PASSENGER CARRYING VEHICLES INTERSTATE

Subject to all, except 382/383, if no CDL is required

See 387.27(b)(3) may exempt from 387

Exempt

Exempt from FMCSR’s

Yes

8 or less including the driver for compensation

Yes

Taxi Cab?

Single daily round trip to commute to/from work?

387.27(b)(3)

Subject only to Part 387

No  o

Subject to: 390.15, 390.19, 390.21(a), 390.21(b) (2) (**USDOT# only**), 391.15(e) & (f), 392.80, & 392.82. For-hire for authority purposes (See 387.27(b) (3) may exempt from 387)

No

 *Note\* A luxury limousine is not a taxi (Dot Interp. 49CFR387.27Q#3)*

Yes

No

*Note: Limited applicability as an “indirect” compensation carrier*

9-15 passengers including driver for compensation **\*\***

Yes

No

For **Direct** compensation?

Does the vehicle otherwise meet the definition of a CMV

 *(>10,001 or require placards?)*

Yes

Subject to all FMCSR’s

Subject to all FMCSR’s

16 or more passengers including driver

For Hire

(Greyhound)

Yes

Available to the public at large?

Furtherance of a commercial enterprise?

Yes

Charges passengers a transportation fee directly or indirectly and/or for profit (hotel/motel shuttle, river rafters)

No

Subject to all FMCSR’s except: 387, exceptions in 391.68, 393.67(a)(6), 395.8(a), 396.3(b) & 396.11(d)

No

**\*\*** Note: The FMCSA has determined that any business entity that assesses a fee, monetary or otherwise, directly or indirectly for the transportation of passengers is operating as a for-hire carrier. Thus, the transportation for compensation in commerce of passengers by motor vehicle would be subject to the FMCSR’S.

Non-Business private motor carrier

(Church/non-profit)

No

No

Furtherance of a commercial enterprise?

Subject to all FMCSR’S except: 387, exceptions in 391.69, & 393.67(a)(6)

Yes

Business private motor carrier

(Concert tour bus)

**Direct Compensation-** means payment made to the motor carrier by the passengers or a person 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. 5/18/16mja

***\* Exempt from 387 minimums if operating under 49 U.S.C. 5307, 5310, 5311. If operation occurs in more than (1) state, the shall***

 ***maintain the highest level of financial responsibility by any of the states in which they operate. 49 U.S.C. 31138(e) (4)***

PASSENGER CARRYING VEHICLES INTRASTATE COMMERCE

PASSENGER CARRYING VEHICLE CAPACITY OF LESS THAN 16 - INTRASTATE COMMERCE

**7 or less including the driver for compensation?**

**9-15** **passengers intrastate including driver for compensation \*\***

No

Yes

**8 Passenger** **for compensation**

(For Hire)

For **Direct** compensation?

*Taxi, commuter car/ van pool <8 pass or School Bus ss120.13(27)?*

No

*Note: Limited applicability as an “indirect” compensation carrier*

Yes

PC Authority

Insurance Filing Tr176

Yes

No

Does the vehicle otherwise meet the definition of a CMV?

 *(>10,001 or require placards?)*

Subject to:

382 – Drug/Alcohol if CDL req.

390 – FMCSR General

392 – Driving of CMV

393 - Parts and Accessories

396 – Inspection, repair & Maint

194 – PC Authority

Tr176 Insurance on file

*Basic State laws and insurance applicable- no authority or insurance filings required.*

Subject to:

390.15 – FMCSR General

390.19 – File MCS-150 ID RPT

390.21(a) & (b)(2) **Only** USDOT# displayed

390.15(e)&(f)

392.80- Texting Prohibition

392.82- Hand-held phone prohibited

194 – PC Authority

Tr176 Insurance on file

Yes

No  o

Subject to:

382 – Drug/Alcohol if CDL req.

390 – FMCSR General

392 – Driving of CMV

393- Parts and Accessories

396 – Inspection, repair & Maint.

194 – PC Authority

Tr176 Insurance on file

**\*\*** Note: The FMCSA has determined that any business entity that assesses a fee, monetary or otherwise, directly or indirectly for the transportation of passengers is operating as a for-hire carrier. Thus, the transportation for compensation in commerce of passengers by motor vehicle would be subject to the FMCSR’S.

**Direct Compensation- means payment made to the motor carrier by the passengers or a person 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. 6/18/11mja**

PASSENGER CARRYING VEHICLE CAPACITY OF 16 OR MORE - INTRASTATE COMMERCE

Yes

No

Available to the public at large?

Furtherance of a commercial enterprise?

Furtherance of a commercial enterprise?

Yes

No

No

Yes

**For Hire Passenger Carrier**

Subject to:

390- FMCSR’S General

391 – Qualification of Drivers

392 – Driving of CMV’s

393 – Part and Accessories

395/Tr327.03 (10) Hours of Service

396 – Inspection Repair & Maint.

Tr330 – State Inspection Program

343 - CDL- w/passenger endorsement

194 – PC Authority

Tr176 – Insurance on file -$5M Form E

Charges passengers a transportation fee directly or indirectly and/or for profit (hotel/motel shuttle, river rafters)

**Business- Private Passenger Carrier**

Subject to:

390- FMCSR’S General

391 – Qualification of Drivers

(Limited exceptions in 391.69 and diabetes)

392 – Driving of CMV’s

393 – Part and Accessories

(Exception 393.67(a)(6) )

395/Tr327.03 (10) Hours of Service

396 – Inspection Repair & Maint.

Tr330 – State Inspection Program \* see below.

343 - CDL- w/passenger endorsement

194.41/Tr176 – Insurance on file $5M - Form E

Yes

No

**Non-Business Private Passenger Carrier**

Subject to:

390- FMCSR’S General

391 – Qualification of Drivers

(Limited exceptions in 391.68)

392 – Driving of CMV’s

393 – Part and Accessories

(Fuel tank Exception 393.67(a)(6)

395/Tr327.03(10) Hours of Service

396 – Inspection Repair & Maint.

(Except 396.3(b) & 396.11(d)

Tr330 – State Inspection Program \* see below.

343 - CDL- w/passenger endorsement

194.41/Tr176 – Insurance on file $5M- Form E

**Passenger Transportation**

*Frequently Asked Questions*

**How do I determine seating capacity in my passenger vehicle?**

1. For the purposes of determining applicability of Wisconsin’s Motor Bus Inspection Program, Financial Responsibility (Insurance) and Registration requirements.

 Passenger-carrying capacity shall be determined by dividing by 20 the total seating space measured in inches, if the vehicle

 is a school bus, by dividing the total seating space measured in inches by 13. 340.01(31), 340.01(8)(c)

When vehicle “Gross weight” is considered for financial responsibility (<10,000lbs $300,000) it shall be determined by considering the actual weight of the motor vehicle unloaded plus 150 pounds for each person capable of being seated in the motor vehicle.

1. For the purposes of determining applicability of CDL requirements.

Passenger-carrying capacity shall be determined by the original manufacturers design, **or** what the vehicle is actually carrying.

*A passenger endorsement is required when the vehicle’s designed capacity is 16 or more passengers including the driver, also if the operator is licensed in Wisconsin and the vehicle is actually transporting 16 or more passengers including the driver, a CDL with passenger endorsement is required.*

*Note\* A small school bus no longer used in school bus operation, with original seating in place not measuring at 16 or more passenger (Dividing by 20” the total seating space measured in inches) will not require a CDL for intrastate operation.*

**When do I require an inspection by the State of Wisconsin under the Motor Bus Program Tr330?**

Wisconsin has a mandatory motor bus inspection requirement for a motor vehicle designed primarily for the transportation of persons rather than property and having a passenger-carrying capacity of 16 or more persons, including the operator. Annual DOT Inspection requirements of 396.17 must be met through this program per 396.23(b)(1)

*Passenger-carrying capacity shall be determined by dividing by 20 the total seating space measured in inches. 340.01(31)*

Inspection requirements can be viewed in Tr330 at the following link: [***http://legis.wisconsin.gov/rsb/code/trans/trans330.pdf***](http://legis.wisconsin.gov/rsb/code/trans/trans330.pdf)

**How do I obtain and inspection by the Department of Transportation?**

If you have a passenger carrying capacity of more than 15 including the driver you should contact the State Patrol Post that is within your business area and request a motor bus inspection. A State Patrol Inspector will coordinate an inspection date and location with you.

State Patrol locations can be found at**:** [**http://www.dot.wisconsin.gov/about/locate/sp/offices.htm**](http://www.dot.wisconsin.gov/about/locate/sp/offices.htm)

**If my passenger vehicle is under 26,001lbs in GVWR, actual weight, and in registered weight am I exempt from a CDL?**

Only if the original designed passenger-carrying capacity is under 16 including the driver. If it was designed for 16 passengers or more, a minimum of a Class C commercial driver’s license is required with a passenger endorsement.

*Note: Some passenger vehicles have been modified to decrease available seating space. In determination of CDL requirements the* ***ORIGINAL*** *designed seating capacity will be used to determine applicability. In some cases the original vehicle manufacturer records may need to be reviewed.*

**When is a Federal Medical card required?**

When operating in interstate commerce a medical card is required when:

* Operating a vehicle in commerce with a gross vehicle weight rating, gross combination weight rating, or gross vehicle weight of 10,001lbs or more; or
* Is designed or used to transport 9-15 passengers for direct compensation; or
* Is designed or used to transport more than 15 passengers including the driver. (Not applicable to non-business private motor carriers); or
* Is transporting a hazardous material in a quantity that requires placarding.

When operating in intrastate commerce a medical card is required when:

* Operating a vehicle in commerce with a gross vehicle weight rating, gross combination weight rating, or gross vehicle weight equal to or more than 26,0001lbs or is transporting 16 or more passengers including the driver; or is transporting a hazardous material in a quantity that requires placarding. Unless grandfathered or operating as a non-business private motor carrier.

*(Grandfathered: Intrastate drivers who have met state* *medical qualifications and have been issued a valid Wisconsin commercial driver’s license, or CDL, prior to July 29, 1996, which has not been revoked, and who continue to meet state medical requirements as found in Trans 112.)*

**When do I need to have a record of duty status?**

When operating in interstate commerce a record of duty status is required when;

* Operating a vehicle in commerce with a gross vehicle weight rating, gross combination weight rating, or gross vehicle weight of 10,001lbs or more; or
* Is designed or used to transport 9-15 passengers for direct compensation; or
* Is designed or used to transport more than 15 passengers including the driver. (Not applicable to non-business private motor carriers); or
* Is transporting a hazardous material in a quantity that requires placarding

 See 49CFR395 for exemptions and duty status documentation options.

When operating in intrastate commerce a record of duty status is required when;

* The manufacturers’ gross vehicle weight rating is equal to or more than 26,000lbs. Except, private motor carrier of passengers.

See Wisconsin Trans327 for exemptions and duty status documentation options.

**Does my vehicle require an Annual Periodic Inspection otherwise known as the annual “DOT Inspection”?**

If your vehicle is subject to the Motor Bus Inspection program *(****passenger-carrying capacity of 16 or more persons, including the operator***) 49CFR396 requires that this periodic inspection requirement be met through the State’s mandatory inspection program.

If the passenger vehicle is 9 -15 passenger operating for direct compensation, **or** has a gross vehicle weight rating, gross combination weight rating, actual weight, gross combination weight over 10,001lbs, yet a capacity under 16 including the driver, it will be subject to an annual periodic inspection (49CFR396.17) conducted by a qualified inspector per 49CFR396.19. Typically this type of inspection is conducted at a private commercial fleet facility, dealership, or a carriers own maintenance facility.

**Do I need to maintain driver qualification files?**

When operating in interstate commerce a driver qualification file per 49CFR391.51 is required when;

* Operating a vehicle in commerce with a gross vehicle weight rating, gross combination weight rating, or gross vehicle weight of 10,001lbs or more; or
* Is designed or used to transport 9-15 passengers for direct compensation; or
* Is designed or used to transport more than 15 passengers including the driver. (non-business private carrier exceptions 391.68); or
* Is transporting a hazardous material in a quantity that requires placarding

When operating in intrastate commerce a driver qualification file per 49CFR391.51 is required when;

* Operating a vehicle in commerce with a gross vehicle weight rating, gross combination weight rating, or gross vehicle weight equal to or more than 26,0001lbs or;
* Operating a vehicle that is transporting 16 or more passengers including the driver; or
* Is transporting a hazardous material in a quantity that requires placarding.

**Do I need to maintain vehicle maintenance files?**

When operating in interstate commerce vehicle maintenance files per 49CFR396.3(b) are required when;

* Operating a vehicle in commerce with a gross vehicle weight rating, gross combination weight rating, or gross vehicle weight of 10,001lbs or more; or
* Is designed or used to transport 9-15 passengers for direct compensation; or
* Is designed or used to transport more than 15 passengers including the driver. (non-business private carrier exceptions 396.3(b), & 396.11(d); or
* Is transporting a hazardous material in a quantity that requires placarding

When operating in intrastate commerce vehicle maintenance files per 49CFR396.3 (b) are required when;

* Operating a vehicle in commerce with a gross vehicle weight rating, gross combination weight rating, or gross vehicle weight of 10,001lbs or more; or
* Is designed or used to transport 9-15 passengers for direct compensation; or
* Is designed or used to transport more than 15 passengers including the driver. (non-business private carrier exceptions 396.3(b), & 396.11(d); or is transporting a hazardous material in a quantity that requires placarding.

**Do I need any special insurance above the general state mandatory insurance limits?**

When operating in interstate commerce insurance requirement are found in 49CFR387. Minimum levels of financial responsibility are required to be maintained by for-hire motor carriers of passengers. It is based on the manufacturers original designed seating capacity not the number of passengers riding in the vehicle.

Minimum Levels of Public Liability

* Capacity of 16 passengers or more $5,000,000
* Capacity of 15 passengers or less $1,500,000

Proof of the required financial responsibility shall be maintained at the motor carrier’s principal place of business. The proof shall consist of form MCS-90B issued by an insurer or form MCS-82B issued by a surety. Also, required is the responsibility to file the evidence of financial responsibility with FMCSA.

See limited exceptions in 49CFR387.27 (B) and 49 U.S.C.31138(e)(4) FTA Grantees (meet highest minimum imposed by any state in which they operate)

When operating in for –hire intrastate commerce a motor carrier of passengers any capacity, or 16+ passenger not for hire, the carrier must meet insurance requirements which are found in 194.41 and Tr176.

Minimum Levels of Public Liability

For passenger vehicles with a gross weight of 10,000 pounds or less is $300,000

Passenger vehicles over 10,000lbs and passenger carrying capacity of less than 16 including the driver = $1,500,000

Passenger vehicles over 10,000lbs and passenger carrying capacity of 16 or more = $5,000,000

*Passenger-carrying capacity shall be determined by dividing by 20 the total seating space measured in inches. 340.01(31)*

The proof shall consist of FORM E, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance issued by an insurer or FORM G, Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond issued by a surety. This proof must be filed with the State of Wisconsin DMV.

\* Note: The intrastate financial responsibility requirements do not apply to a motor carrier that also operates and has interstate operating authority AND is registered under a unified carrier registration system. FMCSA will issue interstate authority (MC#) and require insurance filing that meets Wisconsin requirements.

Taxi cab services shall maintain minimum levels of liability insurance required by the local taxicab licensing or regulating ordinance applicable to such taxicab. No such local ordinance may establish minimum levels of liability insurance which are less than those required for a policy or bond under s. [344.15 (1)](http://docs.legis.wisconsin.gov/document/statutes/344.15%281%29). If no minimum levels of liability insurance are established by such local ordinance, the minimum levels are the same as the levels required for a policy or bond under s. [344.15 (1)](http://docs.legis.wisconsin.gov/document/statutes/344.15%281%29) being not less than$25,000/$50,000/$10,000.

Human Service vehicles shall provide coverage with a limit of not less than $10,000. The policy also shall provide bodily injury liability coverage with limits of not less than $75,000 for each person and, subject to such limit for each person, total limits as follows:

[344.55(1)(a)](http://docs.legis.wisconsin.gov/document/statutes/344.55%281%29%28a%29) **(a)** $150,000 for each accident for each motor vehicle having a seating capacity of 7 passengers or less.

[344.55(1)(b)](http://docs.legis.wisconsin.gov/document/statutes/344.55%281%29%28b%29) **(b)** $200,000 for each accident for each motor vehicle having a seating capacity of 8 to 15 passengers.

[344.55(1)(c)](http://docs.legis.wisconsin.gov/document/statutes/344.55%281%29%28c%29) **(c)** $250,000 for each accident for each motor vehicle having a seating capacity of 16 to 24 passengers.

[344.55(1)(d)](http://docs.legis.wisconsin.gov/document/statutes/344.55%281%29%28d%29) **(d)** $375,000 for each accident for each motor vehicle having a seating capacity of 25 to 36 passengers.

[344.55(1)(e)](http://docs.legis.wisconsin.gov/document/statutes/344.55%281%29%28e%29) **(e)** $500,000 for each accident for each motor vehicle having a seating capacity of 37 to 49 passengers.

[344.55(1)(f)](http://docs.legis.wisconsin.gov/document/statutes/344.55%281%29%28f%29) **(f)** $500,000 plus not less than $10,000 for each accident for each passenger seat accommodation for each motor vehicle having a seating capacity of 50 or more passengers.

 **Do I need any special Authority Certificates or Permits?**

When operating in interstate commerce a for–hire passenger carrier will be required to obtain MC authority and have insurance on file with FMCSA and obtain Unified Carrier Registration (UCR).

When operating in intrastate commerce – *(Except for school bus operation under 120.13(27),and Taxi’s, commuter car, or van pools all (3) classifications less than 8 passengers)* **PC authority** is required to operate as a common motor carrier of passengers when transporting passengers **for hire**.

The permit fee for this PC authority is $50. If the carrier also carries property in addition to passengers an additional certificate for common motor carrier of property is required (LC Authority) at a fee of[194.04(1)](https://docs.legis.wisconsin.gov/document/statutes/194.04%281%29)[194.04(1)(b)](https://docs.legis.wisconsin.gov/document/statutes/194.04%281%29%28b%29) $500 and insurance must be on file. [194.04(1)(c)](https://docs.legis.wisconsin.gov/document/statutes/194.04%281%29%28c%29)[194.04(2)](https://docs.legis.wisconsin.gov/document/statutes/194.04%282%29)Every permit for the operation of a motor vehicle expires on December 31 of each year. Applications for permits are made annually with fee of ($5) which shall be accompanied by the annual vehicle registration fees.

See WisDOT website for authority information and application: <http://www.dot.state.wi.us/business/carriers/mc-authority.htm>

*If a passenger carrier provides both intrastate and interstate for hire transportation they will need both intrastate authority (PC)* ***and*** *interstate authority (MC).*

**What type of operator’s license do I need if I am transporting passengers?**

Assuming that the motor vehicle is designed to transport passengers or property and having one or more of the following characteristics:

1. [340.01(8)(a)](https://docs.legis.wisconsin.gov/document/statutes/340.01%288%29%28a%29) If vehicle is a single vehicle or an articulated bus with a gross vehicle weight rating of 26,001 or more pounds or the vehicle's registered

 weight or actual gross weight is more than 26,000 pounds **Class B CDL** would be required. If the vehicle was designed or used to

 transport 16 or more passengers including the driver a passenger endorsement is also required.

1. If the [340.01(8)(b)](https://docs.legis.wisconsin.gov/document/statutes/340.01%288%29%28b%29)[340.01(8)(c)](https://docs.legis.wisconsin.gov/document/statutes/340.01%288%29%28c%29)vehicle is designed to transport 16 or more passengers including the driver, and the gross vehicle weight rating, registered weight or actual gross weight is less than 26,001pounds a **Class C CDL** with a passenger endorsement is required. If this same vehicle was designed to transport less than 16 passengers including the driver, just a regular valid operator’s license would be required.

**How can I obtain additional information on how to comply with the Federal Regulation and view required documents?**

The Federal Motor Carrier Safety Administration (FMCSA) has a link titled: “How to Comply with Safety Regulations” (ETA – package) below:

<http://www.fmcsa.dot.gov/safety-security/eta/index.htm>

This pdf in the above link will provide a condense version of the regulations and will provide sample forms which may be printed and used to assist your carrier operations to be in compliance.