

FINANCIAL RESPONSIBILITY REQUIREMENTS

Regulations covering the minimum levels of financial responsibility (insurance) are found in 49 CFR Part 387, Subpart B. For-hire motor carriers operating any vehicle with a seating capacity of 15 passengers or less in interstate commerce are required to have \$1,500,000 in public liability insurance. A for-hire motor carrier of passengers is a company engaged in the transportation of passengers for compensation. Minimum levels of financial responsibility are determined by highest seating capacity of any vehicle operated by an interstate for-hire motor carrier of passengers.

The financial responsibility requirements do **not** apply to:

- A motor vehicle providing taxicab service and having a seating capacity of less than 7 passengers and not operated on a regular route or between specified points; or
- A motor vehicle carrying less than 16 people in a single daily round trip commuting to and from work.



**Federal Motor Carrier
Safety Administration**

www.fmcsa.dot.gov

OPERATING AUTHORITY REQUIREMENTS

A for-hire passenger carrier is a company that provides transportation of passengers for compensation. You can be a for-hire passenger carrier regardless of whether:

1. you are compensated directly or indirectly for the transportation service provided;
2. the compensation is paid or not paid by the passengers; or
3. you have a non-profit status.

If you are operating a motor vehicle in interstate commerce as a for-hire motor carrier of passengers, you must obtain interstate operating authority unless you operate within a commercial zone or are otherwise exempted. Operating authority applicants are issued an MC number by FMCSA. For on-line application filing for operating authority, go to <http://safer.fmcsa.dot.gov>.

This brochure is intended to provide a general overview of the financial responsibility (insurance) requirements and the operating authority requirements. Please consult 49 CFR Parts 365, 372, and 387, and 49 USC Chapters 135 and 139 for specific information.

ADDITIONAL INFORMATION

Educational and technical assistance can be obtained from the FMCSA's Web site at www.fmcsa.dot.gov. Any person seeking additional assistance should contact the closest FMCSA field office.

This brochure is only intended to provide general regulatory information for passenger operations. It is not intended to be a substitute for the Federal Motor Carrier Safety Regulations.



Interstate 9 to 15 Passenger Vehicles: Overview of Federal Requirements



OVERVIEW OF SAFETY REGULATIONS

The Federal Motor Carrier Safety Administration (FMCSA) has safety regulatory oversight responsibility for commercial van operations and for-hire operators of small passenger-carrying vehicles that engage in interstate commerce. Motor carriers are subject to regulatory oversight when their vehicles are used on a highway in interstate commerce to transport passengers, if the vehicle is designed or used to transport 9 to 15 passengers (including the driver) for compensation. The specific safety regulations applicable to such operations depend on the form of the compensation received by the operator for the transportation services provided (i.e., in the form of either direct compensation or not for direct compensation). Direct compensation means payment made to the motor carrier by the passengers or the individual acting on behalf of the passengers for the transportation services provided, and not included in a total package charge or other assessment for highway transportation services.



DIRECT COMPENSATION

Motor carriers operating vehicles designed or used to transport 9 to 15 passengers (including the driver) for direct compensation, regardless of the distance traveled, are subject to the safety standards in Part 385 and Parts 390 through 396 of the Federal Motor Carrier Safety Regulations (FMCSRs). These carriers are required to file a motor carrier identification report (Section 390.19) and mark their vehicles with their motor carrier identification number (USDOT number) (Section 390.21 (b) (2)). For on-line motor carrier identification report filing and registration for a USDOT number, go to <http://safer.fmcsa.dot.gov>.

Among other requirements, these carriers are also subject to safety fitness procedures and new entrant safety assurance procedures (Part 385); accident register recordkeeping (Section 390.15); driver qualification and medical examination requirements (Part 391); required to maintain and update driver qualification files (Section 391.51); required to comply with maximum driving time standards (either Section 395.1(e)(1) or Section 395.5); required to maintain records of duty status (Section 395.8) or time records (for drivers covered by the short-haul exemption in Section 395.1(e)(1)); and recordkeeping for inspection, repair, and maintenance (Part 396). Motor carriers are subject to these same regulations when their vehicle has a gross vehicle weight or gross vehicle weight rating of 10,001 or more pounds and is used on a highway in interstate commerce to transport passengers, even if the vehicle is designed and used to transport 8 or less passengers.

NOT FOR DIRECT COMPENSATION

Motor carriers operating vehicles designed or used to transport 9 to 15 passengers (including the driver) **not** for direct compensation, regardless of the distance traveled, are required to file a motor carrier identification report, mark their vehicles with their motor carrier identification number (USDOT number), and maintain an accident register. For online motor carrier identification report filing and registration for a USDOT number, go to <http://safer.fmcsa.dot.gov>.

The following chart explains the applicability of parts of the FMCSRs to interstate 9 to 15 passenger-carrying vehicles based upon type of compensation:

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|-----|--------------------------------------|-----|-----|
| 382 | Drug and Alcohol Testing | No | No |
| 383 | Commercial Driver's License (CDL) | No | No |
| 385 | Safety Fitness Procedures | Yes | No |
| 387 | Financial Responsibility | Yes | Yes |
| 390 | General | Yes | Yes |
| 391 | Qualifications of Drivers | Yes | No |
| 392 | Driving of Commercial Motor Vehicles | Yes | No |
| 393 | Parts and Accessories | Yes | No |
| 395 | Hours of Service | Yes | No |
| 396 | Inspection, Repair, and Maintenance | Yes | No |

This brochure is intended to provide a general overview of the applicability of various parts of the FMCSRs. Please consult the parts of title 49 CFR listed above for more specific information.