as a motor carrier's headquarters and where it maintains or can make available its operational records.

Permanent Certificate or Permit [ ] Temporary Authority (TA) [ ] Emergency Temporary Authority (ETA) [ ]

FMCSA Certificate(s) or Permit(s):
[ ] FMCSA Authority Order(s) attached for initial registration.
[ ] FMCSA Authority Order(s) attached for additional grants received.
[ ] No change from prior year registration.

Proof of Public Liability Security:
[ ] The applicant is filing, or causing to be filed, a copy of its proof of public liability security submitted to and accepted by the FMCSA under 49 CFR part 387, subpart C.
[ ] The applicant has filed, or caused to be filed, a copy of its proof of public liability security submitted to and accepted by the FMCSA under 49 CFR part 387, subpart C, and the security remains in effect.

FMCSA Approved Self-Insurance or Other Securities:

- [ ] FMCSA Insurance order attached for new carrier registration. (Check one when completing for annual registration.)
[ ] The FMCSA Order approving the self-insurance plan or other security is still in full force and effect, and the carrier is in full compliance with all conditions imposed by the FMCSA Order.
[ ] The motor carrier is no longer approved under a self-insurance plan or other security, and the motor carrier will file, or cause to be filed, a copy of proof of public liability security with this application in the registration State.

Hazardous Materials: (Check one)

- [ ] The applicant will not haul hazardous materials in any quantity.
[ ] The applicant will haul hazardous materials that require the following limits in accordance with Title 49 CFR 387.303:

(Check one)
[ ] Public Liability and Property Damage Insurance of \$1 million.
[ ] Public Liability and Property Damage Insurance of \$5 million.

Process Agents:

- [ ] FMCSA Form No. BOC-3 or blanket designation attached for new registration.
[ ] FMCSA Form No. BOC-3 or blanket designation attached reflecting changes of designation of process agents.
[ ] No change from prior year registration.

Certification:

I, the undersigned, under penalty for false statement, certify that the above information is true and correct and that I am authorized to execute and file this document on behalf of the applicant. (Penalty provisions subject to the laws of the registration State.)

Name (Printed)

Signature \_\_\_\_\_  
 Title \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 Date \_\_\_\_\_

[58 FR 28933, May 18, 1993. Redesignated at 61 FR 54707, Oct. 21, 1996, as amended at 62 FR 15420, Apr. 1, 1997]

**PART 368—APPLICATIONS FOR CERTIFICATES OF REGISTRATION BY FOREIGN MOTOR CARRIERS AND FOREIGN MOTOR PRIVATE CARRIERS UNDER 49 U.S.C. 13902(c)**

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AUTHORITY: 49 U.S.C. 13301 and 13902; 49 CFR 1.48.

SOURCE: 50 FR 20773, May 20, 1985, unless otherwise noted. Redesignated at 61 FR 54707, Oct. 21, 1996.

**§ 368.1 Controlling legislation.**

(a) This part governs applications filed under 49 U.S.C. 13902(c). Under this section certain foreign motor carriers and motor private carriers must hold a certificate of registration to provide certain interstate transportation services otherwise outside the registration jurisdiction of the Secretary. Neither a foreign motor carrier nor a foreign motor private carrier may provide interstate transportation of property unless the Secretary has issued the carrier a certificate of registration. The service allowable under a certificate of registration is described in 49 U.S.C. 13902(c)(4).

(b) This part applies only to carriers of a contiguous foreign country with respect to which a moratorium is in effect under 49 U.S.C. 13902(c)(4).

[62 FR 15420, Apr. 1, 1997]

**§ 368.2 Definitions.**

(a) *The Act*. The ICC Termination Act of 1995.

(b) *Foreign motor carrier*. A person transporting the goods of others for

hire (including a motor carrier of property):

(1) Which does not hold a registration issued under 49 U.S.C. 13902(a);

(2) Which is domiciled in any contiguous foreign country, or is owned or controlled by persons of any contiguous foreign country; and

(3) In the case of a person which is not a motor carrier of property, which provides interstate transportation of property under an agreement or contract with a motor carrier of property (except a motor carrier described in (b)(2) of this section).

(c) *Foreign motor private carrier*. A person transporting its own goods (including a motor private carrier):

(1) Which is domiciled in any contiguous foreign country;

(2) Which is owned or controlled by persons of any contiguous foreign country; and

(3) In the case of a person which is not a motor private carrier which provided interstate transportation of property by motor vehicle under an agreement or contract entered into with a person (other than a motor private carrier described in (c) (1) and (2) of this section).

(d) *Exempt items*. Commodities described in detail at or transported under 49 U.S.C. 13506(a) (4), (5), (6), (11), (12), (13), and (15).

(e) *Interstate transportation*. Transportation described at 49 U.S.C. 13501, and transportation in the United States otherwise exempt from the Secretary's jurisdiction under 49 U.S.C. 13506(b)(1).

(f) *Fit, willing and able*. Safety fitness and proof of minimum financial responsibility as defined in 49 U.S.C. 13902(a).

(g) *Motor vehicle taxes*. Taxes imposed under 26 U.S.C. 4481.

(h) *Most recent taxable period*. Same as defined in 26 U.S.C. 4482(c).

[50 FR 20773, May 20, 1985, as amended at 54 FR 42959, Oct. 19, 1989; 62 FR 15421, Apr. 1, 1997]

**§ 368.3 Procedures used generally.**

(a) All applicants must file a completed Form OP-2. All required information must be submitted in English on the Form OP-2. The application will be decided based on the submitted