

## PART 367—STANDARDS FOR REGISTRATION WITH STATES

### Sec.

- 367.1 Definitions.
- 367.2 Participation by States.
- 367.3 Selection of registration State.
- 367.4 Requirements for registration.
- 367.5 Registration receipts.
- 367.6 Registration State accounting.
- 367.7 Violations unlawful; criminal penalties and civil sanctions.

### APPENDIX A TO PART 367—UNIFORM APPLICATION FOR SINGLE STATE REGISTRATION FOR MOTOR CARRIERS REGISTERED WITH THE SECRETARY OF TRANSPORTATION

AUTHORITY: 49 U.S.C. 13301 and 14504; and 49 CFR 1.73.

SOURCE: 58 FR 28933, May 18, 1993, unless otherwise noted. Redesignated at 61 FR 54707, Oct. 21, 1996.

EDITORIAL NOTE: Nomenclature changes to part 367 appear at 66 FR 49870, Oct. 1, 2001.

#### § 367.1 Definitions.

(a) *The Secretary.* The Secretary of Transportation.

(b) *Motor carrier and carrier.* A person authorized to engage in the transportation of passengers or property, as a common or contract carrier, in interstate or foreign commerce, under the provisions of 49 U.S.C. 13902.

(c) *Motor vehicle.* A self-propelled or motor driven vehicle operated by a motor carrier in interstate or foreign commerce under authority issued by the Secretary.

(d) *Principal place of business.* A single location that serves as a motor carrier's headquarters and where it maintains or can make available its operational records.

(e) *State.* A State of the United States or the District of Columbia.

[58 FR 28933, May 18, 1993. Redesignated at 61 FR 54707, Oct. 21, 1996, as amended at 62 FR 15420, Apr. 1, 1997]

#### § 367.2 Participation by States.

(a) A State is eligible to participate as a registration State and to receive fee revenue only if, as of January 1, 1991, it charged or collected a fee for a vehicle identification stamp or a number pursuant to the provisions of the predecessor to this part.

(b) An eligible State that intends either to commence or to cease partici-

pating in the registration program must publish notice of its intention by the 1st day of July of the year preceding the registration year in which it will commence or cease participating.

#### § 367.3 Selection of registration State.

(a) Each motor carrier required to register and pay filing fees must select a single participating State as its registration State. The carrier must select the State in which it maintains its principal place of business, if such State is a participating State. A carrier that maintains its principal place of business outside of a participating State must select the State in which it will operate the largest number of motor vehicles during the next registration year. In the event a carrier will operate the same largest number of vehicles in more than one State, it must select one of those States.

(b) A carrier may not change its registration State unless it changes its principal place of business or its registration State ceases participating in the program, in which case the carrier must select a registration State for the next registration year under the standards of paragraph (a) of this section.

(c) A carrier must give notice of its selection to the State commission of its selected registration State, and, the State commission of its prior registration State, within 30 days after it has made its selection. If a carrier changes its principal place of business during the annual registration period specified in § 367.4(b)(2), the carrier may continue to use its prior registration State, if any, for the next registration year.

(d) A carrier must give notice of its selection to its insurer or insurers as soon as practicable after it has made its selection.

[58 FR 28933, May 18, 1993. Redesignated at 61 FR 54707, Oct. 21, 1996, as amended at 62 FR 15420, Apr. 1, 1997]

#### § 367.4 Requirements for registration.

(a) Except as provided in paragraph (c)(1) of this section with regard to a carrier operating under temporary authority, only a motor carrier holding a certificate or permit issued by the Secretary under 49 U.S.C. 13902 shall be required to register under these standards.