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denied. For example, FMCSA evaluates a carrier finding:

(1) One instance of noncompliance with a critical regulation in part 387 scoring one point for Factor 1;

(2) Two instances of noncompliance with acute regulations in part 382 scoring three points for Factor 2;

(3) Three instances of noncompliance with critical regulations in part 396 scoring three points for Factor 4; and

(4) Three instances of noncompliance with acute regulations in parts 171 and 397 scoring four and one-half (4.5) points for Factor 5.

Under this example, the carrier will not receive provisional operating authority because it scored three or more points for Factors 2, 4, and 5 and FMCSA determined the carrier had inadequate basic safety management controls in at least three separate factors.

[67 FR 12714, Mar. 19, 2002, as amended at 78 FR 58478, Sept. 24, 2013]

APPENDIX A TO PART 365—APPLICABILITY OF THE REGISTRATION, FINANCIAL RESPONSIBILITY, AND SAFETY REGULATIONS TO MOTOR CARRIERS OF PASSENGERS

For additional guidance on the application of financial responsibility regulations to motor carriers of passengers, refer to appendix A to part 390 of this subchapter.

[87 FR 68371, Nov. 15, 2022]

PART 366—DESIGNATION OF PROCESS AGENT

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AUTHORITY: 49 U.S.C. 502, 503, 13303, 13304 and 13908; and 49 CFR 1.87.

SOURCE: 55 FR 11197, Mar. 27, 1990, unless otherwise noted. Redesignated at 61 FR 54707, Oct. 21, 1996.

§ 366.1 Applicability.

The rules in this part, relating to the filing of designations of persons upon

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whom court or Agency process may be served, apply to for-hire and private motor carriers, brokers, freight forwarders and, as of the moment of succession, their fiduciaries (as defined at 49 CFR 387.319(a)).

[80 FR 63705, Oct. 21, 2015]

EFFECTIVE DATE NOTE: At 82 FR 5303, Jan. 17, 2017, § 366.1 was suspended, effective Jan. 14, 2017.

§ 366.1T Applicability.

These rules, relating to the filing of designations of persons upon whom court process may be served, govern motor carriers and brokers and, as of the moment of succession, their fiduciaries (as defined at 49 CFR 387.319(a)).

[82 FR 5303, Jan. 17, 2017]

§ 366.2 Form of designation.

(a) Designations shall be made on Form BOC-3—Designation of Agents—Motor Carriers, Brokers and Freight Forwarders. Only one completed current form may be on file. It must include all States for which agent designations are required. One copy must be retained by the carrier, broker or freight forwarder at its principal place of business.

(b) All Motor Carriers, Brokers, and Freight Forwarders that are registered with FMCSA on September 30, 2016 must file their Form BOC-3 designation by no later than April 14, 2017. All other Motor Carriers, Brokers, and Freight Forwarders must file the FORM BOC-3 designation at the time of their application for registration. Failure to file a designation in accordance with this paragraph will result in deactivation of the carrier's USDOT Number.

[80 FR 63705, Oct. 21, 2015; 81 FR 49554, July 28, 2016]

EFFECTIVE DATE NOTE: At 82 FR 5303, Jan. 17, 2017, § 366.2 was suspended, effective Jan. 14, 2017.

§ 366.2T Form of designation.

Designations shall be made on Form BOC-3, *Designation of Agent for Service of Process*. Only one completed current form may be on file. It must include all States for which agent designations are required. One copy must be retained by