

(e) Applications for certificates under 49 U.S.C. 13902(b)(3) to operate as a motor carrier of passengers in intrastate commerce over regular routes if such intrastate transportation is to be provided on a route over which the carrier provides interstate transportation of passengers.

(f) [Reserved]

(g) Applications for temporary motor carrier authority.

(h) Applications for Mexico-domiciled motor carriers to operate in foreign commerce as common, contract or private motor carriers of property (including exempt items) between Mexico and all points in the United States. Under NAFTA Annex I, page I-U-20, a Mexico-domiciled motor carrier may not provide point-to-point transportation services, including express delivery services, within the United States for goods other than international cargo.

(i) Applications for non-North America-domiciled motor carriers to operate in foreign commerce as for-hire motor carriers of property and passengers within the United States.

(j) The rules in this part do not apply to “pipeline welding trucks” as defined in 49 CFR 390.38(b).

[59 FR 63728, Dec. 9, 1994, as amended at 60 FR 63981, Dec. 13, 1995; 62 FR 49940, Sept. 24, 1997; 67 FR 12714, Mar. 19, 2002; 67 FR 61820, Oct. 2, 2002; 73 FR 76488, Dec. 16, 2008; 74 FR 2901, Jan. 16, 2009; 81 FR 47720, July 22, 2016]

EFFECTIVE DATE NOTE: At 80 FR 63704, Oct. 21, 2015, §365.101 was amended by revising paragraphs (a) and (h), effective Sept. 30, 2016. At 81 FR 49553, July 28, 2016, the effective date was delayed to Jan. 14, 2017. For the convenience of the user, the revised text is set forth as follows:

**§365.101 Applications governed by these rules.**

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(a) Applications for certificates of motor carrier registration to operate as a motor carrier of property or passengers.

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(h) Applications for Mexico-domiciled motor carriers to operate in foreign commerce as for-hire or private motor carriers of property (including exempt items) between Mexico and all points in the United States. Under NAFTA Annex 1, page I-U-20, a Mexico-domiciled motor carrier may not provide

point-to-point transportation services, including express delivery services, within the United States for goods other than international cargo.

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**§ 365.103 Modified procedure.**

The FMCSA will handle licensing application proceedings using the modified procedure, if possible. The applicant and protestants send statements made under oath (verified statements) to each other and to the FMCSA. There are no personal appearances or formal hearings.

EFFECTIVE DATE NOTE: At 78 FR 52646, Aug. 23, 2013, §365.103 was removed, effective Oct. 23, 2015. At 80 FR 63702, Oct. 21, 2015, the effective date was delayed to Sept. 30, 2016. At 81 FR 49553, July 28, 2016, the effective date was further delayed to Jan. 14, 2017.

**§ 365.105 Starting the application process: Form OP-1.**

(a) Each applicant must file the appropriate form in the OP-1 series. Form OP-1 must be filed when requesting authority to operate as a motor property carrier, a broker of general freight, or a broker of household goods; Form OP-1(P) must be filed when requesting authority to operate as a motor passenger carrier; Form OP-1(FF) must be filed when requesting authority to operate as a freight forwarder; Form OP-1(MX) must be filed by a Mexico-domiciled motor property, including household goods, carrier, or a motor passenger carrier requesting authority to operate within the United States; and effective December 16, 2009, Form OP-1(NNA) must be filed by a non-North America-domiciled motor property, including household goods, carrier or a motor passenger carrier requesting authority to operate within the United States. A separate filing fee in the amount set forth at 49 CFR 360.3(f)(1) is required for each type of authority sought.

(b) Obtain forms at a FMCSA Division Office in each State or at one of the FMCSA Service Centers. Addresses and phone numbers for the Division Offices and Service Centers can be found at: <http://www.fmcsa.dot.gov/aboutus/fieldoffices>. The forms and information about filing procedures can be

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downloaded at: <http://www.fmcsa.dot.gov/factsfigs/formspubs>; and from the do-it-yourself website at: <http://www.diy.dot.gov>.

[66 FR 49870, Oct. 1, 2001, as amended at 67 FR 12714, Mar. 19, 2002; 67 FR 61820, Oct. 2, 2002; 73 FR 76488, Dec. 16, 2008]

EFFECTIVE DATE NOTE: At 80 FR 63704, Oct. 21, 2015, §365.105 was revised, effective Sept. 30, 2016. At 81 FR 49553, July 28, 2016, the effective date was delayed to Jan. 14, 2017. For the convenience of the user, the revised text is set forth as follows:

### § 365.105 Starting the application process: Form MCSA-1.

(a) Each applicant must apply for operating authority by electronically filing Form MCSA-1, the URS online application, to request authority pursuant to 49 U.S.C. 13902, 13903 or 13904 to operate as a:

- (1) Motor carrier of property or passengers,
- (2) Broker of general commodities or household goods, or
- (3) Freight forwarder of general commodities or household goods.

(b) A separate filing fee in the amount set forth at 49 CFR 360.3(f) is required for each type of authority sought in paragraph (a) of this section.

(c) 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>.

### § 365.T106 Starting the application process: URS online application.

(a) Notwithstanding §365.105, new applicants as defined in paragraph (b) of this section must apply for a USDOT number and if applicable, operating authority by electronically filing Form MCSA-1, the URS online application, to request authority pursuant to 49 U.S.C. 13902, 13903, or 13904 to operate as a:

- (1) Motor carrier of property (not household goods), property (household goods) or passengers,
- (2) Broker of general commodities or household goods, or
- (3) Freight forwarder of general commodities or household goods.

(b) For purposes of this section, a “new applicant” is an entity applying for a USDOT number and if applicable, 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 registra-

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tion 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>.

(d) This section is in effect from December 12, 2015 through January 13, 2017.

[80 FR 63704, Oct. 21, 2015, as amended at 81 FR 49553, July 28, 2016]

EFFECTIVE DATE NOTE: At 80 FR 63704, Oct. 21, 2015, §365.T106 was added, effective Dec. 12, 2015, through Sept. 29, 2016. At 81 FR 49553, July 28, 2016, the effective date was extended to Jan. 13, 2017.

### § 365.107 Types of applications.

(a) Fitness applications. Motor property applications and certain types of motor passenger applications require only the finding that the applicant is fit, willing and able to perform the involved operations and to comply with all applicable statutory and regulatory provisions. These applications can be opposed only on the grounds that applicant is not fit [*e.g.*, is not in compliance with applicable financial responsibility and safety fitness requirements]. These applications are:

(1) Motor common and contract carrier of property (except household goods), Mexican motor property carriers that perform private carriage and transport exempt items, and motor contract carrier of passengers transportation.

(2) Motor carrier brokerage of general commodities (except household goods).

(3) Certain types of motor passenger applications as described in Form OP-1 (P).

(b) Motor passenger “public interest” applications as described in Form OP-1 (P).

(c) Intrastate motor passenger applications under 49 U.S.C. 13902(b)(3) as described in Form OP-1, Schedule B.

(d) Motor common carrier of household goods applications, including Mexican carrier applicants. These applications require a finding that: