

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Note: Chapter MVD 2 as it existed on November 30, 1977, was repealed and a new Chapter MVD 2 was created effective December 1, 1977; renumbered ch.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 (1m), 344.52 (1r) or 344.55, Stats.

Note: Forms E-G, K, L, S-1, S-2, B-1, EX and FX described in this chapter may be obtained from Uniform Printing and Supply Company, P.O. Box 189, Kendallville, IN 46755, telephone 1-800-382-2424. The Endorsement No. 1 and Petition to Self-Insure forms may be obtained by contacting the Wisconsin Department of Transportation, Motor Carrier Insurance, P.O. Box 7967, Madison, WI 53707.

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; **corrections in (2) made under s. 13.92 (4) (b) 7., Stats., Register March 2012 No. 675.**

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 par. (c), the certificate of insurance shall be made on FORM E, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance.

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

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

(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.

(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.

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. Amendments to scheduled filings shall be made on FORM (S-2), Amended Schedule of Vehicles Insured.

(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. 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.

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.

(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.

(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 con-

tract 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.

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 December 31, 1984 | ON AND AFTER January 1, 1985 |
|----|--|---|---------------------------------------|
| 1. | Vehicles transporting hazardous substances, as defined in 49 CFR 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), liquefied compressed gas or compressed gas; or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455. | \$1,000,000 | \$5,000,000. |
| 2. | Vehicles transporting oil listed in 49 CFR 172.101, hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in subd. 1. | \$500,000 | \$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 CFR 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 CFR 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 CFR 172.101:

Concentration By Weight

| RQ Pounds | RQ Kilograms | 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 CFR Part 262 or would be subject to these requirements absent an interim authorization to a state under 40 CFR 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 CFR 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 CFR 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; 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.