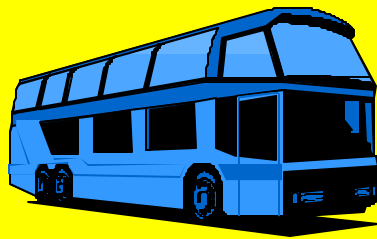


# Private Motor Carriers of Passengers

subject to the



**Federal Motor Carrier Safety Regulations**

The Motor Carrier Safety Act of 1984 expanded the authority of the United States Department of Transportation to regulate the safety of interstate transportation of passengers by commercial motor vehicles.

On January 1, 1995, private motor carriers of passengers (PMCPs) became subject to the Federal Motor Carrier Safety Regulations (FMCSRs) for the first time.

## ARE YOU A PRIVATE MOTOR CARRIER OF PASSENGERS?

**You are a PMCP if you do not offer transportation services for hire, but you do:**

1. Transport passengers in interstate commerce, and
2. Use a vehicle designed to carry more than 15 passengers, including the driver (or the vehicle is greater than 10,000 pounds GVWR).

Even if you do not operate interstate, you may still be subject to State regulations similar to the FMCSRs. Transportation provided directly by Federal, State or local governments, or agencies thereof, is generally exempt from these regulations.

As a private motor carrier of passengers your operation will fall into one of two groups: business or nonbusiness.

## BUSINESS PMCPs

Business PMCPs provide private, interstate transportation of passengers in the furtherance of a commercial purpose.

Examples of business PMCPs include companies which use buses to transport their own employees, and professional musicians who use buses for concert tours.

Commercial businesses that provide passenger transportation to the general public are not business PMCPs. They are considered “for-hire” and are already subject to the FMCSRs.

## NONBUSINESS PMCPs

Nonbusiness PMCPs provide private, interstate transportation of passengers that is not in the furtherance of a commercial purpose.

Examples of nonbusiness PMCPs include churches, scout groups, and other charitable organizations that may purchase or lease buses for the private transportation of their respective groups.

Churches, other charitable organizations, or private associations, that offer charter bus operations to the general public with the intent to make a profit are not nonbusiness PMCPs. They are considered “for-hire” and are already subject to the FMCSRs.

## WHAT ABOUT SCHOOL BUSES?

The transportation of preprimary, primary and secondary school children from home to school and from school to home, or any transportation performed by a governmental agency such as a public school district, is not subject to the FMCSRs.

However, transportation of students by a **private** school that owns or leases a bus for an extracurricular activity, such as an out-of-state field trip, is subject to the FMCSRs and is classified as nonbusiness private transportation of passengers.

The chart below summarizes the applicability of the FMCSRs to school bus transportation.

	School to Home or Home to School	Extracurricular School Activities
Public School Transportation	Not subject	Not subject
Private School Transportation of Preprimary, Primary, and Secondary Students	Not subject	Subject as nonbusiness PMCP transportation
Private School Transportation of Post-Secondary Students	Subject as nonbusiness PMCP transportation	Subject as nonbusiness PMCP transportation
Contract Transportation of Preprimary, Primary, and Secondary Students	Not subject	Subject as for-hire transportation
Contract Transportation of Post-Secondary Students	Subject as for-hire transportation	Subject as for-hire transportation

## HOW WILL THE RULE BE ENFORCED?

The primary enforcement activity for both groups of PMCPs is driver/vehicle inspections. Inspections are performed at carrier terminals or destination points such as amusement parks, convention centers, and sporting complexes, as well as on the road.

As a business PMCP you are subject to compliance reviews at your business premises, the FHWA's safety fitness rating process and penalties for receiving an unsatisfactory safety rating. During a compliance review your operation's safety management practices and regulatory compliance as evidenced by the records you maintain and the condition of your vehicles.

Following a compliance review your operation will be rated satisfactory, conditional, or unsatisfactory. Any carrier receiving an unsatisfactory rating will be prohibited from transporting passengers, effective 45 days after receipt of the rating, unless corrective action is taken. Note: Some of these ratings may change with CSA 2010.

As a nonbusiness PMCP you will not be rated, nor will you be subject to compliance reviews, unless serious safety problems are identified in highway experience.

## WHAT IS REQUIRED?

As a PMCP you must meet certain requirements of the FMCSRs depending on whether your operation is classified as business or nonbusiness.

### 49 CFR

PART:	TOPIC	BUSINESS	NONBUSINESS
383	CDL	Yes	Yes
387	Financial Responsibility	No	No
390	General	Yes	Yes*
391	Qualifications of Drivers	Yes*	Yes*
392	Driving of Motor Vehicles	Yes	Yes
393	Parts and Accessories	Yes**	Yes**
395	Hours of Service	Yes	Yes*
396	Inspection, Repair, and Maintenance	Yes	Yes*

\* Nonbusiness PMCPs are exempt from the current drug testing regulations (see box below) and all record keeping requirements of Parts 390, 391, 395, and 396. Both groups are exempt from the road and written test requirements of part 391.

\*\*PMCPs are exempt from the fuel system requirements of part 393.67, provided the vehicle fuel system is maintained to the original manufacturer's standards.

**A separate rule, mandated by Congress, was published on February 15, 1994. That rule, which became effective on January 1, 1996 for entities with fewer than 50 drivers, requires drug and alcohol testing for all operators of vehicles who are required by part 383 to have a CDL. No exemption from any part of that rule was provided to nonbusiness PMCPs.**

## WHAT DO I NEED TO DO NOW?

You must contact the FHWA's Office of Motor Carriers in your state to obtain a Motor Carrier Identification Report, Form MCS-150.

The Motor Carrier Identification Report identifies previously unknown or unregulated motor carriers and assists the FHWA in prioritizing such carriers for reviews. The completed MCS-10 must be forwarded to the FHWA's Office of Motor Carrier Information Management, 400 7th Street, S.W., Washington, D.C. 20590. Failure to submit a Form MCS-150 could result in FHWA enforcement action.

After receiving the completed MCS-150, the FHWA will assign you a U.S. DOT number. All PMCPs are required to mark their name, city state and US DOT number on the side of their vehicles as required by 49 CFR part 390.21.

To help you meet the requirements of the FMCSRs, you should also request an Educational and Technical Assistance (ETA) package from your local FHWA Office of Motor Carriers. The ETA package contains sample record keeping forms and is designed to assist in complying with the FMCSRs. The package will also contain a special passenger transportation supplement to aid you in determining how your operation is classified and explain in greater detail what is required of you.



Safety Message from Project P.I.E.  
 (Public Information and Education)  
 FACT SHEET #016  
 Georgia Department of Public Safety  
 Motor Carrier Compliance Division  
 P.O. Box 1456  
 Atlanta, Georgia 30371-1456  
 (404) 624-7211 www.dps.georgia.gov