

- 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 FHWA Registered Authority:
 Permanent Certificate or Permit Temporary Authority (TA) Emergency Temporary Authority (ETA)

- FHWA Certificate(s) or Permit(s):
- FHWA Authority Order(s) attached for initial registration.
 - FHWA 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 FHWA 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 FHWA under 49 CFR part 387, subpart C, and the security remains in effect.

FHWA Approved Self-Insurance or Other Securities:

- FHWA Insurance order attached for new carrier registration. (Check one when completing for annual registration.)
- The FHWA 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 FHWA Order.
- The motor carrier is no longer approved under a self-insurance plan or other secu-

rity, 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:

- FHWA Form No. BOC-3 or blanket designation attached for new registration.
- FHWA 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)

- Sec.
- 368.1 Controlling legislation.
- 368.2 Definitions.
- 368.3 Procedures used generally.
- 368.4 Information on Form OP-2.
- 368.5 Where to send the application.
- 368.6 Review of the application.
- 368.7 Appeals.

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 car-

rier 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 Form OP-2 and any attachments. Notice of the authority sought will not be published in either the FEDERAL REGISTER or the Federal Highway Administration's Office of Motor Carriers Register. Protests or comments will not be allowed. There will be no oral hearings.

(b) Under the statute, the carriers covered must have a copy of a valid certificate of registration in any vehicle providing transportation within the scope of the statute.

(c) Form OP-2 may be obtained at any of the FHWA Regional Offices or by contacting the FHWA's Office of Motor Carriers Section of Licensing.

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

§ 368.4 Information on Form OP-2.

(a) Applicants must furnish all information required on Form OP-2 by completing all spaces on the form and providing any necessary attachments. Failure to do so will result in rejection of the application.

(b) Notarization of the application is not required; however, applicants are

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subject to applicable Federal penalties for filing false information.

[50 FR 20773, May 20, 1985]

§ 368.5 Where to send the application.

The original and one copy of the application shall be filed with the FHWA's Regional Office that has jurisdiction over applicant's point of domicile (the instructions to the application provide more specific information), or at such other location as the Secretary may designate in special circumstances. A check or money order for the amount of the filing fee set forth at 49 CFR 1002.2(f)(1), payable to the Federal Highway Administration's Office of Motor Carriers in United States dollars, must be submitted.

[62 FR 15421, Apr. 1, 1997]

§ 368.6 Review of the application.

(a) Federal Highway Administration staff will review the application for correctness, completeness, and adequacy of the evidence.

(1) Minor errors will be corrected without notification to the applicant.

(2) Materially incomplete applications will be rejected.

(b) Compliance will be determined solely on the basis of the application and the safety fitness of the applicant. An employee review board will decide whether the authority sought falls under the Act, and whether and to what extent the evidence warrants a grant of the authority.

(1) If the authority sought does not require a certificate of registration, or if the evidence does not warrant a grant of the authority sought, the employee review board will deny the application in whole or in part. In the case of a full or partial denial of an application, the Federal Highway Administration will inform the applicant by letter setting forth the reasons for the denial.

(2) If the employee board grants all or part of the application, the Federal Highway Administration will issue a certificate of registration authorizing specified operations provided that applicant has demonstrated compliance with 49 CFR 366 (designation of process agent). If applicant has not complied with this requirement, the Federal

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Highway Administration will issue a notice stating that a certificate of registration will be issued upon such compliance. No certificate of registration shall be issued prior to compliance.

[50 FR 20773, May 20, 1985, as amended at 50 FR 40030, Oct. 1, 1985; 54 FR 52035, Dec. 20, 1989; 55 FR 47338, Nov. 13, 1990; 62 FR 15421, Apr. 1, 1997]

§ 368.7 Appeals.

A decision disposing of an application subject to this part is a final action of the Federal Highway Administration. Review of such an action on appeal is governed by the FHWA's appeal regulations in 49 CFR part 386.

[62 FR 15421, Apr. 1, 1997]

PART 370—PRINCIPLES AND PRACTICES FOR THE INVESTIGATION AND VOLUNTARY DISPOSITION OF LOSS AND DAMAGE CLAIMS AND PROCESSING SALVAGE

Sec.

- 370.1 Applicability of regulations.
- 370.3 Filing of claims.
- 370.5 Acknowledgment of claims.
- 370.7 Investigation of claims.
- 370.9 Disposition of claims.
- 370.11 Processing of salvage.

AUTHORITY: 49 U.S.C. 13301 and 14706; 49 CFR 1.48.

SOURCE: 62 FR 32042, June 12, 1997, unless otherwise noted.

§ 370.1 Applicability of regulations.

The regulations set forth in this part shall govern the processing of claims for loss, damage, injury, or delay to property transported or accepted for transportation, in interstate or foreign commerce, by each motor carrier, water carrier, and freight forwarder (hereinafter called carrier), subject to 49 U.S.C. subtitle IV, part B.

§ 370.3 Filing of claims.

(a) *Compliance with regulations.* A claim for loss or damage to baggage or for loss, damage, injury, or delay to cargo, shall not be voluntarily paid by a carrier unless filed, as provided in paragraph (b) of this section, with the receiving or delivering carrier, or carrier issuing the bill of lading, receipt, ticket, or baggage check, or carrier on