# **29 DEPARTMENT OF THE SECRETARY OF STATE**

**250 BUREAU OF MOTOR VEHICLES**

**Chapter 153: THE OPERATION OF MOTOR INTRASTATE CARRIERS OF PASSENGERS FOR-HIRE**

**SUMMARY**: This rule establishes requirements for the operation of motor carriers of passengers for-hire as provided in Title 29-A section 552.

**1. DEFINITIONS**

In the regulation of motor carriers transporting property for-hire in the State of Maine over the public highways, the following words, terms and phrases shall have the meaning herein defined, unless the term so used is immediately followed by a different definition.

A. The term "Secretary" means the Maine Secretary of State.

B. The term "Bureau" means the Bureau of Motor Vehicles.

C. The term "person" means any individual, firm, co-partnership, corporation, association or company, or lessees, trustees or receivers thereof, operating or causing the operation of motor vehicles over the public highways in the business of transporting passengers for hire.

D. The term "intrastate carrier" means any person engaged in the business of transporting passengers for hire by motor vehicles over the public highways in the business of transporting passengers for hire.

E. The term "interstate carrier" means any person transporting passengers for-hire that originates or terminates in this State from or to another State or Country by motor vehicles upon any public highway.

F. The term "application" means original application, renewal application and transfer application filed by any person for an intrastate permit under the provisions of the statute.

G. The term "Equipment Identification List" means the form prescribed and furnished by the Secretary requiring a complete description of each motor vehicle. The description shall include make, serial numbers, unit numbers (if any), name of the owner and the state in which the vehicle is registered. Copies of the Registration Certificate may be substituted for an actual equipment list for those carriers not covered by a blanket insurance policy.

H. The term "docket number" means the serial number of the bus docket assigned by the Secretary to any application received.

I. The term "insurance certificate" means the certification by insurance companies, surety companies or individual sureties to coverage under the provisions of the law on forms approved by the Secretary.

J. "Primary insurance policy" means a policy of liability insurance providing the first dollars of coverage where multiple policies are used to meet the minimum insurance limits.

K. "Excess insurance policy" means a policy of liability that is used to meet the minimum insurance limits and provides coverage for liability in excess of a primary insurance policy or an underlying insurance policy.

L. The term "permit" means the permit under the seal of the Secretary of State issued to intrastate carriers under the provisions of Title 29-A Section 552.

M. The term "public highway" means all public ways, roads, highways including the Maine Turnpike, streets, avenues, alleys, boulevards, parks, squares, ferries, and bridges and approaches thereto within the State.

N. "Motor Vehicle" means any self-propelled vehicle not operated exclusively on tracks, including motorcycles. "Vehicle" shall include all kinds of conveyances on ways for person or property, including special equipment, except those propelled or drawn by muscular power or used exclusively on tracks.

O. "Bus" means a motor vehicle of any description having a passenger seating capacity, inclusive of driver, of more than 15 passengers.

P. "Limousine/van" means a motor vehicle for hire, with a driver, that is used for the transportation of passengers and that has a seating capacity of at least 5 and no more than 14 persons behind the driver.

Q. "Taxicab" means a sedan, station wagon or minivan used for hire, with a driver, that has a seating capacity of less than 5 persons behind the driver.

R. "Operator" means any person who drives any motor vehicle.

S. The term "authorized representative" in the context of insurance filings, shall mean any person who has on file with the Secretary a signature card displaying: their name, their business address, their business telephone number, their signature, the name of their company and the effective date.

**2. COMMUNICATIONS**

A. All written communications and documents should be addressed to the Bureau of Motor Vehicles, Motor Carrier Services, Operating Authority Unit, 29 State House Station Augusta, Maine 04333-0029. All communications and documents are deemed to be officially received only when delivered at the Bureau in Augusta, Maine.

B. Every permit holder in addressing communications to the Bureau must use the name shown upon the holder's permit and indicate the Bureau's docket number.

C. Telephone Number is: (207) 624-9000 ext. 52127

D. Fax number is: (207) 622-5332

E. Web site address: http://www.state.me.us/sos/bmv/

**3. ADDRESS, CHANGE OF**

A change in the address of the principal place of business of any carrier must be reported within 10 days to the Bureau.

**4. REMITTANCE**

A. Remittance to the Bureau may be by money order or bank draft, payable to the Secretary of State or the Treasurer of the State of Maine. Personal checks will be accepted subject to collection.

B. Remittances in currency or coin are wholly at the risk of the remitter. The Bureau assumes no responsibility for loss currency or coin sent by mail.

C. All remittances must be paid in the United States Currency.

**5. APPLICATIONS**

A. Original applications. Applications for intrastate carrier permits shall be made upon forms respectively prescribed and furnished by the Secretary.

B. Renewal applications. Renewals of intrastate carrier permits shall be made upon forms respectively prescribed and furnished by the Secretary along with a $15.00 permit renewal fee. Provided the application therefore is made to the Secretary of State before February 1st of the year following the year of issue of such permit, or the last renewal of any such permit. Renewal applications received after the above date require an application fee of $25.00.

C. Applicability. Interstate carriers which participate in the Single State Registration System (SSRS) and operate in intrastate service are required to comply with the provisions of this Section but are exempted from the per vehicle fees.

Rental and emergency vehicle operations are subject to the provisions of Section 8 (insurance).

Those carriers as described in Title 29-A Section 556 sub-section 6 a and b, are subject to the provisions of Section 8 (insurance) and 10 (Transfer and substitution of motor vehicles) in this section.

**6. FEES**

The following fees provided by Title 29-A Section 552 must be paid in accordance with the provisions thereof:

A. Original Application $25.00

B. Transfer Application $10.00

C. Annual Permit Renewal $15.00

**7. VEHICLE IDENTIFICATION DEVICES**

A. The permit number issued by the Secretary of State shall be legibly painted preceded by the letter "J" on both sides of each vehicle and displayed in letters and figures in sharp color contrast to the background and be of such size, shape and color as to be readily legible, during daylight hours, from a distance of 50 feet while the vehicle is not in motion, and such display shall be kept and maintained in such a manner as to remain so legible. Nine passenger or less automobiles, as well as vehicles displaying an ICC (FMCSA Federal Motor Carrier Safety Administration) M.C. or DOT number, are exempted from this Section.

B. The Secretary may at any time suspend or revoke the authority issued to any for-hire motor carrier, as heretofore provided for lack of insurance, failure to appear in court, or failure to meet fuel tax requirements.

**8. INSURANCE**

A. No permit and/or registration will be issued by the Secretary of State until evidence of appropriate insurance has been provided for each motor vehicle to be operated. For intrastate carriers an insurance policy, or policies, or a surety bond shall be written only by an accepted company on forms approved by the Superintendent of Insurance. Evidence of appropriate insurance be filed with the Secretary of State on the State of Maine Form JB revised. The form shall be in duplicate, and signed by an authorized representative of the company certifying that coverage exists in no less amounts than as provided for in Title 29-A Section 1611. Insurance may be filed electronically in place of paper filings.

In filing evidence of insurance with the Secretary, the insuring company agrees to pay any final judgment recovered against the Insured for bodily injury to or death of any person or loss of, or damage to property of others (excluding injury to or death of the Insured's employees while in the course of their employment and loss of or damage or property of the Insured and property transported by the Insured designated as cargo), resulting from the negligent or willful operation, maintenance or use of motor vehicles (including any motor vehicles substituted for or added to those scheduled) under a permit issued to the Insured by the Secretary, or otherwise, within the limits required herein, regardless of whether such motor vehicles are specifically listed in the policy or bond.

It is understood and agreed that upon failure of the Company to pay a final judgment recovered against the Insured, the judgment creditor may maintain an action in court of competent jurisdiction against the Company to compel such payment.

The bankruptcy or insolvency of the Insured shall not relieve the Company of any of its obligations under the policy. Nothing contained in the policy or bond or any endorsement thereon shall relieve the Company from liability or from payment of any such final judgment. The liability of the Company extends to losses, damages, injuries or deaths whether occurring on the route or in the territory authorized to be served by the Insured or elsewhere.

Any cancellation of a policy of bond on file with the Secretary of State shall not take effect until after thirty (30) day notice. This notice shall be completed in writing by the insuring or bonding company on the Uniform Notice of Cancellation of Motor Carrier Insurance Policies (Form K). The thirty (30) day notice shall commence from the date the notice is received by the Secretary of State at Commercial Vehicles Division.

In the event that the carrier has obtained a policy or bond from another insurance company, and such insurance or other security becomes effective prior to the effective date of said 30 days, cancellation shall be effective as of the effective date of such other insurance or receipt of security.

B. In the case of equipment leased to the holder of a permit, insurance coverage must be provided for both the lessor and the lessee, filed with and approved by the Secretary prior to issuance of operating authority.

Where two or more policies affording valid and collectible liability insurance apply to the same motor vehicle, or where the lessor under a trip lease agreement has agreed to hold the lessee harmless from liability, or in all other cases where liability has been assumed by oral or written agreement and insurance policy provisions would exclude such assumption of liability, in an occurrence out of which a liability loss shall arise, the insurance afforded by that policy in which such motor vehicle is described or rated as an owned motor vehicle shall be primary and the insurance afforded by any other policy or policies shall be excess.

C. It shall be the duty of all such persons to arrange for continuity of coverage as provided in the foregoing. In the event of expiration or cancellation of coverage, such persons must arrange prior to the date of such expiration or cancellation, for renewed coverage effective as of the date of said expiration or cancellation and to see that the aforesaid evidence of such coverage is at all times on file at the offices of the Secretary.

In the event of failure on the part of any person to have evidence of appropriate insurance coverage for any motor vehicle or vehicles on file with the Secretary, the permit shall become void and of no effect as of the date of expiration or cancellation of coverage. The person shall immediately surrender such permit, vehicle registration certificate, [license] plate, and stickers to any representative of the Secretary of State holding a pick-up order from the Secretary of State demanding the return thereof or upon receipt of such pick-up order by certified mail.

**9. AGENT FOR SERVICE OF PROCESS**

The designation of agent under , Title 29-A Section 559 shall be on a form approved by the Secretary of State.

**10. TRANSFER OR SUBSTITUTION OF MOTOR VEHICLES**

A. In the event of the replacement of an authorized motor vehicle by a new unit of equipment, carriers must first file with the Secretary an Equipment Identification List describing the new motor vehicle to be placed in service, and must apply the permit number to the motor vehicle as set forth in Rule 7A.

B. In the event of accident or breakdown necessitating the discontinuance of operation of an authorized motor vehicle, the operator may immediately procure emergency equipment so that the passengers being, or to be, transported by the disabled vehicle may be carried to its destination with the least possible delay. The facts in connection with the use of emergency equipment shall be reported immediately in writing to the Secretary describing such motor vehicle, and providing evidence of insurance or bond coverage as set forth in Rule 8. Use of emergency equipment as herein described is valid for one trip only.

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December 16, 1989

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NON-SUBSTANTIVE CORRECTIONS:

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