Motor Carriers of Passengers

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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

- Any time a passenger carrier receives compensation for transporting passengers, it is considered for-hire. A not-for-profit organization can be a for-hire passenger carrier if the organization receives compensation.
- For-hire does not require the transportation to be available to the public.
- If a trip includes both private passengers and passengers providing compensation, it is a for-hire trip.

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, 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):

Exemptions

Business PMCPs are not subject to:

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

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

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, 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):

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

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

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 inter-state commerce.

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

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)

	"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

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 PMCPs
Private School Transporting Post-secondary Students	Subject as PMCPs	Subject as 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	Bus seating capacity of 16 or more: $5,000,000 insurance coverage required Bus seating capacity of 15 or less: $1,500,000 insurance coverage required
"For-Hire" Contractors Transporting Post-secondary Students	Bus seating capacity of 16 or more: $5,000,000 insurance coverage required Bus seating capacity of 15 or less: $1,500,000 insurance coverage required	Bus seating capacity of 16 or more: $5,000,000 insurance coverage required Bus seating capacity of 15 or less: $1,500,000 insurance coverage required	Bus seating capacity of 16 or more: $5,000,000 insurance coverage required Bus seating capacity of 15 or less: $1,500,000 insurance coverage required

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), for compensation;
- Designed or used to transport 16 or more passengers (including the driver) and is not used to transport passengers for compensation.
- Designed or used to transport any number of passengers in a vehicle with a GVWR or GCWR greater than 10,000 lbs.
- Designed or used to transport any number of passengers and a placardable amount of hazardous materials.
- Exceptions:

  390.3(f)(6) The operation of commercial motor 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 except for the texting provisions of 391.15(3) and 392.80, and except that motor carriers operating such vehicles are required to comply with 390.15, 390.19 and 390.21(a) and (b)(2).

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

For Missouri intrastate commerce, a **passenger commercial motor vehicle** is defined as a vehicle having a gross vehicle weight rating or gross combination weight rating in excess of 10,000 pounds, or a designed seating capacity of 9 or more passengers (including the driver) for compensation, or transporting placardable amounts of hazardous material.

Motor carriers and drivers of commercial vehicles with a passenger capacity of 9 to 15 passengers are subject to the federal safety regulations. The extent to which these regulations apply depends on the type of operation the carrier is engaged in. The following are typical operational types:

- Interstate – Operation across state lines.
- Intrastate – Point to point operations within the state boundaries of Missouri.
- For hire for direct compensation – Passenger service such as for-hire limo operations, taxi operations, etc. The passenger pays a fee to ride in the vehicle.
- For hire not for direct compensation – The transportation fee is included in the cost of a package deal. For example, a group sponsors a trip to a sporting event and the associated costs include tickets to the event, transportation to and from the event, and other amenities of the trip.
- Private motor carrier of passengers – business – This type of transportation service is not available to the public at large and an example would be a bus used by a band to travel to a performance.
- Private motor carrier of passengers – non-business – This type of transportation service is not available to the public at large. Examples include buses used to transport Scout groups, church members, etc.

The following information is included to assist carriers using these types of vehicles in the above operation types determine when the federal safety regulations apply and when they may not.

Controlled Substance and Alcohol Testing
Part 382 of Title 49, Code of Federal Regulations

The requirement for controlled substance and alcohol testing is directly related to the requirement for commercial driver's licensing. If the driver is not required to have a commercial driver's license to operate the vehicle, the driver is not subject to the controlled substance and alcohol testing requirements.

Commercial Driver's License
Part 383 of Title 49, Code of Federal Regulations

The requirement for a commercial driver's license is based on either the Gross Vehicle Weight Rating (GVWR) or Gross Combination Weight Rating (GCWR) of the vehicle, designed to transport a certain number of passengers or is used to transport hazardous materials. Unless the vehicle:

- Has a GVWR or GCWR in excess of 26,000 pounds; or
- Is designed to transport more than 16 passengers, including the driver; or
- Is of any size and used to transport a type or quantity of hazardous materials required to be placarded;

the driver would not be required to have a commercial driver's license. A Missouri resident may need a Class E license to operate this type of vehicle.

Financial Responsibility

Part 387 of Title 49, Code of Federal Regulations
7, Code of State Regulations 265-10.030

The federal regulations regarding insurance apply to for-hire carriers operating in interstate commerce. Any vehicle in that type of operation with a capacity of 15 passengers or fewer requires $1.5 million coverage.

For private motor carriers of passengers (either business or non-business operations), state insurance coverage applies:

- Insurance requirements for vehicles designed to carry 12 passengers and less is $100,000 personal injury, $300,000 bodily injury, and $50,000 property damage.
- Insurance requirements for vehicles designed to carry 13 passengers and more is $100,000 personal injury, $500,000 bodily injury and $50,000 property damage.

General Applicability
Part 390 of Title 49, Code of Federal Regulations

The regulations in this part deal with obtaining and marking a USDOT number on the vehicle, motor carrier records, and the extent of the applicability of the federal safety regulations.
There are some general exceptions from the federal safety regulations for:

- School bus operations transporting pre-primary, primary and secondary school students from home to school and from school to home in vehicles designed or used to transport more than 10 passengers in addition to the driver.
- Transportation performed by the Federal government, State government or political subdivision of the State.
- The operation of commercial vehicles designed or used to transport between 9 and 15 passengers, not for direct compensation, unless the vehicle otherwise meets the definition of a commercial motor vehicle, except the motor carrier and driver must comply with assisting in investigations and special studies (maintain a register of vehicular crashes), obtaining and marking a USDOT number on the vehicle, drivers subject to disqualification for convictions of using a hand-held cell phone during vehicle operation, the prohibition against texting and the hand-held cell phone restriction.

Motor Carriers that are directly compensated or indirectly compensated and otherwise meet the definition of a commercial motor vehicle:

- *Interstate commerce* – Interstate carriers are subject to this entire Part. Marking of the carrier's motor vehicles requires vehicles to be marked on both sides with the carrier's legal or single trade name and, in association with that name, their USDOT number.
- *Intrastate commerce* – Intrastate carriers are subject to this whole Part but have different marking requirements. The carrier must mark their vehicle with the name of the owner and location from

where the vehicle is operated on at least one side of the vehicle. For hire operations require authority and will be assigned a USDOT number. For hire vehicles with a total seating capacity of 13 or less have an exception from marking requirements. These vehicles are only required to mark their vehicle with their USDOT number and can display it on the rear of the vehicle instead of the vehicle side.

Part 391 – Driver Qualification

The regulations in this Part deal with determining the qualification of drivers and the documents necessary to prove a driver meets minimum qualifications.

Carriers not directly compensated are only subject to minimal regulation as follows:

Interstate commerce – Disqualification for drivers convicted of texting while driving a commercial motor vehicle. Drivers of vehicles that have a gross vehicle weight rating of 10,001 pounds or more are subject to all of this Part.
Intrastate commerce – Only subject to the regulation within this Part when the vehicle being operated has a gross vehicle weight rating of 10,000 pounds or more.

Carriers that are directly compensated are generally regulated by this Part but with some exceptions. Those exceptions are as follows:

Interstate commerce
- Private Motor Carriers of Passengers (Business) are not subject to employment application, previous employer, and road test requirements.
- Private Motor Carrier of Passengers (Non-Business) are not subject to most of this Part. However, they must be at least 18 years of age and meet physical standards even though no medical certification is required.

Intrastate commerce
- For hire Carriers of Passengers must be at least 18 years of age and are not required to be medically certified if the driver had a chauffeur's license on May 13, 1988.
- Private Motor Carriers of Passengers (Business) must be at least 18 years of age, are not required to be medically certified if the driver had a chauffeur's license prior to May 13, 1988 and are not subject to employment application, previous employer, road test requirements.
- Private Motor Carriers of Passengers (Non-Business) are not subject to most of this Part. However, they must be at least 18 years of age and, unless the driver qualifies for exception from medical requirements by having a chauffeur's license before May 13, 1988, meet physical standards even though no medical certification is required.

Part 392 – Driving Commercial Vehicles

The regulations in this Part apply to both interstate and intrastate carriers equally.

Carriers not directly compensated are excepted from this Part except must comply with the texting ban and cell phone restriction. Should the vehicle in question meet the definition of a commercial motor vehicle by gross vehicle weight rating or placardable quantities of hazardous materials, this whole Part would apply.

Carriers that are directly compensated are subject to this entire Part.

Part 393 – Equipment

The regulations in this Part apply to both interstate and intrastate carriers equally.

Carriers not directly compensated - are excepted from this Part except must comply with Missouri state equipment requirements. Should the vehicle in question meet the definition of a commercial motor vehicle by gross vehicle weight rating or placardable quantities of hazardous materials, this whole Part would apply.

Carriers that are directly compensated are subject to this entire Part.

Part 395 – Hours of Service

The regulations in this Part apply to both interstate and intrastate carriers equally.
Carriers not directly compensated are excepted from this Part. Should the vehicle in question meet the definition of a commercial motor vehicle by gross vehicle weight rating or placardable quantities of hazardous materials, this whole Part would apply.

Carriers that are directly compensated are subject to this Part except that Private Motor Carriers of Passengers (Non-Business) are not required to maintain hours of service records.

Part 396 – Inspection, Repair, and Maintenance

The regulations in this Part apply to both interstate and intrastate carriers equally.

Carriers not directly compensated are excepted from this Part. However, Missouri state inspection requirements are applicable. Should the vehicle in question meet the definition of a commercial motor vehicle by gross vehicle weight rating or placardable quantities of hazardous materials, this whole Part would apply.

Carriers that are directly compensated are subject to this Part except that Private Motor Carriers of Passengers (Non-Business) are not subject to the driver vehicle inspection report requirements and are not required to maintain maintenance records.