

transportation. The 30-day notice period may be waived by the division [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.

**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:

(a) For-hire property carriers:

	OCT. 1, 1982 THROUGH JUNE 30, 1983	ON AND AFTER JULY 1, 1983
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 3,500 water gallons; or in bulk Class A and B explosives, poison gas (Poison A), liquified compressed gas; or large quantity radioactive materials as defined in 49 C.F.R. 173.389	\$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	\$ 500,000	\$1,000,000.
3. Vehicles of under 10,000 pounds gross vehicle weight transporting non-hazardous substances	\$ 300,000	\$ 300,000.
4. Vehicles of 10,000 pounds or more gross vehicle weight transporting non-hazardous substances	\$ 500,000	\$ 750,000.

Register, September, 1982, No. 321

(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.

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:

## PERSONAL INJURY

PASSENGER CAPACITY	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) (c), eff. 2-23-79; am. (1) (a) and cr. (1) (c), Register, May, 1979, No. 281, eff. 6-1-79; renun. 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), renun. (1) (d) to be (2), Register, September, 1982, No. 321, eff. 10-1-82.

**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 whose signature is on file with the department of transportation. A letter of authorization, signed by a corporate officer of the insurer or surety, together with a 3 x 5 signature card for each authorized representative shall be kept on file by the department of transportation.

(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; renun. from MVD 2.07, Register, February, 1981, No. 302, eff. 3-1-81.

**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.

Register, September, 1982, No. 321

(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.

Appendix I

FORM E

UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY DAMAGE LIABILITY CERTIFICATE OF INSURANCE

(Executed in Triplicate)

Filed with \_\_\_\_\_ (Name of Commission) (hereinafter called Commission)

This is to certify, that the \_\_\_\_\_ (Name of Company)

(hereinafter called Company) of \_\_\_\_\_ (Home Office Address of Company)

has issued to \_\_\_\_\_ of \_\_\_\_\_ (Name of Motor Carrier) (Address of Motor Carrier)

a policy or policies of insurance effective from \_\_\_\_\_ 12:01 A.M. standard time at the address of the insured stated in said policy or policies and continuing until canceled as provided herein, which, by attachment of the Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement, has or have been amended to provide automobile bodily injury and property damage liability insurance covering the obligations imposed upon such motor carrier by the provisions of the motor carrier law of the State in which the Commission has jurisdiction or regulations promulgated in accordance therewith.

Whenever requested, the Company agrees to furnish the Commission a duplicate original of said policy or policies and all endorsements thereon.

This certificate and the endorsement described herein may not be canceled without cancellation of the policy to which it is attached. Such cancellation may be effected by the Company or the insured giving thirty (30) days' notice in writing to the State Commission, such thirty (30) days' notice to commence to run from the date notice is actually received in the office of the Commission.

Countersigned at \_\_\_\_\_ (Street Address) (City) (State) (Zip Code)

this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Authorized Company Representative

Insurance Company File No. \_\_\_\_\_ (Policy Number)

MC1633 (Ed. 6-71) UNIFORM PRINTING & SUPPLY DIV.

IRB 3539B

Register, September, 1982, No. 321

DEPARTMENT OF TRANSPORTATION Trans 176 124-2