

Federal Motor Carrier Safety Administration, DOT

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that payment of the fee would impose an undue hardship upon the requester. grant or deny the request for waiver or reduction.

- (iii) *FMCSA action.* FMCSA will notify the applicant of the decision to
- (f) *Schedule of filing fees:*

Type of proceeding		Fee
Part I: Registration		
(1)	An application for USDOT Registration pursuant to 49 CFR part 390, subpart E.	\$300.
(2)	An application for motor carrier temporary authority to provide emergency relief in response to a national emergency or natural disaster following an emergency declaration under §390.23 of this subchapter.	\$100.
(3)	Biennial update of registration	\$0.
(4)	Request for change of name, address, or form of business	\$0.
(5)	Request for cancellation of registration	\$0.
(6)	Request for registration reinstatement	\$10.
(7)	Designation of process agent	\$0.
(8)	Notification of Transfer of Operating Authority	\$0.
Part II: Insurance		
(9)	A service fee for insurer, surety, or self-insurer accepted certificate of insurance, surety bond, and other instrument submitted in lieu of a broker surety bond.	\$10 per accepted certificate, surety bond or other instrument submitted in lieu of a broker surety bond.
(10)	(i) An application for original qualification as self-insurer for bodily injury and property damage insurance (BI&PD).	\$4,200.
	(ii) An application for original qualification as self-insurer for cargo insurance.	\$420.

[80 FR 63702, Oct. 21, 2015, as amended at 87 FR 59035, Sept. 29, 2022]

EFFECTIVE DATE NOTE: At 82 FR 5297, Jan. 17, 2017, §360.3 was suspended, effective Jan. 14, 2017. At 87 FR 59035, Sept. 29, 2022, the suspension was lifted, §360.3 was amended, and the section was again suspended indefinitely.

§ 360.3T Filing fees.

(a) *Manner of payment.* (1) Except for the insurance fees described in the next sentence, all filing fees will be payable at the time and place the application, petition, or other document is tendered for filing. The service fee for insurance, surety or self-insurer accepted certificate of insurance, surety bond or other instrument submitted in lieu of a broker surety bond must be charged to an insurance service account established by the Federal Motor Carrier Safety Administration in accordance with paragraph (a)(2) of this section.

(2) *Billing account procedure.* A written request must be submitted to the Office of Registration and Safety Information (MC-RS) to establish an insurance service fee account.

(i) Each account will have a specific billing date within each month and a billing cycle. The billing date is the date that the bill is prepared and printed. The billing cycle is the period be-

tween the billing date in one month and the billing date in the next month. A bill for each account which has activity or an unpaid balance during the billing cycle will be sent on the billing date each month. Payment will be due 20 days from the billing date. Payments received before the next billing date are applied to the account. Interest will accrue in accordance with 4 CFR 102.13.

(ii) The Debt Collection Act of 1982, including disclosure to the consumer reporting agencies and the use of collection agencies, as set forth in 4 CFR 102.5 and 102.6 will be utilized to encourage payment where appropriate.

(iii) An account holder who files a petition in bankruptcy or who is the subject of a bankruptcy proceeding must provide the following information to the Office of Registration and Safety Information (MC-RS):

- (A) The filing date of the bankruptcy petition;
- (B) The court in which the bankruptcy petition was filed;
- (C) The type of bankruptcy proceeding;
- (D) The name, address, and telephone number of its representative in the bankruptcy proceeding; and

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(E) The name, address, and telephone number of the bankruptcy trustee, if one has been appointed.

(3) Fees will be payable to the Federal Motor Carrier Safety Administration by a check payable in United States currency drawn upon funds deposited in a United States or foreign bank or other financial institution, money order payable in United States' currency, or credit card (VISA or MASTERCARD).

(b) Any filing that is not accompanied by the appropriate filing fee is deficient except for filings that satisfy the deferred payment procedures in paragraph (a) of this section.

(c) *Fees not refundable.* Fees will be assessed for every filing in the type of proceeding listed in the schedule of fees contained in paragraph (f) of this section, subject to the exceptions contained in paragraphs (d) and (e) of this section. After the application, petition, or other document has been accepted for filing by the Federal Motor Carrier Safety Administration, the filing fee will not be refunded, regardless of whether the application, petition, or other document is granted or approved, denied, rejected before docketing, dismissed, or withdrawn.

(d) *Related or consolidated proceedings.* (1) Separate fees need not be paid for related applications filed by the same applicant which would be the subject of one proceeding. (This does not mean requests for multiple types of operating authority filed on forms in the OP-1 series under the regulations at 49 CFR part 365. A separate filing fee is required for each type of authority sought in each transportation mode, e.g., common, contract, and broker authority for motor property carriers.)

(2) Separate fees will be assessed for the filing of temporary operating authority applications as provided in paragraph (f)(6) of this section, regardless of whether such applications are related to an application for cor-

responding permanent operating authority.

(3) The Federal Motor Carrier Safety Administration may reject concurrently filed applications, petitions, or other documents asserted to be related and refund the filing fee if, in its judgment, they embrace two or more severable matters which should be the subject of separate proceedings.

(e) *Waiver or reduction of filing fees.* It is the general policy of the Federal Motor Carrier Safety Administration not to waive or reduce filing fees except as described as follows:

(1) Filing fees are waived for an application or other proceeding which is filed by a Federal government agency, or a State or local government entity. For purposes of this section the phrases "Federal government agency" or "government entity" do not include a quasi-governmental corporation or government subsidized transportation company.

(2) In extraordinary situations the Federal Motor Carrier Safety Administration will accept requests for waivers or fee reductions in accordance with the following procedure:

(i) *When to request.* At the time that a filing is submitted to the Federal Motor Carrier Safety Administration the applicant may request a waiver or reduction of the fee prescribed in this part. Such request should be addressed to the Director, Office of Registration and Safety Information (MC-RS).

(ii) *Basis.* The applicant must show the waiver or reduction of the fee is in the best interest of the public, or that payment of the fee would impose an undue hardship upon the requestor.

(iii) *Federal Motor Carrier Safety Administration action.* The Federal Motor Carrier Safety Administration will notify the applicant of the decision to grant or deny the request for waiver or reduction.

(f) *Schedule of filing fees.*

Type of proceeding		Fee
Part I: Licensing:		
(1)	An application for motor carrier operating authority, a certificate of registration for certain foreign carriers, property broker authority, or freight forwarder authority.	\$300.
(2)	A petition to interpret or clarify an operating authority	3,000.

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Type of proceeding		Fee
(3)	A request seeking the modification of operating authority only to the extent of making a ministerial correction, when the original error was caused by applicant, a change in the name of the shipper or owner of a plant site, or the change of a highway name or number.	50.
(4)	A petition to renew authority to transport explosives	250.
(5)	An application for authority to deviate from authorized regular-route authority.	150.
(6)	An application for motor carrier temporary authority issued in an emergency situation.	100.
(7)	Request for name change of a motor carrier, property broker, or freight forwarder.	14.
(8)	An application involving the merger, transfer, or lease of the operating rights of motor passenger and property carriers, property brokers, and household goods freight forwarders under 49 U.S.C. 10321 and 10926.	300.
(9)-(49)	[Reserved].	
Part II: Insurance:		
(50)	(i) An application for original qualification as self-insurer for bodily injury and property damage insurance (BI&PD).	4,200.
	(ii) An application for original qualification as self-insurer for cargo insurance.	420.
(51)	A service fee for insurer, surety, or self-insurer accepted certificate of insurance, surety bond, and other instrument submitted in lieu of a broker surety bond.	\$10 per accepted certificate, surety bond or other instrument submitted in lieu of a broker surety bond.
(52)	A petition for reinstatement of revoked operating authority	80.
(53)-(79)	[Reserved].	
Part III: Services:		
(80)	Request for service or pleading list for proceedings	13 per list.
(81)	Faxed copies of operating authority to applicants or their representatives who did not receive a served copy.	5.

(g) *Returned check policy.* (1) If a check submitted to the FMCSA for a filing or service fee is dishonored by a bank or financial institution on which it is drawn, the FMCSA will notify the person who submitted the check that:

- (i) All work will be suspended on the filing or proceeding, until the check is made good;
- (ii) A returned check charge of \$6.00 and any bank charges incurred by the FMCSA as a result of the dishonored check must be submitted with the filing fee which is outstanding; and
- (iii) If payment is not made within the time specified by the FMCSA, the proceeding will be dismissed or the filing may be rejected.

(2) If a person repeatedly submits dishonored checks to the FMCSA for filing fees, the FMCSA may notify the person that all future filing fees must be submitted in the form of a certified or cashier's check, money order, or credit card.

[82 FR 5297, Jan. 17, 2017, as amended at 83 FR 22873, May 17, 2018; 87 FR 59035, Sept. 29, 2022]

§ 360.4 [Reserved]

EFFECTIVE DATE NOTE: At 82 FR 5297, Jan. 17, 2017, § 360.4 was suspended, effective Jan. 14, 2017.

§ 360.5 Updating user fees.

(a) *Update.* Each fee established in this subpart may be updated, as deemed necessary by FMCSA.

(b) *Publication and effective dates.* Notice of updated fees shall be published in the FEDERAL REGISTER and shall become effective 30 days after publication.

(c) *Payment of fees.* Any person submitting a filing for which a filing fee is established must pay the fee applicable on the date of the filing or request for services.

(d) *Method of updating fees.* Each fee shall be updated by updating the cost components comprising the fee. However, fees shall not exceed the maximum amounts established by law. Cost components shall be updated as follows:

- (1) Direct labor costs shall be updated by multiplying base level direct labor costs by percentage changes in average