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[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