

NOTICE OF PROPOSED GUIDANCE DOCUMENT

Motor Carrier Required Insurance

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment Motor Carrier Required Insurance Trans 176, 49 CFR 172.101, a proposed guidance document.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website: <https://wisconsin.gov/Pages/dmv/com-driv-vehs/mtr-car-trkr/mc-ins.aspx>

2. Mailing written comments to:
Division of Motor Vehicles
Wisconsin Department of Transportation
4822 Madison Yards Way
PO Box 7336
Madison, WI 53707-7336

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at wisconsin.gov to allow for ongoing comment.

AGENCY CONTACT

DOTDMVGuidanceDocs@DOT.WI.GOV



State of Wisconsin Department of Transportation

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Please note: The Wisconsin legislature has passed a bill to introduce new insurance minimums for motor carriers of passengers that operate solely in intrastate commerce.

The bill becomes effective May 1, 2018.

The new minimum policy limit will be reduced for intrastate passenger carriers to the following:

1. For a motor vehicle with a passenger-carrying capacity of 15 or fewer passengers, the policy minimum decreased from \$1,500,000 to \$500,000.
2. For a motor vehicle with a passenger-carrying capacity of 16 or more passengers, the policy minimum decreased from \$5,000,000 to \$1,000,000.

Insurance filings with FMCSA (Federal Motor Carrier Safety Administration)

- Interstate operation (across state lines), and
- Intrastate operation transporting hazardous materials by certain vehicles

The following interstate carriers – and those intrastate carriers carrying hazardous materials as described just below – are required to file with FMCSA, in the amount required by FMCSA, proof of insurance before operating in the U.S.:

- All interstate for-hire carriers of passenger and property
- And under Sections 29 and 30 of the Motor Carrier Act of 1980, carriers transporting **certain hazardous materials or hazardous substances in certain amounts** – see FMCSA Form MCS-90:
 - All interstate (for-hire or private) motor carriers
 - All intrastate (for-hire or private) carriers with a gross vehicle weight rating of 10,000 or more pounds

Federal Motor Carrier Safety Administration (FMCSA)

Insurance filings with Wisconsin DOT

- Intrastate operation (operation within Wisconsin only)

The following intrastate carriers are required to file with Wisconsin DOT in the amount described below, proof of insurance before operating in Wisconsin:

- All for-hire carriers of passengers, property, rental companies, private operation motor buses that carry 16 or more passengers (including the driver), human service vehicles, special medical vehicle, driver education vehicles and dealer/distributor/manufacture demonstration vehicles.

What to do:

1. If you are a "for-hire" carrier you must file proof of liability insurance with Wisconsin DOT before operating on Wisconsin highways. Proof of insurance on-file with WisDOT is a prerequisite for any "for hire" carrier to obtain vehicle registration, vehicle registration trip permits, and Wisconsin operating authority.
2. If you are requesting a plate type such as Human Service Vehicle, Gross Weight Bus or Drivers Education, valid insurance must be on file prior to plate issuance or renewal.
3. If you are carrying hazardous materials and hazardous substances anywhere in the U.S., including in Wisconsin, see Insurance Filings With FMCSA, above,

Insurance must be on-file with WisDOT for commercial motor vehicles as indicated below:

Note: Filings must be combined single limit, except that split-limit, scheduled and restricted blanket

filings may be filed in those instances described in [Chapter Trans 176](#), Wisconsin Administrative Code.

Vehicles which are not transporting hazardous materials under [49 CFR 172.101](#) must have minimum required insurance on-file with WisDOT for vehicles and operations as follows:

a. Passenger for-hire (not including driver education and school bus). See just below for motor bus.

- Vehicles with gross weight 10,000 lbs. or less -- \$300,000 minimum
- Vehicles with gross weight over 10,000 lbs.:
 - Seating capacity including driver of 15 or less (intrastate only effective 5/1/18) -- \$500,000
 - Seating capacity including driver of 15 or less -- \$1,500,000
 - Seating capacity including driver of 16 or more (intrastate only effective 5/1/18) -- \$1,000,000
 - Seating capacity including driver of 16 or more -- \$5,000,000

b. Motor bus, private or for-hire (seating capacity of 16 or more):

- Vehicles with gross weight 10,000 lbs. or less -- \$300,000
- Vehicles with gross weight over 10,000 lbs. (intrastate only effective 5/1/18) -- \$1,000,000
- Vehicles with gross weight over 10,000 lbs. -- \$5,000,000

c. Property for-hire:

- Vehicles with gross weight over 10,000 lbs. -- \$750,000 minimum
- Vehicles with gross weight 10,000 lbs. or less -- \$300,000 minimum

d. Driver education vehicles -- 25/50/10 (\$ thousands)

e. School bus carrying passengers as a school bus, based on seating capacity:

- 7 or less 75/150/10 (\$ thousands)
- 8 to 15 75/200/10 (\$ thousands)
- 16 to 24 75/250/10 (\$ thousands)
- 25 to 36 75/375/10 (\$ thousands)
- 37 or more 75/1000/10 (\$ thousands)

f. School bus carrying passengers other than for school bus or school bus contract purposes – must comply with passenger requirements above, based on gross vehicle weight and seating capacity.

g. Human service vehicles, based on seating capacity:

- 7 or less 75/150/10 (\$ thousands)
- 8 to 15 75/200/10 (\$ thousands)
- 16 to 24 75/250/10 (\$ thousands)
- 25 to 36 75/375/10 (\$ thousands)
- 37 to 49 75/500/10 (\$ thousands)
- 50 or more 75/500/10 (\$ thousands), plus \$10,000 for each seat over 50 passenger

Note: For **intrastate** minimum insurance requirement purposes, passenger seating capacity is determined by counting the number of individual identifiable seats, including that of the driver. For any seating where individual seats are not identifiable, such as buses without seat belts, seating is calculated as follows:

- For a motor bus, by dividing by 20 the total seating space measured in inches. For example, 295 inches divided by 20 = 14.75. Plus 1 driver seat = 15.75 total. This counts as seating capacity of 15 passengers.

For a school bus, by dividing by 13 the total seating space measured in inches.

- For **interstate** purposes, seats are counted based on the original manufacturer's design, not on the method just above.

Where to file: Insurance is required to promote public safety and ensure fiscal responsibility of high liability operations. Motor carriers must have their insurance company file a Form E certificate of insurance with Division of Motor Vehicles (DMV) offices as proof of insurance.

Filing of insurance with FMCSA for interstate operating authority meets the Wisconsin intrastate filing requirement.

Related links:

[Operating authority](#)

[Weight restriction programs](#)

Questions about the content of this page:

Motor carrier registration

International registration plan (IRP) or International fuel tax agreement (IFTA)

Wisconsin Department of Transportation

Motor Carrier Services

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Phone (608) 266-9900

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