

**PART 368—APPLICATION FOR A  
CERTIFICATE OF REGISTRATION  
TO OPERATE IN MUNICIPALITIES  
IN THE UNITED STATES ON THE  
UNITED STATES-MEXICO INTER-  
NATIONAL BORDER OR WITHIN  
THE COMMERCIAL ZONES OF  
SUCH MUNICIPALITIES.**

Sec.

368.1 Certificate of registration.

368.2 Definitions.

368.3 Applying for a certificate of registration.

368.3-1T Starting the application process: URS online application.

368.3T Applying for a certificate of registration.

368.4 Requirement to notify FMCSA of change in applicant information.

368.4T Requirement to notify FMCSA of change in applicant information.

368.5 Re-registration of certain carriers holding certificates of registration.

368.6 FMCSA action on an application.

368.7 Requirement to carry certificate of registration in the vehicle.

368.8 Appeals.

368.8T Appeals.

AUTHORITY: 49 U.S.C. 13301, 13902, 13908; Pub. L. 106–159, 113 Stat. 1748; and 49 CFR 1.87.

SOURCE: 67 FR 12660, Mar. 19, 2002, unless otherwise noted.

**§ 368.1 Certificate of registration.**

(a) A Mexico-domiciled motor carrier must apply to the FMCSA and receive a Certificate of Registration to provide interstate transportation in municipalities in the United States on the United States-Mexico international border or within the commercial zones of such municipalities as defined in 49 U.S.C. 13902(c)(4)(A).

(b) A certificate of registration permits only interstate transportation of property in municipalities in the United States on the United States-Mexico international border or within the commercial zones of such municipalities. A holder of a Certificate of Registration who operates a vehicle beyond this area is subject to applicable penalties and out-of-service orders.

**§ 368.2 Definitions.**

*Interstate transportation* means 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).

*Mexico-domiciled motor carrier* means a motor carrier of property whose principal place of business is located in Mexico.

**§ 368.3 Applying for a certificate of registration.**

(a) If you wish to obtain a certificate of registration under this part, you must electronically file an application that includes the following:

(1) Form MCSA-1—URS online application.

(2) Form BOC-3—Designation of Agents—Motor Carriers, Brokers and Freight Forwarders or indicate on the application that the applicant will use a process agent service that will submit the Form BOC-3 electronically.

(b) The FMCSA will only process your application for a Certificate of Registration if it meets the following conditions:

(1) The application must be completed in English;

(2) The information supplied must be accurate and complete in accordance with the instructions to Form MCSA-1, the URS online application, and Form BOC-3.

(3) The application must include all the required supporting documents and applicable certifications set forth in the instructions to Form MCSA-1, the URS online application, and Form BOC-3.

(c) If you fail to furnish the complete application as described under paragraph (b) of this section your application may be rejected.

(d) If you submit false information under this section, you will be subject to applicable Federal penalties.

(e) [Reserved]

(f) Form MCSA-1 is the URS online application and is available, including complete instructions, from the FMCSA Web site at <http://www.fmcsa.dot.gov/urs>.

[67 FR 12660, Mar. 19, 2002, as amended by 78 FR 52648, Aug. 23, 2013; 80 FR 63706, Oct. 21, 2015]

EFFECTIVE DATE NOTE: At 82 FR 5297, Jan. 17, 2017, § 368.3 was suspended, effective Jan. 14, 2017.

**§ 368.3-1T Starting the application process: URS online application.**

(a) Notwithstanding any other provision of this part, new applicants as defined in paragraph (b) of this section must apply for a USDOT number and operating authority by electronically filing Form MCSA-1, the URS online application (available at <http://www.fmcsa.dot.gov/urs>) to request authority pursuant to 49 U.S.C. 13902 to provide interstate transportation in municipalities in the United States on the United States-Mexico international border or within the commercial zones of such municipalities as defined in 49 U.S.C. 13902(c)(4)(A).

(b) For purposes of this section, a “new applicant” is an citizen of Mexico or a motor carrier owned or controlled by a citizen of Mexico, applying for a USDOT number and operating authority who does not at the time of application have an active registration or USDOT, Motor Carrier (MC), Mexico owned or controlled (MX) or Freight Forwarder (FF) number, and who has never had an active registration or USDOT, MC, MX, or FF number.

(c) Form MCSA-1, is the URS online application, and both the application and its instructions are available from the FMCSA Web site at <http://www.fmcsa.dot.gov/urs>.

[82 FR 5303, Jan. 17, 2017]

**§ 368.3T Applying for a certificate of registration.**

(a) If you wish to obtain a certificate of registration under this part, you must submit an application that includes the following:

(1) Form OP-2—Application for Mexican Certificate of Registration for Foreign Motor Carriers and Foreign Motor Private Carriers Under 49 U.S.C. 13902;

(2) Form MCS-150—Motor Carrier Identification Report; and

(3) A notification of the means used to designate process agents, either by submission in the application package of Form BOC-3—Designation of Agents—Motor Carriers, Brokers and Freight Forwarders or a letter stating that the applicant will use a process agent service that will submit the Form BOC-3 electronically.

(b) The FMCSA will only process your application for a Certificate of Registration if it meets the following conditions:

(1) The application must be completed in English;

(2) The information supplied must be accurate and complete in accordance with the instructions to the Form OP-2, Form MCS-150 and Form BOC-3;

(3) The application must include all the required supporting documents and applicable certifications set forth in the instructions to the Form OP-2, Form MCS-150 and Form BOC-3;

(4) The application must include the filing fee payable to the FMCSA in the amount set forth in 49 CFR 360.3T(f)(1); and

(5) The application must be signed by the applicant.

(c) If you fail to furnish the complete application as described under paragraph (b) of this section your application may be rejected.

(d) If you submit false information under this section, you will be subject to applicable Federal penalties.

(e) You must submit the application to the address provided in the instructions to the Form OP-2.

(f) You may obtain the application described in paragraph (a) of this section from any FMCSA Division Office or download it from the FMCSA Web site at: <http://www.fmcsa.dot.gov/factsfigs/formspubs.htm>.

[82 FR 5303, Jan. 17, 2017]

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

(a) You must notify FMCSA of any changes or corrections to the information in Section A of Form MCSA-1—FMCSA Registration/Update (USDOT Number—Operating Authority Application), or the Form BOC-3, Designation of Agents—Motor Carriers, Brokers and Freight Forwarders, during the application process or while you have a Certificate of Registration. You must notify FMCSA in writing within 30 days of the change or correction.

(b) If you fail to comply with paragraph (a) of this section, the FMCSA may suspend or revoke the Certificate

#### **§ 368.4T**

of Registration until you meet those requirements.

[67 FR 12660, Mar. 19, 2002, as amended by 80 FR 63707, Oct. 21, 2015]

EFFECTIVE DATE NOTE: At 82 FR 5303, Jan. 17, 2017, § 368.4 was suspended, effective Jan. 14, 2017.

#### **§ 368.4T Requirement to notify FMCSA of change in applicant information.**

(a) You must notify the FMCSA of any changes or corrections to the information in Parts I, IA or II submitted on the Form OP-2 or the Form BOC-3—Designation of Agents—Motor Carriers, Brokers and Freight Forwarders during the application process or while you have a Certificate of Registration. You must notify the FMCSA in writing within 45 days of the change or correction.

(b) If you fail to comply with paragraph (a) of this section, the FMCSA may suspend or revoke the Certificate of Registration until you meet those requirements.

[82 FR 5303, Jan. 17, 2017]

#### **§ 368.5 Re-registration of certain carriers holding certificates of registration.**

(a) Each holder of a certificate of registration that permits operations only in municipalities in the United States along the United States-Mexico international border or in commercial zones of such municipalities issued before April 18, 2002, who wishes to continue solely in those operations must submit an application according to procedures established under § 368.3 of this part, except the filing fee in paragraph (b)(4) of that section is waived. You must file your application by October 20, 2003.

(b) The FMCSA may suspend or revoke the certificate of registration of any registrant that fails to comply with the procedures set forth in this section.

(c) Certificates of registration issued before April 18, 2002, remain valid until the FMCSA acts on the OP-2 application filed according to paragraph (a) of this section.

#### **49 CFR Ch. III (10–1–23 Edition)**

#### **§ 368.6 FMCSA action on the application.**

(a) The Federal Motor Carrier Safety Administration will review the application for correctness, completeness, and adequacy of information. Non-material errors will be corrected without notice to the applicant. Incomplete applications may be rejected.

(b) If the applicant does not require or is not eligible for a Certificate of Registration, the FMCSA will deny the application and notify the applicant.

(c) The FMCSA will validate the accuracy of information and certifications provided in the application against data maintained in databases of the governments of Mexico and the United States.

(d) If the FMCSA determines that the application and certifications demonstrate that the application is consistent with the FMCSA's safety fitness policy, it will issue a provisional Certificate of Registration, including a distinctive USDOT Number that identifies the motor carrier as permitted to provide interstate transportation of property solely in municipalities in the United States on the U.S.-Mexico international border or within the commercial zones of such municipalities.

(e) The FMCSA may issue a permanent Certificate of Registration to the holder of a provisional Certificate of Registration no earlier than 18 months after the date of issuance of the Certificate and only after completion to the satisfaction of the FMCSA of the safety monitoring system for Mexico-domiciled carriers set out in subpart B of part 385 of this subchapter.

(f) Notice of the authority sought will not be published in either the FEDERAL REGISTER or the FMCSA Register. Protests or comments will not be allowed. There will be no oral hearings.

#### **§ 368.7 Requirement to carry certificate of registration in the vehicle.**

A holder of a Certificate of Registration must maintain a copy of the Certificate of Registration in any vehicle providing transportation service within the scope of the Certificate, and make it available upon request to any State or Federal authorized inspector or enforcement officer.

**§ 368.8 Appeals.**

An applicant has the right to appeal denial of the application. The appeal must be in writing and specify in detail why the Agency's decision to deny the application was wrong. The appeal must be filed with FMCSA, ATTN: § 368.8 Appeal, 1200 New Jersey Avenue SE, Washington, DC 20590, within 20 days of the date of the letter denying the application.

[80 FR 63707, Oct. 21, 2015, as amended at 86 FR 57068, Oct. 14, 2021]

EFFECTIVE DATE NOTE: At 82 FR 5304, Jan. 17, 2017, § 368.8 was suspended, effective Jan. 14, 2017. At 86 FR 57068, Oct. 14, 2021, the suspension was lifted and amendments were made to § 368.8. In that same document, § 368.8 was again suspended indefinitely.

**§ 368.8T Appeals.**

An applicant has the right to appeal denial of the application. The appeal must be in writing and specify in detail why the agency's decision to deny the application was wrong. The appeal must be filed with FMCSA, ATTN: § 368.8 Appeal, 1200 New Jersey Avenue SE, Washington, DC 20590, within 20 days of the date of the letter denying the application. The decision will be the final agency order.

[82 FR 5304, Jan. 17, 2017, as amended at 86 FR 57068, Oct. 14, 2021]

## PART 369—REPORTS OF MOTOR CARRIERS

Sec.

- 369.1 Annual reports of for-hire, non-exempt motor carriers of property, motor carriers of household goods, and dual property carriers.
- 369.2 Classification of carriers—for-hire, non-exempt motor carriers of property, household goods carriers, and dual property carriers.
- 369.3 Classification of carriers—for-hire, non-exempt motor carriers of passengers.
- 369.4 Annual and quarterly reports of Class I carriers of passengers.
- 369.5 Records.
- 369.6 Address.
- 369.8 Requests for exemptions from filing.
- 369.9 Requests for exemptions from public release.
- 369.10 Public release of motor carrier of property data.

AUTHORITY: 49 U.S.C. 14123; 49 CFR 1.87.

### **§ 369.1 Annual reports of for-hire, non-exempt motor carriers of property, motor carriers of household goods, and dual property carriers.**

(a) *Annual Report Form M.* All class I and class II for-hire, non-exempt motor carriers of property, including household goods and dual property motor carriers, must file Motor Carrier Annual Report Form M (Form M). Carriers must file the annual report on or before March 31 of the year following the year to which it relates. For classification criteria, see § 369.2.

(b) *Where to file report.* Carriers must file the annual report with the Federal Motor Carrier Safety Administration at the address in § 369.6. You can obtain blank copies of the report form from the Federal Motor Carrier Safety Administration Web site [http://www.fmcsa.dot.gov/forms/reporting/mcs\\_info.htm#fos](http://www.fmcsa.dot.gov/forms/reporting/mcs_info.htm#fos).

[64 FR 13921, Mar. 23, 1999. Redesignated at 71 FR 45742, Aug. 10, 2006, and amended at 71 FR 45743, Aug. 10, 2006; 78 FR 76245, Dec. 17, 2013; 81 FR 68344, Oct. 4, 2016]

### **§ 369.2 Classification of carriers—for-hire, non-exempt motor carriers of property, household goods carriers, and dual property carriers.**

(a) For-hire, non-exempt motor carriers of property are grouped into the following three classes:

*Class I.* Carriers having annual carrier operating revenues (including interstate and intrastate) of \$10 million or more after applying the revenue deflator formula in Note A.

*Class II.* Carriers having annual carrier operating revenues (including interstate and intrastate) of at least \$3 million but less than \$10 million after applying the revenue deflator formula in Note A.

*Class III.* Carriers having annual carrier operating revenues (including interstate and intrastate) of less than \$3 million after applying the revenue deflator formula in Note A.

(b)(1) The class to which any carrier belongs shall be determined by annual carrier operating revenues (excluding revenues from private carriage, compensated intercorporate hauling, and leasing vehicles with drivers to private carriers) after applying the revenue deflator formula in Note A. Upward