

Chapter Trans 176

MOTOR CARRIER AND SCHOOL BUS INSURANCE CERTIFICATION REQUIREMENTS

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Note: Chapter MVD 2 as it existed on November 30, 1977, was repealed and a new Chapter MVD was created effective December 1, 1977; renumbered ch. Trans 176 effective March 1, 1981.

Trans 176.01 Purpose and scope. (1) The purpose of this chapter is to prescribe the requirements of liability insurance policies and surety bonds for persons subject to the provisions of s. 194.41, Stats.

(2) The forms prescribed in this chapter shall also be used by any person required to file evidence of liability security with the department of transportation under s. 121.53 (4), 341.267 (7), 341.51 (2m), 344.51 (1), 344.52 (1) or 344.55, Stats.

History: Cr. Register, November, 1977, No. 263, eff. 12-1-77; renum. from MVD 2.01 and am. (2), Register, February, 1981, No. 302, eff. 3-1-81; correction in (2) under s. 13.93, (2m) (b) 7., Register, August, 1984, No. 344.

Trans 176.02 Form and execution of liability insurance certificate. (1) A certificate of insurance required under this chapter shall recite that the insurer has issued to the named insured a policy of insurance containing an automobile bodily injury and property damage liability endorsement covering the obligations imposed on the named insured under this chapter.

(a) Except as provided in (c), the certificate of insurance shall be made on FORM E, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance. (Appendix I)

(b) The endorsement shall be attached to the policy and shall be a part of the policy. Except as provided in (d), the endorsement shall be made on FORM F, Uniform Bodily Injury and Property Damage Liability Insurance Endorsement. (Appendix II)

(c) In lieu of the FORM E certificate required under (a), a certificate of insurance may be made on FORM EX, Motor Carrier Automobile Bodily Injury and Property Damage Liability Certificate of Insurance. (Appendix X)

(d) If a FORM EX certificate is filed in lieu of FORM E, an endorsement shall be made on FORM FX, Motor Carrier Automobile Bodily Injury and Property Damage Liability Insurance Endorsement. (Appendix XI)

(2) Liability surety bonds required under this chapter shall be executed on FORM G, Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond. (Appendix III)

History: Cr. Register, November, 1977, No. 263, eff. 12-1-77; renum. from MVD 2.02, Register, February, 1981, No. 302, eff. 3-1-81.

Trans 176.03 Scheduled and restricted blanket insurance filings; when allowed. (1) Notwithstanding any other provision of this chapter, scheduled insurance filings may be used to satisfy the requirements of this chapter if the motor carrier making such filing is a resident of this state and is engaged:

- (a) Exclusively in intrastate operations in this state; or
- (b) Partly in intrastate operation in this state and partly in interstate operations if:
 1. Such interstate operations are exempt from interstate commerce commission regulations;
 2. The motor carrier is not registered under the International Registration Plan (IRP);
 3. The interstate operations do not involve any other state that is a party to the International Registration Plan (IRP); and
 4. The operations are not subject to s. 194.04(3) (am), Stats.

(c) A certificate of insurance filed under this subsection shall be made on FORM (S-1) and shall include the Wisconsin Insurance Endorsement for Scheduled Policies. (Appendix VII). Amendments to scheduled filings shall be made on FORM (S-2), Amended Schedule of Vehicles Insured (Appendix VIII).

(2) (a) Notwithstanding any other provision of this chapter, restricted blanket insurance filings may be used to satisfy the requirements of this chapter if the vehicles covered by such filings are used as:

1. School buses as defined in s. 340.01(56), Stats.;
2. Driver education vehicles; or
3. Motor vehicle dealer demonstrators.

(b) A certificate of insurance filed under this subsection shall be made on FORM (B-1) and shall include the Wisconsin Insurance Endorsement for Blanket Policies. (Appendix IX). The certificate shall bear the legend:

1. "SCHOOL BUSES ONLY";
2. "DRIVER EDUCATION VEHICLES ONLY"; or
3. "MOTOR VEHICLE DEALER DEMONSTRATORS ONLY".

(3) Filings under this section shall be accompanied by any additional administrative fee that may be required by law to defray the additional costs of handling scheduled filings.

History: Cr. Register, November, 1977, No. 263, eff. 12-1-77; renum. from MVD 2.03, Register, February, 1981, No. 302, eff. 3-1-81; cr. (1) (c) and (d), Register, December, 1984, No. 348, eff. 1-1-85.

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6. "In bulk poison gas" means the transportation, as cargo, of any poison gas in any quantity.

Note: The definitions of "hazardous materials," "hazardous substances" and "hazardous waste" in sub. (1) (ag) are taken from 49 C.F.R. 171.8. The definitions of "In bulk," "In bulk Class A and B explosives" and "In bulk poison gas" in (ag) are taken from 49 C.F.R. 387.5.

(ar) For purposes of par. (a) either a combined single limit or a split limit policy is acceptable. If a split limit policy is utilized, each individual limit must meet the minimum level of coverage required.

Note: Example. For vehicles of 10,000 pounds or over transporting non-hazardous materials on July 1, 1983, and thereafter, either of the following types of policies is acceptable: a combined single limit of \$750,000.00 or a split limit of \$750,000.00, \$750,000.00, \$750,000.00. These alternatives are consistent with the interpretation of the federal rules set out in 47 Federal Register 12800, March 25, 1982.

(b) For passenger vehicles:

PASSENGER CAPACITY	PERSONAL INJURY		
	ONE PASSENGER	ALL PASSENGERS	PROPERTY DAMAGE
7 or less	\$100,000	\$300,000	\$50,000
8 to 12	\$100,000	\$350,000	\$50,000
13 to 20	\$100,000	\$400,000	\$50,000
21 to 30	\$100,000	\$450,000	\$50,000
31 and over	\$100,000	\$500,000	\$50,000

(2) In accordance with s. 121.53 (1) (e), Stats., for school buses with a seating capacity of 37 or more passengers, the minimum total limit of bodily injury liability insurance coverage per accident is \$1,000,000.

History: Cr. Register, November, 1977, No. 263, eff. 12-1-77; emerg. am. (1) (a) and cr. (1) (e), eff. 2-23-79; am. (1) (a) and cr. (1) (c), Register, May, 1979, No. 281, eff. 6-1-79; renum. from MVD 2.06 and cr. (1) (d), Register, February, 1981, No. 302, eff. 3-1-81; r. and recr. (1) (d), Register, April, 1982, No. 316, eff. 5-1-82; r. and recr. (1) (a), cr. (1) (ag) and (ar), r. (1) (c), renum. (1) (d) to be (2), Register, September, 1982, No. 321, eff. 10-1-82; emerg. am. (1) (a), (intro.), eff. 7-1-83; am. (1) (a) (intro.), Register, December, 1983, No. 336, eff. 1-1-84; am. (1) (a) 3. and 4., Register, January, 1984, No. 337, eff. 2-1-84; emerg. am. (1) (a) (intro.) and 1., eff. 7-1-84; am. (1) (a) (intro.) and 1., Register, December, 1984, No. 348, eff. 1-1-85.

Trans 176.07 Completion of forms. (1) All forms required by this chapter shall be completed in triplicate and the information requested thereon shall be typewritten on the blank spaces provided.

(2) The forms shall be printed on rectangular cards measuring 5 inches in height and 8 inches in width.

(3) The forms shall be signed by an authorized representative of the insurer or surety.

(4) Certificates of insurance and surety bonds shall be issued in the full and correct name of the individual, partnership or corporation to whom the certificate, permit or license is or will be issued. In the case of a partnership, all partners shall be named. Only one entity shall be named as the insured on the certificate.

(5) If the insurer or surety does not require the third copy to be returned as proof of the acceptance of such filing, the insurer or surety need

only provide the department of transportation with 2 copies of each form required under this chapter.

History: Cr. Register, November, 1977, No. 263, eff. 12-1-77; renum. from MVD 2.07, Register, February, 1981, No. 302, eff. 3-1-81; am. (3), Register, December, 1984, No. 348, eff. 1-1-85.

Trans 176.08 Emergency filings. (1) Emergency filing may be made by telephone, telegram, teletype or facsimile equipment providing the following information:

- (a) Name of insured.
- (b) Name of insurance company and policy number.
- (c) Type of filing being made. If it is a scheduled filing, a description of the vehicle must be included.
- (d) Statement "Certificate Will Follow".
- (e) Date of policy.
- (f) Name of authorized representative of the insurer.

(2) A filing made under this subsection shall be in force for 30 days from the date it was received by the department.

(3) An emergency filing received under this subsection shall impose upon the insurer the same liability as if the certificate had been filed under normal procedures and any action taken by the department will be the same as if a certificate was on file.

(4) No extensions of, or additional emergency filing by the same insurer, will be accepted for the same insured unless a certificate has been received covering the previous emergency filing.

History: Cr. Register, February, 1981, No. 302, eff. 3-1-81.

Trans 176.04 Notice of insurance and surety bond cancellation. (1) Notice of cancellation of motor carrier bodily injury and property damage liability insurance shall be made by an insurer on FORM K, Uniform Notice of Cancellation of Motor Carrier Insurance policies. (Appendix IV)

(2) Notice of cancellation of any motor carrier bodily injury and property damage liability surety bond shall be made by the surety and its principal on FORM L, Uniform Notice of Cancellation of Motor Carrier Surety Bonds. (Appendix V)

(3) The notice of cancellation under sub. (1) or (2) is not effective until after 30 days from the date it is received by the department of transportation. The 30-day notice period may be waived by the department if an acceptable replacement undertaking is filed in accordance with this chapter.

History: Cr. Register, November, 1977, No. 263, eff. 12-1-77; renum. from MVD 2.04, Register, February, 1981, No. 302, eff. 3-1-81; correction in (3) under s. 13.93 (2m) (b) 6, Register, August, 1984, No. 344.

Trans 176.05 Evidence of self-insurance. (1) In accordance with s. 194.42, Stats., the department of transportation may, by order, exempt any common motor carrier of property or of passengers, or other carrier of passengers by motor bus, or contract motor carrier from the liability security requirements imposed under s. 194.41, Stats., and ss. Trans 176.01 to 176.04 if the carrier:

(a) 1. Complies with the requirements set forth in s. 194.42, Stats., and
2. Files an application to qualify as a self-insurer with the department of transportation; or

(b) Complies with the requirements under sub. (2).

(2) Any motor carrier engaged in interstate commerce only or jointly in interstate and intrastate commerce on Wisconsin highways who is qualified as a self-insurer under the rules and regulations of the interstate commerce commission, may qualify as a self-insurer under this section by filing with the department of transportation a certified copy of a currently effective interstate commerce commission order authorizing such motor carrier to self-insure under applicable federal law and regulations.

(3) Applications to qualify as a self-insurer shall be made on forms provided by the department of transportation. (Appendix VI).

History: Cr. Register, November, 1977, No. 263, eff. 12-1-77; renum. from MVD 2.05 and am. (1) (Intro.), Register, February, 1981, No. 302, eff. 3-1-81.

Trans 176.06 Minimum limits of liability security. (1) The minimum limits of liability security for bodily injury and property damage liability required under this chapter are:

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(a) For-hire property carriers:

	OCT. 1, 1982 THROUGH December 31, 1984	ON AND AFTER January 1, 1985
1. Vehicles transporting hazardous substances, as defined in 49 C.F.R. 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3500 water gallons; or in bulk Class A and B explosives, poison gas (Poison A), liquified compressed gas or compressed gas; or highway route controlled quantity radioactive materials as defined in 49 C.F.R. 173.455.	\$1,000,000	\$5,000,000.
2. Vehicles transporting oil listed in 49 C.F.R. 172.101, hazardous waste, hazardous materials and hazardous substances defined in 49 C.F.R. 171.8 and listed in 49 C.F.R. 172.101, but not mentioned in subd. 1	\$ 600,000	\$1,000,000.
3. Vehicles of 10,000 pounds or less gross vehicle weight transporting non-hazardous substances	\$ 300,000	\$ 300,000.
4. Vehicles of over 10,000 pounds gross vehicle weight transporting non-hazardous substances	\$ 500,000	\$ 750,000.

(ag) For purposes of par. (a):

1. "Hazardous material" means a substance or material which has been determined by the U.S. secretary of transportation to be capable of posing an unreasonable risk to health, safety and property when transported in commerce, and which has been so designated.

2. "Hazardous substance" means a material, and its mixtures or solutions, that is identified by the letter "E" in Column 1 of the Table to 49 C.F.R. 172.101 when offered for transportation in one package; or in one transport vehicle if not packaged, and when the quantity of the material therein equals or exceeds the reportable quantity (RQ). This definition does not apply to petroleum products that are lubricants or fuels; or to a mixture or solution containing a material identified by the letter "E" in Column 1 of the Table to 49 C.F.R. 172.101 if it is in a concentration less than that shown in the following table based on the reportable quantity (RQ) specified for the materials in Column 2 of the Table to 49 C.F.R. 172.101:

RQ Pounds	RQ Kilograms	CONCENTRATION BY WEIGHT	
		Percent	PPM
5,000	2,270	10	100,000
1,000	454	2	20,000
100	45.4	0.2	2,000
10	4.54	0.02	200
1	0.45	0.002	20

3. "Hazardous waste" means any material that is subject to the hazardous waste manifest requirements of the EPA specified in 40 C.F.R. Part 262 or would be subject to these requirements absent an interim authorization to a state under 40 C.F.R. Part 123, Sub-part F.

4. "In bulk" means the transportation, as cargo, of property, except Class A and B explosives and poison gases, in containment systems with capacities in excess of 3,500 water gallons.

5. "In bulk Class A and B explosives" means the transportation, as cargo, of any Class A or B explosive or explosives in any quantity.

WISCONSIN INSURANCE ENDORSEMENT FOR BLANKET POLICIES

This policy is issued in order to effect compliance by the assured as a common motor carrier of property, and/or contract motor carrier, and/or common motor carrier of passengers, and/or any carrier of passengers by motor bus, and/or person engaged in leasing motor vehicles without drivers, and/or person, firm or corporation renting cars, and/or every operator of a school bus and also the school district or other governmental agency which contracts for its operation, with Chapter 194, Sections 194.41 and 194.44, Chapter 344, Section 344.51 (1), 344.52 (1), Chapter 341, Sections 341.267 (7), 341.51 (2m), Chapter 346, Section 346.97 (1), Chapter 121, Section 121.53 (4), Wisconsin Statutes, and notwithstanding any provisions to the contrary herein contained, all of the coverage, (cargo excepted), required by said Sections 194.41, 194.44, 341.267 (7), 341.51 (2m), 344.51.(1), 344.52 (1), 121.53 (4), 346.97 (1): Wisconsin Statutes, is hereby provided to the assured with respect to the operation, maintenance and use of any and all motor vehicles whether the motor vehicles are specifically described in the policy or not.

The liability of the company under said policy extends to all losses, damages, injuries, or deaths within the boundaries of the State of Wisconsin, whether occurring on or off the route or within or outside the territory authorized to be served.

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MAILING INSTRUCTIONS: MAIL FIRST THREE PARTS TO THE WISCONSIN DEPARTMENT OF TRANSPORTATION. RETAIN FOURTH PART FOR YOUR FILE.

FORM EX
MOTOR CARRIER AUTOMOBILE BODILY INJURY AND PROPERTY DAMAGE LIABILITY CERTIFICATE OF INSURANCE
Filed (in Triplicate) with: WISCONSIN DEPARTMENT OF TRANSPORTATION

4802 Sheboygan Avenue
P.O. Box 7967
Madison, Wisconsin 53707

Date _____
Received: _____

This is to certify, that the _____ (NAME OF COMPANY)

(hereinafter called Company) of _____ (HOME OFFICE ADDRESS OF COMPANY)

has issued to _____ (NAME OF MOTOR CARRIER)

of _____ (ADDRESS OF MOTOR CARRIER)

insurance under terms described on the back of this form, to provide coverage as follows: (CHECK AS APPLICABLE)

Full Security Limits Required in Section 194.41, Wis. Stats., and TRANS 176, Wisconsin Administrative Code.

Security Limits Required under Section 194.41, Wis. Stats., and TRANS 176, Wisconsin Administrative Code, as follows:

This insurance is primary and the Company shall not be liable for amounts in excess of \$ _____ for each accident.

This insurance is excess and the Company shall not be liable for amounts in excess of \$ _____ for each accident in excess of the underlying limit of \$ _____ for each accident.

Effective from _____ (12:01 a.m., standard time at the address of the Insured as stated in said policy or policies) and continuing until cancelled as provided in the rules and regulations under TRANS 176, Wisconsin Administrative Code.

Signed at _____ (STREET) _____ (CITY) _____ (STATE) _____ Date _____

Insurance Company Policy No. _____ (ISSUING OFFICE - FULL NAME OF AGENCY OR BRANCH)

_____ (SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE)

MC 1619 (Ed. 1-85) UNIFORM PRINTING & SUPPLY, INC.

Appendix X
(Front)

Appendix X
(Back)

The receipt of this certificate by the Department certifies that a policy or policies of Public Liability (or Automobile Bodily Injury and Property Damage Liability) insurance has been issued by the Company identified on the face of this form, that the Company is qualified to make this filing, and that by attachment of the endorsement prescribed by the Wisconsin Department of Transportation (FORM FX), is amended to provide, within the limits stated herein, the coverage or security for the protection of the public required under section 194.41, Wis. Stats., and TRANS 176, Wisconsin Administrative Code. The amendment governs the operation, maintenance or use of motor vehicles under certificate of public convenience and necessity or permit issued to the Insured by the Office of the Commissioner of Transportation or the Wisconsin Department of Transportation, and the pertinent rules and regulations of the Commissioner and the Department, regardless of whether such motor vehicles are specifically described in the policy or policies or not. The liability of the Company extends to all losses, damages, injuries or deaths occurring within the authority granted to the Insured by the Commissioner or the Department or elsewhere.

The endorsement described may not be cancelled without notification to the Department. Such cancellation may be affected by the Company or the Insured giving thirty (30) days' notice in writing to the Wisconsin Department of Transportation at its office in Madison, Wisconsin, said thirty (30) days' notice to commence to run from the date notice is actually received at the Department.

FORM FX
MOTOR CARRIER AUTOMOBILE BODILY INJURY AND PROPERTY DAMAGE
LIABILITY INSURANCE ENDORSEMENT

Issued to _____ of _____

Dated at _____ this _____ day of _____, 19 _____

Amending Policy No. _____ Effective Date _____

Name of Insurance Company _____

Countersigned by _____
Authorized Company Representative

The policy to which this endorsement is attached provides primary or excess insurance, as indicated by "", for the limits shown:

This insurance is primary and the company shall not be liable for amounts in excess of \$ _____ for each accident.

This insurance is excess and the company shall not be liable for amounts in excess of \$ _____ for each accident in excess of the underlying limit of \$ _____ for each accident.

Whenever required by the Wisconsin Department of Transportation, the company agrees to furnish the Department a duplicate of said policy and all its endorsements. The company also agrees, upon telephone request by an authorized representative of the Department, to verify that the policy is in force as of a particular date.

Cancellation of this endorsement may be effected by the company or the insured by giving thirty (30) days' notice in writing to the other party, and by providing thirty (30) days' notice to the Department (said 30 days' notice to commence from the date the notice is received by the Department at its office in Madison, Wisconsin).

Appendix XI
(Back)

The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a motor carrier of property, with sec. 194.41, Wis. Stats., and TRANS 176, Wis. Admin. Code, and the rules and regulations of the Wisconsin Department of Transportation.

violation thereof, shall relieve the company from liability or from the payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured. However, all terms, conditions and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment recovered against the insured for public liability (automobile, bodily injury and property damage liability) resulting from negligence in the operation, maintenance or use of motor vehicles subject to the financial responsibility requirements of sec. 194.41, Wis. Stats., and TRANS 176, Wis. Admin. Code, regardless of whether or not each motor vehicle is specifically described in the policy and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability does not apply to injury to or death of the insured's employees while engaged in the course of their employment, or to property transported by the insured, designated as cargo. It is understood and agreed that no condition, provision, stipulation or limitation contained in the policy, this endorsement, or any other endorsement thereon, or

It is further understood and agreed that, upon failure of the company to pay any final judgment recovered against the insured as provided herein, the judgment creditor may maintain an action in any court of competent jurisdiction against the company to compel such payment.

The limits of the company's liability for the amounts prescribed in this endorsement apply separately to each accident and any payment under the policy because of any one accident shall not operate to reduce the liability of the company for the payment of final judgments resulting from any other accident.