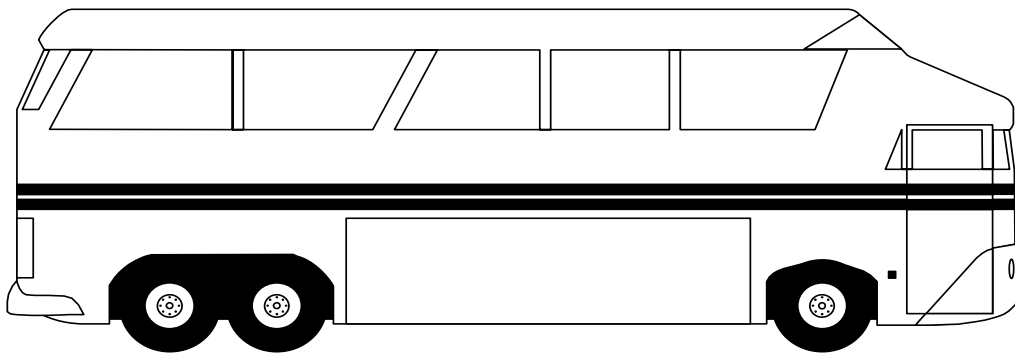


Motor Carriers of Passengers



Motor Carriers of Passengers

Historically, the predecessor agencies of the FMCSA only regulated “for-hire” transportation of passengers with a vehicle designed to transport more than 15 passengers, including the driver.

Private motor carriers of passengers (PMCPs) became subject to the FMCSRs on January 1, 1995. They are separated into two groups (business or nonbusiness) and are exempt from certain requirements of the FMCSRs.

For-Hire Carriers

Three factors must be present before a motor carriers of passengers is classified as a “for-hire” carrier:

1. The motor carrier provides interstate transportation of passengers for a commercial purpose;
2. The motor carrier is compensated, either directly or indirectly, for the transportation service provided; and
3. The transportation service is generally available to the public at large.

Examples of for-hire transportation of passengers include intercity bus service, charter bus service, canoe rental company bus service, and hotel bus service.

Business PMCPs

Business PMCPs provide private transportation of passengers in the furtherance of a commercial purpose.

Examples of business PMCPs include companies that use buses to transport their own employees and professional musicians who use buses for concert tours.

Non-Business PMCPs

Non-business PMCPs provide private transportation of passengers that is not in the furtherance of a commercial purpose.

Examples of non-business PMCPs include churches, private schools, scout groups, and other organizations that may purchase or lease buses for the private transportation of their respective groups.

North American Standard Out-Of-Service Criteria

Drivers who operate passenger vehicles are required to possess a valid medical certificate or will be declared out-of-service. (391.41(a))

What is a Business PMCP?

Business PMCPs provide private transportation of passengers in the furtherance of a commercial purpose. Examples include companies that use buses to transport their own employees and professional musicians who use buses for concert tours. Commercial businesses that provide passenger transportation to the general public are not business PMCPs.

Applicability of FMCSRs

The chart below summarizes the applicability of the Federal Motor Carrier Safety Regulations (FMCSRs) to Business Private Motor Carriers of Passengers (PMCPs):

PART	REGULATORY TOPIC	APPLICABLE
380	Special Training Requirements Entry Level Driver Training Requirements	Yes
382	Controlled Substances and Alcohol Use and Testing	Yes
383	Commercial Driver's License	Yes
387	Financial Responsibility (Insurance/Surety)	No
390	General Applicability and Definitions	Yes
391	Qualifications of Drivers	Partial
392	Driving of Commercial Motor Vehicles	Yes
393	Parts and Accessories	Yes
395	Driver's Hours of Service	Yes
396	Inspection, Repair, and Maintenance	Yes

Exemptions

Business PMCPs are not subject to:

- Minimum levels of financial responsibility
- Road test requirements of Part 391

What is a Non-business PMCP?

Non-business PMCPs provide private transportation of passengers that is not in the furtherance of a commercial purpose. Examples of non-business PMCPs include churches, private schools, civic organizations, scout groups, and other charitable organizations that may purchase or lease buses for the transportation of their respective groups.

Applicability of FMCSRs

The chart below summarizes the applicability of the Federal Motor Carrier Safety Regulations (FMCSRs) to non-business Private Motor Carriers of Passengers (PMCPs):

PART	REGULATORY TOPIC	APPLICABLE
380	Special Training Requirements Entry Level Driver Training Requirements	Yes
382	Controlled Substances and Alcohol Use and Testing	Yes
383	Commercial Driver's License	Yes
387	Financial Responsibility (Insurance/Surety)	No
390	General Applicability and Definitions	Yes
391	Qualifications of Drivers	Partial
392	Driving of Commercial Motor Vehicles	Yes
393	Parts and Accessories	Yes
395	Driver's Hours of Service	Partial
396	Inspection, Repair, and Maintenance	Partial

Exemptions

Non-business PMCPs are not subject to:

- Minimum levels of financial responsibility
- Subpart C of Part 391
- Subpart D of Part 391
- Subpart F of Part 391
- Most paper work and record-keeping requirements of Parts 390, 391, 395, and 396

Applicability of the Minimum Financial Responsibility Regulations to Motor Carriers of Passengers

Applicability

Regulations covering minimum levels of financial responsibility (insurance) are found in 49 CFR Part 387, Subpart B. These regulations are only applicable to “for-hire” carriers transporting passengers in interstate commerce.

The chart below summarizes the applicability of the minimum levels of financial responsibility regulations to passenger carriers.

	“For-Hire” Passenger Carrier	Business PCMPs	Non-business PCMPs
Vehicle with a seating capacity of 16 or more	\$5,000,000 insurance coverage required	Not Subject	Not Subject
Vehicle with a seating capacity of 15 or less	\$1,500,000 insurance coverage required	Not Subject	Not Subject

Exemptions

Minimum Financial Responsibility Regulations do not apply to:

- A motor vehicle transporting only school children and teachers to and from school
- A motor vehicle providing taxicab service, having a seating capacity of less than 7 passengers, and not operating on a regular route or between specified points
- A motor vehicle carrying less than 16 individuals in a single daily round trip to commute to and from work (van pool)

Common Questions About the Applicability of the FMCSRs to Private Motor Carriers of Passengers (PMCPs)

Are PMCPs required to mark their vehicles as required by 49 CFR Section 390.21?

Yes. All PMCPs must register with the FMCSA as required by 49 CFR Part 385, and mark their vehicle with their name, city and state, and U.S. DOT number.

Are non-business PMCP drivers required to be medically examined?

No. Section 391.68 (a)(4) specifically states that much of Sections 391.41 and 391.45, which require a driver to be medically examined and to have a medical examiner's certificate on his/her person, do not apply to non-business PMCPs. However, non-business PMCP drivers are subject to the minimum physical qualification standards found in Section 391.41 (b) (1)-(13).

Non-business PMCPs should become familiar with the minimum physical qualification standards found in Section 391.41 and the driver waiver conditions of Section 391.49.

Non-business PMCP drivers may be placed out-of-service during terminal, en route, or destination inspections if they are required by Section 391.41 to have a waiver and do not possess one.

Are non-business PMCP drivers subject to the driver's hours of service regulations?

Yes. However, they are not required to prepare or maintain records of duty status. Non-business PMCP driver's hours of service will be evaluated by enforcement officers during terminal, en route, and destination inspections based on evidence available at the inspection location.

It is recognized that some individuals who volunteer to drive for non-business PMCPs may also drive for other motor carriers and in that capacity are required to maintain a record of duty status. All on-duty time performed for a non-business PMCP must be recorded on the records of duty-status submitted to that driver's regularly employing motor carrier.

Are non-business PMCPs required to have their vehicles inspected?

Yes. Section 396.17 requires that commercial motor vehicles be inspected at least once annually. The inspection must be completed by a qualified inspector and must include all components identified in Appendix G of the FMCSRs. Documentation of this inspection must be kept on the vehicle.

Applicability of the Federal Motor Carrier Safety Regulations to School Bus Transportation

Applicability of FMCSRs (Parts 390-399) to School Bus Transportation

	School to Home or Home to School	Extracurricular School Activities
Public School Transporting Students	Not Subject	Not Subject
Private School Transporting Pre-primary, Primary, and Secondary Students	Not Subject	Subject as Non-business PMCPs
Private School Transporting Post-secondary Students	Subject as Non-business PMCPs	Subject as Non-business PMCPs
“For-Hire” Contractors Transporting Pre-primary, Primary, and Secondary Students	Not Subject	Subject as “For-Hire” Carriers
“For-Hire” Contractors Transporting Post-secondary Students	Subject as “For-Hire” Carriers	Subject as “For-Hire” Carriers

Applicability of Minimum Financial Responsibility Part 387 Regulations to School Bus Transportation

	School to Home or Home to School	Extracurricular School Trips Organized and Paid for by the School	Extracurricular School Trips Organized and Paid for by an Independent Group (e.g., Athletic Booster Club)
“For-Hire” Contractors Transporting Pre-primary, Primary, and Secondary Students and Accompanying Teachers	Not Subject	Not Subject	<p>Bus seating capacity of 16 or more: \$5,000,000 insurance coverage required</p> <p>Bus seating capacity of 15 or less: \$1,500,000 insurance coverage required</p>
“For-Hire” Contractors Transporting Post-secondary Students	<p>Bus seating capacity of 16 or more: \$5,000,000 insurance coverage required</p> <p>Bus seating capacity of 15 or less: \$1,500,000 insurance coverage required</p>	<p>Bus seating capacity of 16 or more: \$5,000,000 insurance coverage required</p> <p>Bus seating capacity of 15 or less: \$1,500,000 insurance coverage required</p>	<p>Bus seating capacity of 16 or more: \$5,000,000 insurance coverage required</p> <p>Bus seating capacity of 15 or less: \$1,500,000 insurance coverage required</p>

Applicability of the Federal Motor Carrier Safety Regulations to Commercial Operators of Small Passenger-Carrying Vehicles

What requirements are applicable to operators of small passenger-carrying commercial motor vehicles?

Interstate passenger carriers are subject to the Safety Regulations if the vehicle is:

- Designed or used to transport 9 or more passengers (including the driver);
- Designed or used to transport 16 or more passengers (including the driver) and is not used to transport passengers for compensation.
- Exceptions:

390.3(f)(6)(i) The operation of passenger carrying vehicles designed or used to transport between 9 and 15 passengers (including the driver) not for direct compensation, provided the vehicle does not otherwise meet the definition of a commercial motor vehicle()*

390.3(f)(6)(ii) The operation of passenger carrying vehicles designed or used to transport between 9 and 15 passengers (including the driver) for direct compensation, provided the vehicle is not being operated beyond a 75 air-mile radius from the driver's normal work-reporting location, and provided the vehicle does not otherwise meet the definition of a commercial motor vehicle()*

()Exception: except that motor carriers operating such vehicles are required to comply with, 49 CFR 390.15, Assistance in investigations and special studies, CFR 390.19, Motor carrier identification report and CFR 390.21(b)(1&2), Marking of commercial motor vehicles*

Note: Effective June 1, 2010, Commercial Motor Vehicles designed or used to transport 9-15 passengers (including the driver), for direct compensation are subject to the Safety Regulations, regardless of the distance traveled.

Intrastate Operators of vehicles both private and regulated designed or used to transport 6 or more passengers, excluding the driver, are subject to the Safety Regulations when operating in intrastate commerce.

Passenger carriers with a designed seating capacity of 15 or less are exempt from Part 382 – Controlled Substances and Alcohol Use and Testing, and Part 383 - Commercial Driver's License Standards.