Federal Motor Carrier Safety Administration, DOT

**§ 365.507** FMCSA action on the application.

* * * * *

(e) * * *

(2) Electronically file, or have its process agent(s) electronically file, Form BOC–3—Designation of Agents—Motor Carriers, Brokers and Freight Forwarders, as required by part 366 of this subchapter; and

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**§ 365.509** Requirement to notify FMCSA of change in applicant information.

(a) A motor carrier subject to this subpart must notify the FMCSA of any changes or corrections to the information in parts I, IA or II submitted on the Form OP–1(MX) or the Form BOC–3—Designation of Agents—Motor Carriers, Brokers and Freight Forwarders during the application process or after having been granted provisional operating authority. The carrier must notify the FMCSA in writing within 45 days of the change or correction.

(b) If a carrier fails to comply with paragraph (a) of this section, the FMCSA may suspend or revoke its operating authority until it meets those requirements.

**EFFECTIVE DATE NOTE:** At 78 FR 52648, Aug. 23, 2013, § 365.509 was amended by revising paragraph (a), effective Oct. 23, 2015. For the convenience of the user, the revised text is set forth as follows:

(a) Section 350 of the Fiscal Year 2002 DOT Appropriations Act (Pub. L. 107–87) directed the FMCSA to perform a safety audit of each Mexico-domiciled motor carrier before the FMCSA grants the carrier provisional operating authority to operate beyond United States municipalities and commercial zones on the United States-Mexico international border.

(b) The FMCSA will decide whether it will conduct the safety audit at the Mexico-domiciled motor carrier’s principal place of business in Mexico or at a location specified by the FMCSA in the United States, in accordance with the statutory requirements that 50 percent of all safety audits must be conducted onsite and on-site inspections cover at least 50 percent of estimated truck traffic in any year. All records and documents must be made available for examination within 48 hours after a request is made. Saturdays, Sundays, and Federal holidays are excluded from the computation of the 48-hour period.

(c) The safety audit will include:

(1) Verification of available performance data and safety management programs;

(2) Verification of a controlled substances and alcohol testing program consistent with part 40 of this title;

(3) Verification of the carrier’s system of compliance with hours-of-service rules in part 395 of this subchapter, including record-keeping and retention;

(4) Verification of proof of financial responsibility;

(5) Review of available data concerning the carrier’s safety history, and other information necessary to determine the carrier’s preparedness to comply with the Federal Motor Carrier Safety Regulations, parts 382.

**APPENDIX A TO SUBPART E OF PART 365—EXPLANATION OF PRE-AUTHORIZATION SAFETY AUDIT EVALUATION CRITERIA FOR MEXICO-DOMICILED MOTOR CARRIERS**

I. GENERAL

(a) The FMCSA grants permanent operating authority to motor carriers of property subject to the jurisdiction of the FMCSA, including Mexican carriers of property reflecting operations on the international border. The FMCSA may grant permanent operating authority to motor carriers if they meet the requirements in this appendix. A carrier must submit an application and pay the required fee before the FMCSA grants permanent operating authority.

(b) The FMCSA will conduct a pre-authorization safety audit of each Mexico-domiciled motor carrier before granting the carrier provisional operating authority to operate beyond United States municipalities and commercial zones on the United States-Mexico international border. The pre-authorization safety audit will include:

(1) Verification of the carrier’s compliance with the Federal Motor Carrier Safety Regulations, parts 382.