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FOR IMMEDIATE RELEASE

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SAFETY PROGRAM OFFERED TO PASSENGER MOTOR CARRIERS

Program will be Wednesday, September 4

The Kansas Highway Patrol will sponsor a safety/question-and-answer program for those motor carriers who transport passengers on Wednesday, September 4, in Garden City. The program is designed to give churches operating busses of nine passengers or greater, including the driver, all relevant information on how to comply with federal regulations and state laws.

“Recent bus crashes nationwide has prompted the Patrol to seek opportunities to further safety across Kansas with our partners, FMCSA and KCC,” Captain Christopher Turner, commander of the Patrol’s Motor Carrier Safety Assistance (MCSAP) Program, said. “Providing information on best practices and delivering programs to entities that transport passengers gives everyone a chance to reach their destination safe and sound.”

Representatives from the Federal Motor Carrier Safety Administration, Kansas Corporation Commission, and Kansas Highway Patrol will be present to provide the program and answer any questions.

Compliance Guidelines for the Non-Business Private Motor Carrier of Passenger (PMCPs)

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Compliance Guidelines for the Non-Business Private Motor Carrier of Passengers (PMCPs)

What is a Non-business PMCP?

Examples of non-business PMCP's include churches, private schools, scout groups, and other organizations that may purchase or lease buses for the private transportation of their respective groups. However, if a fee is charged for the transportation, the PMCP becomes a for-hire business and is subject to all applicable regulations.

Interstate Commerce definition: means trade, traffic or transportation in the United States between a place in a State and a place outside of such State, including a place outside of the United States;

Intrastate Commerce definition: means any trade, traffic or transportation in any State which is not described in the term "interstate commerce."

Applicability of the Federal Motor Carrier Safety Regulations (FMCSR's):

The chart below summarizes the applicability of the FMCSR's to the non-business PMCP's engaged in interstate commerce.

C.F.R. Title 49, Part	Regulatory Topic	Applicability
382	Substances and Alcohol Use and Testing	Yes, drivers operating 16 passenger busses or larger are subject to this Part in both intrastate and interstate commerce
383	Commercial Drivers License	Yes, drivers operating 16 passenger busses or larger are subject to this Part in both intrastate and interstate commerce
387	Minimum Levels of Financial Responsibility	No
390	General Applicability and Definitions	Yes, see frequently asked questions (FAQ's) for details
391	Qualifications of Drivers	Yes, see frequently asked questions (FAQ's) for details
392	Driving of Commercial Motor Vehicle(CMV)	Yes
393	Parts and Accessories for Safe Operation	Yes
395	Hours of Service (HOS) of Drivers	Yes, see frequently asked questions (FAQ's) for details
396	Inspection Repair and Maintenance	Yes, see frequently asked questions (FAQ's) for details

Federal Exception: Non-business PMCPs are not subject to: Part 391 Subpart C, D & F and most paperwork and recordkeeping requirements of Parts 391, 395, and 396. To view all the FMCSR's go to: www.fmcsa.dot.gov .

State Exception: K.S.A. 66-1,129 (c) (2) exempts the non-business PMCP's from the safety regulations Parts 390 -399 while engaged in intrastate commerce, however, Parts 382 and 383 apply to drivers of 16 passenger busses or larger.

Frequently asked questions regarding the applicability of the FMCSR's to Private Motor Carriers of Passengers (PMCP's):

1. Are non-business PMCP's required to mark their vehicles as required by 49 C.F.R. Part 390.21?

Yes. All PMCP's must register with the FMCSA as required by 49 C.F.R. Part 390.19, and mark their vehicle according to Part 390.21 with their name and U.S. DOT number.

2. Are non-business PMCP drivers required to be medically examined?

No. Part 391.68 (a)(4) specifically states that much of Parts 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 PMCP's. However, non-business PMCP drivers are subject to the minimum physical qualification standards found in Part 391.41 (b) (1)-(13). Non-business PMCP's should become familiar with the minimum physical qualification standards found in Part 391.41 and the driver waiver conditions of Part 391.49. Non-business PMCP drivers may be placed out-of-service during terminal, en route, or destination inspections, if they are required by Part 391.41 to have a waiver and do not possess one.

3. Are non-business PMCP drivers subject to the driver's HOS regulations?

Yes. They are not required, however, to prepare or maintain records of duty status. Non-business PMCP driver's HOS 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 PMCP's 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 record of duty-status submitted to that driver's regular employing motor carrier.

4. Are non-business PMCPs required to have their vehicles inspected?

Yes, Part 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 FMCSR's. Documentation of this inspection must be kept on the vehicle.

5. Are the operations of a church which provides bus tours to the general public or its membership for compensation subject to the FMCSR's as a for-hire motor carrier?

Yes. If the church accepts fees from anyone, the church is a for-hire motor carrier of passengers and subject to the FMCSR's. Three factors must be present before a motor carrier of passengers is classified as a "for-hire" carrier:

- A. The motor carrier provides **interstate** transportation of passengers for a commercial purpose; and
- B. The motor carrier is compensated, either directly or indirectly, for the transportation service provided;
- C. The transportation service is generally available to the public at large.

Applicability of the FMCSR's to the Kansas based non-business PMCP's driver & Commercial Motor Vehicle (CMV) based on the CMV's manufacturers weight or passenger capacity rating:

7 Passenger Mini Vans:

Intra/ Interstate Driver Safety: N/A;
Intra/Interstate Safety CMV: N/A;
Intra/Interstate Operating Authority: N/A;
Insurance Requirement: Exempt from Part 387 "Minimum Levels of Financial Responsibility", subject to state insurance requirements, for example, KS requires \$100,000/\$300,000/\$50,000.

15 Passenger Vans:

Intrastate Driver Safety: N/A;
Interstate Driver Safety: Drivers must meet minimum physical qualification standards and they are subject to the HOS (documentation is not required for either);
Intrastate Safety CMV: N/A;
Interstate Safety CMV: The CMV must display a USDOT number and be Periodically Inspected;
Intra/Interstate Operating Authority: N/A;
Insurance Requirement: Exempt from Part 387 "Minimum Levels of Financial Responsibility", subject to state insurance requirements, for example, KS requires \$100,000/\$300,000/\$50,000.

16 Passenger Bus or larger:

Intrastate Driver Safety: Valid CDL with a passenger endorsement and enrolled in a Substance and Alcohol testing program prior to operating the CMV;
Interstate Driver Safety: Valid CDL with a passenger endorsement and enrolled in a Substance and Alcohol testing program prior to operating the CMV. They are also required to meet the minimum physical qualification standards and subject to the HOS;
Intrastate Safety CMV: N/A;
Interstate Safety CMV: The CMV must display a USDOT number and be Periodically Inspected;
Intra/Interstate Operating Authority: N/A;
Insurance Requirement: Exempt from Part 387 "Minimum Levels of Financial Responsibility", subject to state insurance requirements, for example KS requires \$100,000/\$300,000/\$50,000.

The KCC Transportation Division is responsible for regulating public and private motor carriers in Kansas. The Commission's goal is to ensure appropriate and effective regulation and oversight of motor carriers and protect the public interest and safety. The Transportation Division offers free compliance seminars. The seminar schedule is available on the Commission's website at www.kcc.state.ks.us or by calling (785) 271-3151.