



U.S. Department of Transportation
Federal Motor Carrier Safety Administration

MOTOR CARRIER FINANCIAL RESPONSIBILITY REPORT TO CONGRESS

**Pursuant to Section 5517 of the
Fixing America's Surface Transportation Act
(P.L. 114-94)
and
Section 32104 of the
Moving Ahead for Progress in the 21st Century Act
(P.L. 112-141)**

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TABLE OF CONTENTS

EXECUTIVE SUMMARY	v
I. INTRODUCTION.....	1
II. FINANCIAL RESPONSIBILITY REGULATIONS FOR MOTOR CARRIERS OF PROPERTY AND HAZARDOUS MATERIALS	3
A. BACKGROUND.....	3
B. FEDERAL MOTOR CARRIER ADMINISTRATION REGULATIONS	3
C. STATE FINANCIAL RESPONSIBILITY REQUIREMENTS	5
D. COMMON ATTRIBUTES OF FMCSA AND STATE FINANCIAL REQUIREMENTS.....	5
III. COMBINED SINGLE LIMIT VERSUS SPLIT LIMIT FINANCIAL RESPONSIBILITY REQUIREMENTS.....	6
A. COMBINED SINGLE LIMIT COVERAGE VERSUS SPLIT LIMIT COVERAGE	6
B. METHODS FOR MEETING FINANCIAL RESPONSIBILITY REQUIREMENTS	9
IV. COMPARISON OF FMCSA AND STATE FINANCIAL RESPONSIBILITY REQUIREMENTS.....	11
A. INTRASTATE FOR-HIRE PROPERTY CARRIERS CSL FINANCIAL RESPONSIBILITY	11
B. INTRASTATE FOR-HIRE CARRIERS OF PROPERTY SPLIT LIMIT LIABILITY FINANCIAL RESPONSIBILITY	14
C. INTRASTATE FOR-HIRE CARRIERS OF HOUSEHOLD GOODS CSL FINANCIAL RESPONSIBILITY REQUIREMENTS.....	16
D. INTRASTATE FOR-HIRE HOUSEHOLD GOODS CARRIERS SPLIT LIMIT LIABILITY FINANCIAL RESPONSIBILITY REQUIREMENTS	19
E. CARGO INSURANCE REQUIREMENTS	20
F. STATE REGULATORS’ MODIFICATIONS TO FMCSA HAZARDOUS MATERIAL FINANCIAL RESPONSIBILITY REQUIREMENTS.....	24
G. TOWING SERVICES AND OTHER SERVICES OR COMMODITIES SUBJECT TO STATE FINANCIAL RESPONSIBILITY REQUIREMENTS	26
H. STATE FINANCIAL RESPONSIBILITY REQUIREMENTS FOR PRIVATE CARRIERS	27
V. THE EFFICACY OF FMCSA MINIMUM LIMITS FOR FINANCIAL RESPONSIBILITY REGULATIONS	29
VI. CONFORMITY OF STATE FINANCIAL RESPONSIBILITY REQUIREMENTS WITH FMCSA REGULATIONS	31
A. STATE FINANCIAL RESPONSIBILITY REQUIREMENTS UNAFFECTED BY A CHANGE IN FMCSA MINIMUM LIMITS	31

B.	STATE LAW ADOPTS PART 387 SUBJECT TO AMENDMENT OR MODIFICATION	31
1.	Delaware Department of Motor Vehicles	32
2.	Maryland Department of Transportation, Motor Vehicle Administration.....	32
C.	STATE LAW ESTABLISHES PART 387 MINIMUM LIMITS AS A CEILING	33
1.	Mississippi Department of Transportation, Motor Carrier Safety Division.....	33
2.	Texas Department of Motor Vehicles.....	34
D.	STATE STATUTES OR REGULATIONS THAT INCORPORATED BY REFERENCE FMCSA REGULATIONS EFFECTIVE AS OF A DATE OF PUBLICATION	34
1.	Idaho State Police	35
2.	Illinois Commerce Commission	35
3.	Nebraska State Police	36
E.	STATE STATUTE OR REGULATIONS THAT TRACK CHANGES IN FMCSA MINIMUM LIMITS	36
1.	New Mexico Public Regulation Commission.....	36
2.	Indiana Department of State Revenue, Motor Carrier Services Division.....	37
3.	Colorado State Patrol	37
F.	STATE FINANCIAL RESPONSIBILITY REQUIREMENTS THAT CONFORM IN DOLLAR AMOUNT TO FMCSA MINIMUMS WITH NO REFERENCE TO FMCSRs.....	38
1.	South Carolina Department of Motor Vehicles	38
2.	The South Carolina Public Service Commission.....	38
VII.	CONCLUSION	39
	APPENDIX A: STATE LAWS AND REGULATIONS GOVERNING FINANCIAL RESPONSIBILITY REQUIREMENTS FOR INTRASTATE MOTOR CARRIERS .	43
	APPENDIX B: STATE REGULATIONS FOR SECURING FINANCIAL RESPONSIBILITY REQUIREMENTS.....	75
	APPENDIX C: STATE HOUSEHOLD GOODS CARGO INSURANCE REQUIREMENTS.....	83

LIST OF TABLES

TABLE 1: SCHEDULE OF LIMITS (PUBLIC LIABILITY).....	4
TABLE 2: SUMMARY OF STATE FINANCIAL RESPONSIBILITY REQUIREMENTS BY TYPE OF CARRIAGE AND MINIMUM LIMITS OF PUBLIC LIABILITY.....	8
TABLE 3: STATE FOR-HIRE PROPERTY CARRIER FINANCIAL RESPONSIBILITY REQUIREMENTS CONFORMING TO FMCSA REGULATIONS	12
TABLE 4: STATE FOR-HIRE PROPERTY CARRIER FINANCIAL RESPONSIBILITY REQUIREMENTS NOT CONFORMING TO FMCSA REGULATIONS.....	13
TABLE 5: STATE FOR-HIRE PROPERTY CARRIER SPLIT LIMIT FINANCIAL RESPONSIBILITY REQUIREMENTS.....	15
TABLE 6: STATE HOUSEHOLD GOODS CARRIER FINANCIAL RESPONSIBILITY REQUIREMENTS CONFORMING TO FMCSA REGULATIONS	17
TABLE 7: STATE HOUSEHOLD GOODS CARRIER FINANCIAL RESPONSIBILITY REQUIREMENTS NOT CONFORMING TO FMCSA REGULATIONS.....	18
TABLE 8: HOUSEHOLD GOODS CARRIERS SPLIT LIMIT FINANCIAL	20
TABLE 9: SUMMARY OF STATE CARGO INSURANCE REQUIREMENTS FOR INTRASTATE CARRIERS.....	22
TABLE 10: INTRASTATE TOWING SERVICE FINANCIAL RESPONSIBILITY REQUIREMENTS.....	27
TABLE 11: STATE FINANCIAL RESPONSIBILITY REQUIREMENTS FOR PRIVATE INTRASTATE CARRIERS.....	28

EXECUTIVE SUMMARY

On December 4, 2015, the President signed into law the Fixing America's Surface Transportation Act (FAST Act; P. L. No. 114-94). Section 5517 of the FAST Act directed the U.S. Department of Transportation (DOT) to prepare a report comparing State and Federal financial responsibility requirements for motor carriers of property. The FAST Act also directed DOT to evaluate the efficacy of current minimum levels of financial responsibility in meeting claims for medical costs, compensation, and other identifiable costs, as well as the frequency of liability claims arising from a single event exceeding motor carriers' current minimum levels of financial responsibility.¹ Section 5517(a) requires the report be published and to be made publicly available on a DOT Internet web site. Section 5517(a) also limits the scope of the report to motor carriers of property, which includes household goods and hazardous materials.

On July 6, 2012, the President signed into law the Moving Ahead for Progress in the 21st Century Act (MAP-21; P.L. 112-141). Section 32104 of MAP-21 directed the Secretary to issue a report to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the appropriateness of the current minimum financial responsibility requirements for motor carriers of property and passengers, and the current bond and insurance requirements for freight forwarders and brokers. Section 32104 also directed the Secretary to issue a report on the appropriateness of these requirements every four years starting April 1, 2013. The Secretary delegated the responsibility for this report to FMCSA.

This report, prepared by FMCSA, fulfills the reporting requirement of section 5517 of the FAST Act. The report also fulfills the quadrennial report requirement of section 32104 of MAP-21.

Interstate motor carriers and intrastate carriers of freight and certain hazardous material are required by law to comply with either FMCSA or State minimum levels of financial responsibility necessary to meet potential public liability.² The FMCSA is responsible for setting the minimum levels of financial responsibility that apply to for-hire property carriers operating in interstate and foreign commerce. The FMCSA is also responsible for setting the minimum levels of financial responsibility applicable to for-hire and private carriers transporting hazardous materials and oil in interstate, intrastate and foreign commerce. Pursuant to 49 USC 31139(d), the Pipeline and Hazardous Material Safety Administration (PHMSA) and the

¹ The terms "minimum levels" and "limits" are used interchangeably in part 387. For example, the section heading of 49 CFR 387.9 is "**Financial responsibility, minimum levels.**" The table codified in 49 CFR 387.9 sets forth the Schedule of Limits applicable to four types of carriage for which motor carriers must demonstrate they have secured a minimum amount of financial resources (e.g., insurance, surety bonds, etc.) to compensate third parties for claims for bodily injury, property damage and environmental remediation. Thus, for example, financial responsibility minimum levels referred to in 49 CFR 387.9 refer to the collection of minimum limits for each type of for-hire and private transportation set forth in the Schedule of Limits – Public Liability.

² 49 CFR 387.5.

Environmental Protection Agency (EPA) define the hazardous materials and oil transported by motor carriers that are subject to FMCSA's minimum levels of financial responsibility.

In this report, FMCSA compares the differences between State and FMCSA financial responsibility requirements applicable to for-hire property and household goods carriers operating in foreign, interstate, and intrastate commerce. This was accomplished by a review of all 50 States' and the District of Columbia's statutes, rules, regulations, guidelines, filing requirements for proof of insurance, and application requirements for intrastate motor carriers seeking operating authority from State regulators.³ The report does not include a comparison of the States' financial responsibility requirements to FMCSA's financial responsibility requirements applicable to for-hire or private hazardous materials carriers because FMCSA regulates certain intrastate hazardous materials transportation. This report, however, describes State hazardous materials regulations when those regulations are beyond the scope of FMCSA's authority.

For some States, there is a voluntary nexus with FMCSA's financial responsibility requirements. A number of States have voluntarily adopted, in whole or in part, FMCSA's financial responsibility requirements though not all would automatically adjust to prospective FMCSA requirements. For example, some States adopt the FMCSA's financial requirements as of a Federal Register publication date. Others adopt the limits of liability, but for different vehicle weight thresholds at which the limits apply.

The differences between the States' and FMCSA's financial responsibility requirements are not insignificant. The FMCSA's current financial responsibility requirements applicable to for-hire interstate property, including household goods, carriers are weight-differentiated. The combined single limit (CSL) financial responsibility minimum limit is \$750,000 for vehicles with a gross vehicle weight rating (GVWR) of 10,001 pounds or more, and which are carrying non-hazardous property. For such vehicles with a GVWR less than 10,001 pounds, the minimum limit is \$300,000.

With respect to for-hire intrastate property carriers, 39 States have adopted a CSL financial responsibility requirement. Of these States, 15 have adopted a financial responsibility requirement that conforms to FMCSA's \$750,000 minimum applicable to vehicles with a GVWR of 10,001 pounds or more, and its \$300,000 minimum limit applicable to small freight vehicles with a GVWR less than 10,001 pounds. The remaining 24 States have adopted a CSL financial responsibility requirement that does not conform to FMCSA's requirement. These States' financial responsibility requirements differ from FMCSA's requirement because they either (1) have a minimum limit that is less than FMCSA's \$750,000 minimum limit for vehicles with a GVWR of 10,001 pounds or more, (2) exempt motor carriers from meeting a minimum limit at weight levels greater than the 10,001 pounds GVWR, or (3) they do not adopt any financial responsibility requirement for small freight vehicles with a GVWR less than 10,001 pounds. For example, eight States have adopted a \$750,000 minimum limit that is only

³ The statutes, regulations and other regulatory documents demonstrating proof of financial responsibility compiled and summarized in this report are publicly available on the internet. As needed, the Agency contacted the State regulatory agencies responsible for setting financial responsibility requirements for clarification of such agencies' financial responsibility requirements.

applicable to vehicles weighing 26,000 pounds or more. Another five States have adopted minimum limits ranging from \$300,000 to \$510,000. In the case of the State with the \$300,000 minimum limit, it is applicable to vehicles weighing greater than or equal to 44,000 pounds.

Fifteen States have adopted a Split Limit (SL) financial responsibility requirement applicable to for-hire intrastate property carriers. A SL financial responsibility requirement sets dollar limits for a per person minimum level for bodily injuries (referred to as a sub-limit), an aggregate level for all bodily injuries sustained by all persons involved in the accident, and a limit for all property damage resulting from the same accident. For example, a SL financial responsibility requirement with minimum limits of \$100,000/\$300,000/\$100,000 means that a motor carrier must demonstrate to its regulator that it has the means (i.e., insurance, surety bond, approval to self-insure or other financial assets) sufficient to meet (1) a sub-limit of \$100,000 per person for bodily injury costs, (2) an aggregate bodily injury limit of \$300,000 for an event at any one time and place, and (3) a \$100,000 limit for property damage. Based on these terms, an insurer is obligated to pay claims up to the aggregate of bodily injury costs only if three people each have claims equal to the \$100,000 sub-limit. For this reason, SL insurance policies tend to be less expensive than CSL policies. The FMCSA calculated an effective CSL minimum limit for the SL financial responsibility requirements for each of the 15 States and compared those effective limits to FMCSA's \$750,000 minimum limit applicable to for-hire foreign and interstate property carriers. The average effective CSL minimum limit for the 15 States is \$401,067 or \$348,933 below FMCSA's \$750,000 minimum limit.

Twenty-five States have adopted a CSL financial responsibility requirement applicable to for-hire intrastate household goods carriers. Only 12 of these States have adopted a CSL financial responsibility requirement that conforms to FMCSA's requirement. The remaining 13 States have adopted a CSL financial responsibility requirement applicable to for-hire intrastate household goods carriers that does not conform to FMCSA's requirement. These States' requirements do not conform to FMCSA's financial responsibility requirement because they either (1) have a minimum limit less than FMCSA's \$750,000 minimum limit, (2) exempt motor carriers from financial responsibility requirements at weight levels greater than the 10,001 pound GVWR, or (3) they do not adopt any financial responsibility requirement for small freight vehicles with a GVWR less than 10,001 pounds. For example, four States have adopted a \$750,000 minimum limit that is applicable to vehicles weighing 26,000 pounds or more. Five States have adopted minimum levels ranging from \$300,000 to \$600,000.

Eighteen States have adopted SL financial responsibility requirements applicable to for-hire household goods carriers. The FMCSA calculated an effective CSL minimum limit for these 18 States and compared it to FMCSA's \$750,000 minimum limit. The Hawaii Public Utilities Commission has an effective CSL of \$1 million, and the top tier for the Nevada Public Service Commission is \$750,000. The average effective CSL minimum limit for these 18 States (excluding Hawaii and Nevada) is \$373,944, or \$376,056 less than FMCSA's \$750,000 minimum limit.

Most States have adopted minimum levels of financial responsibility that are less than FMCSA's minimum levels of financial responsibility. However, intrastate carriers may actually maintain liability limits at levels that exceed State requirements and approach FMCSA's minimums. The

FMCSA lacks the data necessary to compare actual liability limits of intrastate motor carriers' insurance policies, surety bonds, or self-insurance programs to determine whether they are equal to or greater than the minimum limits required under State law. Similarly, comparing accident claims data to minimum limits required by State law may yield a distorted picture if intrastate motor carriers have insured themselves at liability limits greater than minimum limits required by State law. The more meaningful comparison is to compare actual accident claims against intrastate carriers relative to the actual liability limits for which they are insured. Regardless of whether actual claims are compared to either the minimum limits required by State law, or to intrastate motor carriers' actual liability limits, there is insufficient data available to make such comparisons. The same data limitations exist with respect to interstate motor carriers and intrastate motor carriers transporting hazardous material subject to FMCSA's financial responsibility requirements. Therefore, it is not possible to directly compare the efficacy of FMCSA's minimum levels of financial responsibility to those of States that have not adopted comparable minimum levels of financial responsibility for intrastate for-hire property or household goods carriers. Similarly, the lack of actual insurance claim data hinders FMCSA's ability to evaluate the efficacy of current minimum levels of financial responsibility requirements in meeting claims for medical costs, compensation, and other identifiable costs, as well as the frequency of liability claims arising from a single event exceeding motor carriers' current minimum levels of financial responsibility.

I. INTRODUCTION

In section 5517 of the Fixing America's Surface Transportation Act, (FAST Act; P.L. 114-94) Congress directed the Secretary of Transportation to prepare a report on minimum levels of financial responsibility requirements for the transportation of property pursuant to 49 U.S.C 31139 and make it publicly accessible on the Internet no later than January 1, 2017.

Accordingly, the Federal Motor Carrier Safety Administration (FMCSA) has prepared this report. In accordance with FAST Act section 5517, the report is being made available to the public on a DOT internet website. The specific content of the report required by section 5517 is as follows:

(b) CONTENTS.—The report required under subsection (a) shall include, to the extent practicable, an analysis of—

- (1) the differences between State insurance requirements and Federal requirements;
- (2) the extent to which current minimum levels of financial responsibility adequately cover—
 - (A) medical care;
 - (B) compensation; and
 - (C) other identifiable costs; and
- (3) the frequency with which insurance claims exceed the current minimum levels of financial responsibility.

In section 32104 of the Moving Ahead for Progress in the 21st Century Act (MAP-21; P.L.112-141) the Congress directed the Secretary to issue a quadrennial report to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the appropriateness of the current minimum financial responsibility requirements for motor carriers of property and passengers, and the current bond and insurance requirements for freight forwarders and brokers. The Secretary delegated the responsibility for this report to FMCSA. The first report was to be submitted to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure by April 1, 2013.

The FMCSA issued its first report pursuant to Section 32104 in April 2014. The specific reporting required by section 32104 is as follows:

Not later than 6 months after the date of enactment of this Act, and every 4 years thereafter, the Secretary shall---

- (1) Issue a report on the appropriateness of---
 - (A) the current minimum financial responsibility requirements under sections 31138 and 31139 of title 49, United States Code; and
 - (B) the current bond and insurance requirements under sections 13904(f), 13903 and 13906 of title 49, United States Code; and
- (2) submit a report issued under paragraph (1) to the Committee on Commerce, Science and Transportation of the Senate and the

Committee on Transportation and Infrastructure of the House of Representatives.

The report is organized in seven sections, including the introduction. Section II describes FMCSA's financial responsibility regulations, and defines common attributes of State and FMCSA financial responsibility regulations. Section III defines financial responsibility in terms of two forms of minimum levels of financial responsibility that motor carriers are required to maintain as a condition to operate under either or both FMCSA and State regulation. The two methods are combined single limit (CSL) and split limit (SL). Both methods require motor carriers to maintain access to a minimum level of financial resources necessary to cover potential public liability⁴ claims (i.e., bodily injury, property damage including environmental remediation). Although financial responsibility requirements are generally described in terms of the minimum coverage provided by either a CSL or SL liability insurance policy, FMCSA and State regulations allow motor carriers to meet minimum levels of financial responsibility by alternative means, including surety bonds, self-insurance and other securities and agreements, subject to regulatory approval. Section III compares the alternative means that State regulators and FMCSA may authorize a motor carrier to use to meet financial responsibility requirements, so long as the motor carrier can demonstrate that it has the financial capacity to do so. Section IV provides the comparative analysis of State and FMCSA financial responsibility requirements applicable to for-hire and private carriers of property, household goods, and hazardous materials. The analysis includes: (1) a comparison of FMCSA and State minimum levels for CSL financial responsibility for those States that have adopted such a CSL requirement, (2) a summary of the minimum limits of SL financial responsibility for those States that have adopted a SL financial responsibility requirement, and (3) a restatement of SL minimum limits as an effective CSL minimum limit. This latter approach facilitates a comparison of FMCSA's and the States' minimum limits of financial responsibility.

With respect to transportation of hazardous materials, FMCSA is required pursuant to 49 USC 31139(d) to establish minimum levels of financial responsibility applicable to intrastate for-hire and private carriers of hazardous materials.⁵ Therefore, rather than perform a comparative analysis of State and FMCSA financial responsibility requirements for the same type of transportation, the report describes State financial responsibility requirements applicable to intrastate carriers for hazardous materials that are not subject to FMCSA financial responsibility requirements. Section IV also compares State and FMCSA requirements for cargo insurance, and describes the applicability of State financial responsibility requirements to private carriers. Section V discusses the adequacy of FMCSA's current minimum levels of financial responsibility relative to claims for bodily injuries and property damage, and the frequency at which losses and damages exceed FMCSA minimum levels. Section VI describes interrelationship of State and FMCSA financial responsibility regulations. Section VII summarizes the principal findings of the analysis.

⁴ 49 CFR 387.5

⁵ Hazardous matter consists of hazardous material which are substances defined by PHMSA (49 USC 31139 (d)(1)(A)). It also consists of oil or hazardous substances, which are defined by EPA (49 USC 31139 (d)(1)(B)).

II. FINANCIAL RESPONSIBILITY REGULATIONS FOR MOTOR CARRIERS OF PROPERTY AND HAZARDOUS MATERIALS

A. BACKGROUND

Financial responsibility is a legal requirement applicable to foreign, interstate and intrastate motor carriers under Federal and State law. A financial responsibility requirement ensures that motor carriers have independent means to compensate third parties for public liability claims arising from an accident. This is a statutory obligation for motor carriers operating under FMCSA's jurisdiction and motor carriers operating under State law. For-hire motor carriers must demonstrate they comply with FMCSA's financial responsibility requirements as a condition precedent to obtaining FMCSA operating authority registration.⁶ Intrastate motor carriers' compliance with State financial responsibility requirements is also a condition precedent to obtaining operating authority from State regulators, or to obtain certificates of public convenience and necessity or permits for common and contract services still subject to economic regulation under State law.

B. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION REGULATIONS

The FMCSA's authority to require motor carriers to meet a financial responsibility requirement for transporting property (including household goods), hazardous materials and oil is set forth in 49 USC 31139.⁷ The statute requires that motor carriers subject to 49 USC 31139 maintain proof that they have the financial means to meet public liability claims. 49 USC 31139(f). A motor carrier can meet this requirement by maintaining liability insurance, a surety bond or by receiving authorization from FMCSA to self-insure. 49 CFR 387.7(d). The FMCSA's financial responsibility regulations applicable to motor carriers of property are set forth in 49 CFR part 387 Subchapters A and C.⁸ The sections of part 387 that are relevant to comparative analysis of FMCSA and the States' financial responsibility requirements are as follows:

- 49 CFR 387.3 defines the entities that must comply with FMCSA financial responsibility requirements. They apply to for-hire motor carriers providing transportation of non-hazardous property in interstate and foreign commerce. The regulations also apply to motor carriers transporting hazardous materials, oil or hazardous substances and hazardous wastes in interstate, foreign or intrastate commerce.

⁶ 49 USC 13906(a).

⁷ Certain for-hire motor carriers are also required to file evidence of financial responsibility with the Agency pursuant to 49 USC 13906(a).

⁸ The FMCSA provided the history of the statutory authority behind its financial responsibility regulations in its April 2014 report to Congress "Examining the Appropriateness of the Current Financial Responsibility and Security Requirements for Motor Carriers, Brokers, and Freight Forwarders – Report to Congress A Report Pursuant to Section 32104 of the Moving Ahead for Progress in the 21st Century Act (P.L. 112-141)," <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Financial-Responsibility-Requirements-Report-Enclosure-FINAL-April%202014.pdf> (Accessed December 14, 2017).

- 49 CFR 387.7 requires motor carriers subject to FMCSA financial responsibility requirements to acquire and maintain insurance policies or surety bonds and endorsements to meet the minimum levels of financial responsibility. In addition, 49 CFR 387.7 requires motor carriers to provide proof of insurance, surety and endorsements that shall remain continuous unless canceled by the insured or insurer with 35 days' notice.⁹ Proof of insurance, surety and endorsement must be maintained at the motor carrier's place of business using the forms prescribed by FMCSA. Such proof can consist of an MCS-90 (insurance), MCS-82 (surety) or an FMCSA decision authorizing the motor carrier to self-insure.
- Table 1 summarizes the minimum levels of financial responsibility required by 49 CFR 387.9. For-hire property carriers, including household goods carriers, operating vehicles

TABLE 1: SCHEDULE OF LIMITS (PUBLIC LIABILITY)

Type of Carriage	Commodity Transported	January 1, 1985 ¹⁰
(1) For-hire (In interstate or foreign commerce, with a gross vehicle weight rating of 10,001 or more pounds)	Property (nonhazardous)	\$750,000
(2) For-hire and Private (In interstate, foreign, or intrastate commerce, with a gross vehicle weight rating of 10,001 or more pounds)	Hazardous substances, as defined in 49 CFR 171.8, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Division 1.1, 1.2 and 1.3 materials. Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; in bulk Division 2.1 or 2.2; or highway route controlled quantities of a Class 7 material, as defined in 49 CFR 173.403	\$5,000,000
(3) For-hire and Private (In interstate or foreign commerce, in any quantity; or in intrastate commerce, in bulk only; with a gross vehicle weight rating of 10,001 or more pounds)	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 (2) above or (4) below	\$1,000,000
(4) For-hire and Private (In interstate or foreign commerce, with a gross vehicle weight rating of less than 10,001 pounds)	Any quantity of Division 1.1, 1.2, or 1.3 material; any quantity of a Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; or highway route controlled quantities of a Class 7 material as defined in 49 CFR 173.403	\$5,000,000

Source: 49 CFR 387.9 (2016).

⁹ An endorsement establishes that an insurer has a contractual obligation to pay claims against the motor carrier. The insurer agrees to pay claims up to the limits of liability for public liability resulting from the insured's negligence, regardless of whether each motor vehicle owned and operated by the motor carrier is identified in the insurance policy. Motor carriers subject to FMCSA's financial responsibility requirements must make available at their principal place of business, endorsements via a Form MCS-90 executed by the insurer or an MCS-82 executed by the surety.

¹⁰ See, *Minimum Levels of Financial Responsibility for Motor Carriers of Property; Extension of Reduce Levels*, 49 FR 27288, (July 2, 1984). The rule set the effective date of January 1, 1985 for the current Schedule of Limits.

in interstate or foreign commerce that have a GVWR of 10,001 pounds or more must meet a minimum level of \$750,000. The financial responsibility requirements that apply to motor carriers transporting hazardous materials are divided into three categories based on the type of hazardous commodity, the weight of the vehicle, and whether the transportation is in foreign, interstate, or intrastate commerce. The above chart provides detail pertaining to specific transportation and minimum levels.

While this report focuses on the financial responsibility requirements established pursuant to 49 USC 31139, additional regulations pertaining to financial responsibility are found in part 387 Subpart C. Those regulations are based upon FMCSA's statutory authorities at 49 USC 13906 and 13501 and were originally promulgated by the Interstate Commerce Commission (ICC). Those regulations include 387.303(b)(1)(i) (\$300,000 financial responsibility requirement for fleets that consist solely of vehicles that are less than 10,001 pounds and transport non-hazardous property), 387.303(c) (cargo insurance for household goods (HHG) carriers) and 387.309 (self-insurance), among others.

C. STATE FINANCIAL RESPONSIBILITY REQUIREMENTS

The State statutory and regulatory framework for motor carrier regulation reflects the economic deregulation of intrastate motor carriers by the Federal Aviation Administration Authorization Act of 1994 (FAAA Act).¹¹ The FAAA Act preempted the States from performing economic regulation of intrastate property carriers, other than household good carriers and certain tow truck operators. However, intrastate property carriage remains subject to State safety and financial responsibility regulations. In some States, regulatory oversight of intrastate motor carriers is bifurcated between a State public service commission or consumer protection agency that is responsible for economic regulation of household goods carriers and towing services, and a public safety-related agency or department of motor vehicles that is responsible for safety regulation and the establishment of minimum levels of financial responsibility and cargo insurance requirements. Depending on the State, unlike FMCSA's requirements, private carriers of non-hazardous property may be required to meet minimum levels of financial responsibility, in addition to intrastate for-hire motor carriers.

D. COMMON ATTRIBUTES OF FMCSA AND STATE FINANCIAL REQUIREMENTS

To perform a comparative analysis of FMCSA and State financial responsibility requirements, FMCSA reviewed State statutes, regulations, rules, regulatory forms filed with State regulators as proof of insurance, and applications intrastate motor carriers filed with State regulators to obtain operating authority, permits to operate as contract carriers, and certificates of public convenience and necessity to operate as common carriers. Sources of these documents include:

- State statutes maintained on-line by Secretaries of State, States' Attorneys General, and LexisNexis®,

¹¹ 49 USC § 14501.

- State administrative regulations maintained by Secretaries of State or States' Attorneys General, and
- Web sites of State regulatory agencies.¹²

Using the compilation of State statutes, regulations, forms, and other related documents retrieved from the sources noted above, FMCSA performed a comparative analysis of the following elements of State financial responsibility requirements to FMCSA's requirements:

- The FMCSA and State minimum levels of financial responsibility applicable to for-hire property and household goods carriers,
- Alternative financial means to meet minimum levels of financial responsibility permitted by FMCSA and State regulators (e.g., self-insurance, surety bonds, trust funds etc.),
- The FMCSA and State minimum requirements for cargo insurance,
- State regulations that expand financial responsibility requirements for transportation of hazardous materials listed in 49 CFR 387.9 Item (2), Item (3) and Item (4), and
- State financial responsibility requirements for towing, and
- The FMCSA and State financial responsibility requirements applicable to private carriers.

III. COMBINED SINGLE LIMIT VERSUS SPLIT LIMIT FINANCIAL RESPONSIBILITY REQUIREMENTS

A. COMBINED SINGLE LIMIT COVERAGE VERSUS SPLIT LIMIT COVERAGE

A Combined Single Limit (CSL) financial responsibility requirement establishes an aggregate limit that applies to any combination of bodily injury, property damage and environmental restoration costs arising from an accident. The FMCSA's financial responsibility requirements pertaining to bodily injury and property damage are CSL requirements. For example, FMCSA requires that interstate for-hire property carriers have the financial capacity to continuously meet a \$750,000 minimum limit to compensate third parties for bodily injuries, property damage and environmental restoration.

State requirements vary between CSL and Split Limit (SL) policies. A SL financial responsibility requirement sets dollar limits for a per person minimum level for bodily injuries

¹² Appendix A identifies the State regulatory agency or agencies that set financial responsibility and cargo insurance requirements for intrastate motor carriers. Citations to State statutes and regulatory agencies' administrative regulations and rules are included in Appendix A, along with excerpts from statutes and regulations that refer to, or incorporate by reference, part 387 regulations.

(referred to as a sub-limit), an aggregate level for all bodily injuries sustained by all persons involved in the accident, and a limit for all property damage resulting from the same accident. For example, a SL financial responsibility requirement with minimum limits of \$100,000/\$300,000/\$100,000 means that a motor carrier must demonstrate to its regulator that it has the means (i.e., insurance, surety bond, approval to self-insure or other financial assets) sufficient to meet (1) a sub-limit of \$100,000 per person for bodily injury costs, (2) an aggregate bodily injury limit of \$300,000 for an event at any one time and place, and (3) a \$100,000 limit for property damage. Based on these terms, an insurer is obligated to pay claims up to the aggregate of bodily injury costs only if three people each have claims equal to the \$100,000 sub-limit. For example, if three people sustain bodily injuries in an accident resulting in individual claims filed with a motor carrier's insurer for medical expenses of \$100,000, \$75,000, and \$125,000, the insurer is only obligated to pay claims up to an aggregate amount of \$275,000. Because of the \$100,000 sub-limit, the insurer is not obligated to pay the \$25,000 in medical costs more than the sub-limit, notwithstanding that the aggregate medical costs total \$300,000. This leaves the motor carrier responsible for the remaining \$25,000. Because of the relationship of the sub-limit to the aggregate limit, a SL policy provides a potentially narrower range of coverage compared to a CSL policy. In turn, the motor carrier is exposed to litigation brought by third parties when bodily injury claims are not paid in full by the insurer because of the sub-limit. Because a SL policy provides narrower coverage than does a CSL policy, the premiums for an insurance policy or surety bond tend to be lower. To mitigate the risk that the sub-limit of a SL insurance policy may shift a portion of bodily injury claims back to the motor carrier, motor carriers required to meet a SL financial responsibility requirement may also obtain umbrella liability insurance to cover claims that are more than the SL limits. The FMCSA did not find any State that requires an intrastate motor carrier to acquire an umbrella liability policy.

Table 2 shows that 38 States plus the District of Columbia require intrastate for-hire property carriers to meet the minimum limit of a CSL financial responsibility requirement, and that 15 States require intrastate for-hire property carriers to meet the minimum limits of a SL financial responsibility requirement. The total adds to 54 States because the Louisiana Public Service Commission, Nevada Public Service Commission and the West Virginia Public Service Commission allow intrastate motor carriers to choose to meet either a CSL or SL financial responsibility requirement. Therefore, they are counted in both subtotals.

Table 2: SUMMARY OF STATE FINANCIAL RESPONSIBILITY REQUIREMENTS BY TYPE OF CARRIAGE AND MINIMUM LIMITS OF PUBLIC LIABILITY

Type of Carriage ¹	Number of States with SL Financial Responsibility Requirements	Number of States with CSL Financial Responsibility Requirements	Total
For-hire Property	15 ²	39 ³	54
For-hire Household Goods	18 ⁴	25 ⁵	43

Sources: State statutes and regulations for the 50 States and the District of Columbia identified in Appendix A.

¹ Twelve States and the District of Columbia (AK, AZ, DC, DE, ID, MD, ME, SD, UT, VT, WV, WI, and WY) have adopted financial responsibility requirements that do not distinguish intrastate for-hire property carriers from intrastate for-hire household goods carriers. These States are included in the for-hire property totals.

² Louisiana, Nevada and West Virginia allow for-hire intrastate property carriers to provide security for either a CSL or SL financial responsibility requirement. Therefore, they are included in the subtotals of States requiring SL and CSL financial responsibility requirements.

³ See note 2 above.

⁴ California, Louisiana and Nevada allow for-hire intrastate household goods carriers to provide security for either a CSL or SL financial responsibility requirement. Therefore, they are included in the subtotals of States requiring SL and CSL financial responsibility requirements.

⁵ The North Carolina Utilities Commission regulations require household goods carriers operating vehicles weighing 26,001 pounds and above to secure a CSL financial responsibility requirement. For-hire intrastate household goods carriers operating vehicles weighing less than 26,001 pounds must secure a SL financial responsibility requirement. Therefore, North Carolina is included in the subtotals of both SL and CSL household goods carriers.

Table 2 shows that 25 States require intrastate household goods carriers to meet the minimum limit of a CSL financial responsibility requirement and 18 States require for-hire intrastate household goods carriers to meet the minimum limits of a SL financial responsibility requirement. Only 43 States have adopted a separate financial responsibility requirement for household goods carriers. This is because 13 States, like FMCSA, do not make a distinction between household goods carriers and other non-hazardous property carriers for bodily injury and property damage financial responsibility purposes. Additionally, the California Public Utilities Commission, the Louisiana Public Service Commission and the Nevada Public Service Commission allow intrastate motor carriers to choose to meet either a CSL or SL financial responsibility requirement. Therefore, they are included in both subtotals. The North Carolina Utilities Commission has adopted a weight-differentiated financial responsibility requirement for household goods carriers. Those carriers operating vehicles weighing 26,001 pounds or more must meet a CSL financial responsibility requirement. Those carriers operating vehicles that weigh less than 26,001 pounds must meet a SL financial responsibility requirement. Therefore, North Carolina is included in both subtotals. If these four States were not double counted in Table 2, the total number of States, plus the District of Columbia, that have a financial responsibility requirement specific to household carriers is 39.

Table 2 does not include a comparison of State financial responsibility requirements for the transportation of hazardous materials. This is because FMCSA is required pursuant to 49 USC 31139(d) to establish financial responsibility requirements applicable to for-hire and private carriers of hazardous materials in foreign, interstate and intrastate commerce. Intrastate for-hire and private carriage of hazardous materials utilizing vehicles with GVWRs of 10,001 or more pounds are subject to the minimum levels of financial responsibility required by 49 CFR 387.9's Schedule of Limits Item (2) and Item (3). Intrastate for-hire and private carriers are not

subject to 49 CFR 387.9's Schedule of Limits Item (4). See Table 1 above. This requirement applies only to for-hire and private carriers operating in foreign and interstate commerce with vehicles that have a GVWR of less than 10,001 pounds. Therefore, there is no basis for comparing the States' financial responsibility requirements for transporting hazardous materials to FMCSA's financial responsibility requirements as there is no overlap for this category of transportation.

As discussed in Section IV.F, some States have adopted and amended 49 CFR 387.9's Schedule of Limits (See Table 1) Item (2), Item (3), and Item (4) to ensure for-hire and private intrastate carriers of hazardous materials not otherwise subject to 49 CFR 387.9 meet the minimum limits of 49 CFR 387.9 Item (2), Item (3), and Item (4). The States accomplish this by amending 49 CFR 387.9 to require intrastate carriers of hazardous materials operating vehicles with a GVWR below 10,001 pounds to meet the \$5 million and \$1 million limits of 49 CFR 387.9 Schedule of Limits Item (2) and Item (3). It is also accomplished by requiring intrastate carriers transporting hazardous materials listed in 49 CFR 387.9 Schedule of Limits Item (4) to meet the \$5 million limit that is applicable to motor carriers operating vehicles with a GVWR less than 10,001 pounds in foreign and interstate commerce.

B. METHODS FOR MEETING FINANCIAL RESPONSIBILITY REQUIREMENTS

The FMCSA and State regulations provide motor carriers four methods for securing financial responsibility requirements. They are liability insurance, surety bonds, self-insurance or other securities and agreements. The FMCSA filing requirements for self-insurance are set forth in 49 CFR 387.309. Appendix B contains a detailed comparison of the alternatives for securing financial responsibility requirements permitted by State regulators, along with any minimum requirements for self-insurance and the types of other securities and agreements that are deemed acceptable. Citations are provided to the applicable provisions of State law or agency regulations.

Based on the review of State laws and regulations, and other regulatory forms and applications, FMCSA has determined that the 50 States and the District of Columbia allow intrastate motor carriers to meet minimum levels of financial responsibility with liability insurance. There are 10 States in which household goods carriers and other non-hazardous property have their financial responsibility requirements set by different regulatory agencies. These agencies allow intrastate for-hire household goods and other non-hazardous property carriers to meet their financial responsibility requirements with insurance policies.

Forty-seven States, including the District of Columbia, accept surety bonds as a means of meeting financial responsibility requirements. The Michigan State Police Vehicle Enforcement Division and the Kansas Corporation Commission regulations do not include surety bonds as a means of meeting financial responsibility requirements. In Montana, towing service insurance requirements are set by the Montana Department of Justice Highway Patrol Division and surety

bonds are identified as a means of meeting the financial responsibility requirement.¹³ In Tennessee, the financial responsibility requirement for tow truck operators is set by the Tennessee Highway Patrol, which does not state that surety bonds may be used to meet financial responsibility requirements.¹⁴ The New Hampshire Bureau of Tolls and the New Jersey Division of Consumer Affairs also identify surety bonds as means for household goods carriers to meet their financial responsibility requirements.

The FMCSA's filing requirements and criteria for evaluating applications for the authority to self-insure are set forth in 49 CFR 387.309. The FMCSA grants motor carriers' requests to self-insure on a case-specific basis. The applicant must also demonstrate that it has a "satisfactory" safety rating from DOT. The FMCSA identified from its survey of State statutes and regulations 47 States, including the District of Columbia, that allow motor carriers to self-insure. Nine States require intrastate carriers to demonstrate they meet minimum requirements for liquidity of assets, ownership of real property, and the size and value of the applicant's fleet.¹⁵ Eight of the nine States will not consider applications from carriers owning less than 26 vehicles. The New Mexico Public Regulation Commission and the Hawaii Public Utilities Commission require applicants to obtain approval of self-insurance programs by their respective State Insurance Commissioners. The California Department of Motor Vehicles and the Florida Department of Agriculture and Consumer Services do not permit household good carriers to self-insure. The Iowa Department of Transportation, Missouri Department of Transportation Motor Carrier Service, and Ohio Public Utilities Commission accept applications for self-insurance programs that have already been authorized by FMCSA.

Like FMCSA, 21 States will allow intrastate carriers to file a request for the authority to use other securities and agreements to meet minimum levels of financial responsibility requirements. The acceptance of securities and other agreements is a case-specific determination by the regulator that includes, but is not limited to, consideration of the liquidity of assets pledged as security for meeting financial responsibility requirements, the speculative nature of assets held in trust, the terms and conditions of any third party's obligation to perform in the event claims are filed against the motor carrier (e.g., irrevocable letters of credits (ILOCs), a parent guarantee, etc.), and the terms and conditions of trust agreements pertaining to the trustees' authority for managing trust assets and paying public liability claims filed against the motor carrier. A few States' statutes and regulations contain minimum generic financial requirements that all applicants must meet to obtain regulatory approval to create a trust. The North Dakota Highway Patrol's regulations require a trust fund to have no less than \$25,000 deposited in a North Dakota bank. The Oregon Department of Transportation Motor Carrier Service Division will accept ILOCs equal to the minimum limits of motor carriers' financial responsibility requirements and cargo insurance minimum limits. The Virginia State Corporation Commission will accept an ILOC or a trust funded with U.S. Treasury securities and Virginia tax-exempt bonds.

¹³ Mont. Code Ann. § 69-8-906.

¹⁴ "Towing Service Standards Manual," Tennessee Department of Homeland Security, Tennessee Highway Patrol, https://www.tennessee.gov/assets/entities/safety/attachments/Towing_Service_Standards_Manual.pdf.

¹⁵ The 9 States are: Arizona, California, Colorado, Florida, Hawaii, Idaho, Indiana, Kansas, and South Carolina.

IV. COMPARISON OF FMCSA AND STATE FINANCIAL RESPONSIBILITY REQUIREMENTS

A. INTRASTATE FOR-HIRE PROPERTY CARRIERS CSL FINANCIAL RESPONSIBILITY

This section of the report summarizes the CSL financial responsibility requirements States have adopted for intrastate motor carriers of non-hazardous property. As shown in Table 3, 15 of the 39 States referred to in Table 2 have adopted CSL requirements that match FMCSA’s minimum financial responsibility levels. These States require for-hire property carriers to meet a \$750,000 minimum limit applicable to vehicles with a GVWR of 10,001 pounds or more, and a \$300,000 minimum limit for small freight vehicles that have a GVWR less than 10,001 pounds.

The NMPRC regulation requires that intrastate for-hire carriers of property, household goods, towing operators and repossession service providers weighing 10,001 pounds or more meet the “the minimum levels of financial responsibility required by 49 CFR 387.9.”¹⁶ The NMPRC also requires motor carriers providing towing services, repossession services and household good transportation with vehicles that weigh less than 10,001 pounds to meet a minimum level of financial responsibility “of at least” \$750,000. Four States require for-hire intrastate property carriers to meet a \$750,000 minimum level for vehicles with a GVWR of 10,000 pounds, or more, and \$300,000 for vehicles with a GVWR less than 10,000 pounds.¹⁷ For purpose of the comparative analysis, these four States are deemed to have adopted minimum levels of financial responsibility that conform to FMCSA’s requirements.¹⁸

¹⁶NM Code R. § 18.3.3.10 D and E. The NMPRC regulations restrict motor carriers from purchasing liability insurance with a deductible greater than \$5,000, without its approval. The FMCSA did not find any other State that imposes a limit on deductibles. N.M. Code R. § 18.3.3.11.

¹⁷The Illinois Commerce Commission regulations set the minimum limits applicable to for-hire property and household good carriers by incorporating by reference 49 CFR 1043.2 published in the CFR on November 13, 1990. The Iowa Motor Carrier Authority Statute incorporates by reference part 387. The Iowa Department of Transportation “Truck Information Guide,” July 2015-June 2016 edition describe liability and cargo insurance limits as being effective January 1, 1998. See www.iowadot.gov/mvd/motorcarriers/default.htm. The Indiana Code (IC) Title 8, 2.1-24 Motor Carrier Safety and Insurance Certification sets insurance limits by incorporating by reference 49 USC 13906(a)(1) and for cargo insurance incorporates by reference 49 CFR 1043.2. The Oklahoma Corporation Commission regulations incorporate 49 CFR 387.9 by reference and set the weight threshold at 10,000 pounds for freight carriers (Okla. Admin. Code § 165:30-3-11). The South Carolina Department of Motor Vehicles regulations state minimum limits and weight thresholds without reference to any Federal agency or regulation (S.C. Code Regs. § 38-414), notwithstanding that part 387 is incorporated by reference. S.C. Code Regs § 38-424. The Washington Utilities and Transportation Commission regulations do not incorporate by reference part 387. The minimum limit for household goods is stated in WAC § 480-15-530. The minimum limits for freight and hazardous materials carriers are stated in WAC § 480-14-250.

¹⁸ The use of the term “conform” in this report is not meant to be interpreted as legal conformance with FMCSA regulations applicable to transportation of non-hazardous material. It is used to acknowledge that CSL minimum limits are identical to FMCSA’s monetary requirements for a particular type of transportation.

TABLE 3: STATE FOR-HIRE PROPERTY CARRIER FINANCIAL RESPONSIBILITY REQUIREMENTS CONFORMING TO FMCSA REGULATIONS

State	49 CFR 387.9 Schedule of Limits Item (1) Weight Threshold	387.9 Item (1) Minimum Limit	49 CFR 387.303(b)(1) Weight Threshold	49 CFR 387.303(b)(1) Minimum Limit
CA	>10,000	\$750,000	≤10,000	\$300,000
CO	≥10,001	\$750,000	<10,001	\$300,000
IL	≥10,000	\$750,000	<10,000	\$300,000
IN	≥10,001	\$750,000	<10,001	\$300,000
IA	≥10,000	\$750,000	<10,000	\$300,000
MI	≥10,001	\$750,000	≤10,000	\$300,000
NH	≥10,001	\$750,000	<10,001	\$300,000
NM	≥10,001	\$750,000	≤10,000	\$750,000
OH	≥10,001	\$750,000	<10,001	\$300,000
OK	≥10,000	\$750,000	<10,000	\$300,000
PA ¹	>10,000	\$750,000	≤10,000	\$300,000
SC ²	≥10,000	\$750,000	<10,000	\$300,000
TN	≥10,001	\$750,000	<10,001	\$300,000
WA	≥10,000	\$750,000	<10,000	\$300,000
WI	>10,000	\$750,000	≤10,000	\$300,000

Sources: State statutes and regulations for the 50 States and the District of Columbia identified in Appendix A.

¹This financial responsibility requirement is required by the Pennsylvania Public Utilities Commission. For-hire property carriers are also required to obtain split liability coverage required by the Pennsylvania Department of Transportation with minimum limits of \$15,000/\$30,000/\$5,000 pursuant to 75 Pa. C.S. § 1702.

²The financial responsibility requirement set by the South Carolina Department of Motor Vehicles applies to for-hire carriers other than household goods carriers. S.C. Code Regs. § 38-414.

Table 4 summarizes the CSL requirements for the 24 States that do not match FMCSA’s \$750,000 or \$300,000 requirements respectively. The financial responsibility requirements of these States are generally less than FMCSA’s requirements. This is because these States have adopted (1) a CSL financial responsibility requirement with a minimum limit below FMCSA’s \$750,000 minimum limit, (2) minimum limits that only apply at a weight threshold that is substantially higher than FMCSA’s requirement, or (3) regulations without a second tier for lower weight vehicles. Of these 24 States, only five require motor carriers to meet a \$750,000 minimum for vehicles weighing 10,001 pounds or more (the District of Columbia Metropolitan Police Department, the Mississippi Department of Transportation Motor Carrier Safety Division, the Nebraska Public Service Commission, North Carolina Department of Transportation and Utah Department of Transportation Motor Carrier Division). Ten States have adopted a \$750,000 minimum level that is applicable only to for-hire property carriers operating vehicles weighing more than 26,000 pounds.¹⁹ The Connecticut Department of Transportation has adopted a \$750,000 minimum level that does not apply until a vehicle weighs 18,001 pounds or more. The Virginia Department of Motor Vehicles has adopted a \$750,000 minimum level without a weight threshold at which the regulation applies.

¹⁹The 10 States are: Alabama, Arizona, Delaware, Maryland, Nevada, New Jersey, North Dakota, Oregon, South Dakota and Wyoming.

TABLE 4: STATE FOR-HIRE PROPERTY CARRIER FINANCIAL RESPONSIBILITY REQUIREMENTS NOT CONFORMING TO FMCSA REGULATIONS

State	Top Tier Weight Threshold	Top Tier Minimum Limit	Bottom Tier Weight Threshold (lbs. at or Below)	Bottom Tier CSL Limit
AL	≥26,001	\$750,000	NA	NA
AZ	≥26,001	\$750,000	> 21,000 and ≤26,000	\$300,000
CT	≥18,001	\$750,000	NA	NA
DC	>10,000	\$750,000	NA	NA
DE	≥26,001	\$750,000	NA	NA
FL	≥44,000	\$300,000	≥35,000 and <44,000	\$100,000
			>26,000 and <35,000	\$50,000
ID	>26,000	\$750,000	NA	NA
LA ¹	No threshold	\$510,000	NA	NA
ME	>26,000	\$350,000	NA	NA
MD	>26,000	\$750,000	NA	NA
MS	≥10,001	\$750,000	NA	NA
MT	>10,000	\$500,000	≤ 10,000	\$100,000
NE	>10,000	\$750,000	NA	NA
NV ¹	≥26,001	\$750,000	≥10,001 and <26,001	\$300,000
NJ	≥26,001	\$750,000	NA	NA
NC	≥10,001	\$750,000	NA	NA
ND	>26,000	\$750,000	NA	NA
OR	>26,000	\$750,000	NA	NA
SD	>26,000	\$750,000	NA	NA
TX	>26,000	\$500,000	NA	NA
UT	≥10,001	\$750,000	NA	NA
VA	No threshold	\$750,000	NA	NA
WV ¹	No threshold	\$700,000	NA	NA
WY	>26,000	\$750,000	NA	NA

Sources: State statutes and regulations for the 50 States and the District of Columbia identified in Appendix A.

¹The Louisiana Public Service Commission, the Nevada Public Service Commission and the West Virginia Public Service Commission allow intrastate for-hire property carriers to choose either a SL or CSL financial responsibility requirement.

Four States have adopted weight-differentiated minimum levels. The Nevada Public Service Commission has adopted a \$300,000 minimum limit for vehicles weighing between 10,001 pounds and 26,000 pounds. The Montana Public Service Commission has adopted a second tier that applies to vehicles weighing less than or equal to 10,000 pounds, which is consistent with the weight threshold of 49 CFR 387.303(b)(1), but the minimum limit is only \$100,000. The Florida Department of Highway Safety and Motor vehicles has adopted a weight-differentiated CSL requirement that does not apply until a vehicle weighs more than 26,000 pounds. The first tier minimum limit is \$50,000, which applies to vehicles weighing more than 26,000 pounds and less than 35,000 pounds. The second tier minimum limit is \$100,000, which applies to vehicles

weighing 35,000 pounds or more and less than 44,000 pounds. The top tier, which is applicable to vehicles weighing 44,000 pounds or more is \$300,000. The Louisiana Public Service Commission, Maine Bureau of Motor Vehicles, the Montana Public Service Commission, the Texas Public Utilities Commission, and the West Virginia Public Service Commission have adopted minimum limits that range from \$350,000 to \$700,000.

B. INTRASTATE FOR-HIRE CARRIERS OF PROPERTY SPLIT LIMIT LIABILITY FINANCIAL RESPONSIBILITY

Table 5 identifies 15 States that require intrastate for-hire property carriers to meet a SL financial responsibility requirement. The most common minimum limits are \$100,000/\$300,000/\$50,000. Six States have set their SL minimums at these levels. The Nevada Public Service Commission and the Kentucky Transportation Board have adopted a weight-differentiated financial responsibility requirement with different limits for each tier. In Nevada, operators of vehicles weighing more than 26,000 pounds must meet minimum limits of \$750,000/\$750,000/\$750,000. Operators of vehicles weighing 26,000 pounds and below must meet minimum limits of \$300,000/\$300,000/\$300,000. The Nevada Public Service Commission considers the SL minimum limits to be equivalent to CSL minimum limits of \$750,000 and \$300,000. Motor carriers may choose to meet either the CSL or SL requirement. The Alaska Department of Transportation Division of Measurement Standards and Commercial Vehicle Enforcement requires intrastate for-hire carriers to comply with a financial responsibility requirement that has minimum limits that has attributes of both SL and CSL financial responsibility requirements. Alaska intrastate motor carriers are required to meet a financial responsibility requirement that consists of a \$500,000 aggregate limit for bodily injury and a \$200,000 minimum limit for property damage. There is no per person bodily injury sub-limit. Thus, the Alaska financial responsibility requirement is equivalent to a CSL minimum limit of \$700,000. The Massachusetts Registry of Motor Vehicles currently requires for-hire intrastate property carriers to meet a SL requirement with limits of \$20,000/\$40,000/\$1,000.²⁰

²⁰ The Massachusetts Registry of Motor Vehicles has issued a proposed final rule that would require intrastate motor carriers to meet the minimum financial responsibility requirements of part 387. See http://www.massdot.state.ma.us/Portals/0/docs/infoCenter/regulatoryReview/540_CMV_14_final.pdf

TABLE 5: STATE FOR-HIRE PROPERTY CARRIER SPLIT LIMIT FINANCIAL RESPONSIBILITY REQUIREMENTS

	Weight Threshold (lbs.)	Bodily Injury/Death One Person	Bodily Injury/Death Per Accident	Property Damage	Effective CSL Minimum Limit	Shortfall Relative to FMCSA Requirement CSL Minimum Limit
AK	> 26,000	NA	\$500,000	\$200,000	\$700,000	(\$50,000)
AR	No threshold	\$50,000	\$100,000	\$30,000	\$130,000	(\$620,000)
GA	>10,000	\$100,000	\$300,000	\$50,000	\$350,000	(\$400,000)
HI	No threshold	\$250,000	\$750,000	\$250,000	\$1,000,000	\$250,000
KS	≥10,001	\$100,000	\$300,000	\$50,000	\$350,000	(\$400,000)
KY	>18,000	\$100,000	\$600,000	\$50,000	\$650,000	(\$100,000)
	≤18,000	\$100,000	\$300,000	\$50,000	\$350,000	(\$400,000)
LA ¹	No threshold	\$250,000	\$500,000	\$10,000	\$510,000	(\$240,000)
MA	No threshold	\$20,000	\$40,000	\$1,000	\$41,000	(\$709,000)
MN	>10,000	\$100,000	\$300,000	\$50,000	\$350,000	(\$400,000)
MO	>6,000	\$100,000	\$300,000	\$50,000	\$350,000	(\$400,000)
NV ¹	>10,001 and =26,000	\$300,000	\$300,000	\$300,000	\$600,000	(\$150,000)
	≥26,001 and 80,000 ²¹	\$750,000	\$750,000	\$750,000	\$750,000	\$0
NY	≥10,001	\$100,000	\$300,000	\$50,000	\$350,000	(\$400,000)
RI	No threshold	\$250,000	\$500,000	\$25,000	\$525,000	(\$225,000)
VT	No threshold	\$25,000	\$50,000	\$10,000	\$60,000	(\$690,000)
WV ¹	No threshold	\$200,000	\$600,000	\$100,000	\$700,000	(\$50,000)

Sources: State statutes and regulations for the 50 States and the District of Columbia identified in Appendix A.

¹The Louisiana Public Service Commission, the Nevada Public Service Commission and the West Virginia Public Service Commission allow intrastate for-hire property carriers to choose either a SL or CSL financial responsibility requirement.

Table 5 contains an effective CSL limit computed for each State. These values were calculated to compare the effective level of coverage provided by SL financial responsibility requirements with FMCSA’s CSL \$750,000 minimum limit applicable to for-hire property carriers operating vehicles with a GVWR of 10,001 pounds or more. This calculation is consistent with a procedure used by a few States that allow for-hire intrastate property carriers to choose to meet either a CSL or SL financial responsibility requirement. For example, the Louisiana Public Service Commission allows intrastate for-hire property carriers the choice of meeting a SL financial responsibility requirement with \$250,000/\$500,000/\$10,000 minimum limits or a CSL financial responsibility requirement with a \$510,000 minimum limit. The latter is the sum of the aggregate bodily injury limit and the property damage limit. The West Virginia Public Service Commission allows intrastate for-hire property carriers to meet either a SL financial

²¹The Nevada Administrative Code at Section 706.191 requires either carriers to maintain SL coverage, as shown in Table 5 or a CSL coverage equal to \$750,000. The threshold limits shown in the table are those that are included in the Nevada DMV Form MC208-Application for Intrastate Commerce. <http://nevadadm.state.nv.us/pdfforms/mc208.pdf>.

responsibility requirement of \$200,000/\$600,000/\$100,000 or a \$700,000 CSL financial responsibility requirement. Table 5 compares the effective CSL minimum limit for each State to FMCSA's \$750,000 minimum limit for motor carriers operating vehicles weighing 10,001 pounds and above. Apart from Hawaii and the top tier of Nevada's weight-differentiated financial responsibility requirement, none of the States shown in Table 5 require intrastate motor carriers to meet SL minimum limits for which the sum of aggregate bodily injury and property damage is equivalent to a CSL financial responsibility requirement with a \$750,000 minimum limit for vehicles weighing 10,001 pounds and above (i.e., the financial responsibility requirement set forth in 49 CFR 387.9). Nevada's top tier has an effective CSL minimum limit of \$750,000; however, it is applicable to vehicles weighing greater than or equal to 26,001 pounds, as opposed to FMCSA's 10,001 pound GVWR threshold. The Hawaii Public Utilities Commission requires for-hire property carriers to meet a \$1 million minimum limit, with no weight threshold. The average effective CSL limits, excluding Hawaii and Nevada's top tier, are \$401,607 and the average shortfall relative to FMCSA's requirement \$348,933.

As discussed in Section III, SL liability insurance policies and surety bonds may be less expensive because of the risk to the motor carrier that individual bodily injury claims may not be paid in full because of the per person sub-limit. This risk can be managed by taking out an umbrella liability policy. The FMCSA did not identify any States that have adopted a SL financial responsibility requirement that also requires intrastate motor carriers to acquire umbrella liability insurance.

C. INTRASTATE FOR-HIRE CARRIERS OF HOUSEHOLD GOODS CSL FINANCIAL RESPONSIBILITY REQUIREMENTS

Table 6 and Table 7 identify 25 States that have adopted a CSL financial responsibility requirement applicable to intrastate household goods carriers.²² Table 6 identifies 12 States that have adopted a CSL financial responsibility requirement that conforms to 49 CFR 387.9's \$750,000 requirement and 49 CFR 387.303(b)(1)'s \$300,000 requirement. Seven States included in Table 6 have a GVWR threshold of 10,000 pounds or more. Table 7 identifies 13 States that have adopted a CSL financial responsibility requirement for intrastate for-hire household goods carriers that do not conform to FMCSA regulations.

²² As noted in Section III, 13 States have adopted a CSL financial responsibility requirement that is applicable to motor carriers of all non-hazardous property. Of these, 7 have adopted a CSL financial responsibility requirement that is applicable to household goods carriers.

**TABLE 6: STATE HOUSEHOLD GOODS CARRIER FINANCIAL RESPONSIBILITY
REQUIREMENTS CONFORMING TO FMCSA REGULATIONS**

State	Top Tier Weight Threshold (lbs. at or Above)	Top Tier CSL Limit	Bottom Tier Weight Threshold (lbs. at or Below)	Bottom Tier CSL Minimum Limit
CO	≥10,000	\$750,000	<10,000	\$300,000
IA	≥10,000	\$750,000	<10,000	\$300,000
IL	≥10,000	\$750,000	<10,000	\$300,000
IN	≥10,001	\$750,000	<10,001	\$300,000
MI	≥10,000	\$750,000	<10,000	\$300,000
NH	≥10,001	\$750,000	<10,001	\$300,000
NM	≥10,001	\$750,000	<10,001	\$750,000
OH	≥10,001	\$750,000	<10,001	\$300,000
PA ¹	>10,000	\$750,000	≤10,000	\$300,000
SC ²	≥10,000	\$750,000	<10,000	\$500,000
TN	≥10,000	\$750,000	<10,000	\$300,000
WA	≥10,000	\$750,000	<10,000	\$300,000

Sources: State statutes and regulations for the 50 States and the District of Columbia identified in Appendix A.

¹This financial responsibility requirement is required by the Pennsylvania Public Utilities Commission. For-hire household goods carriers are also required to obtain split liability coverage required by the Pennsylvania Department of Transportation with minimum limits of \$15,000/\$30,000/\$5,000 pursuant to 75 Pa. C.S. § 1702.

²The financial responsibility requires for South Carolina are set by the South Carolina Public Service Commission. S.C. Code Ann. Reg. § 103-172 Schedule of Minimum Limits.

Table 7 contains the CSL financial responsibility requirements for 13 States that do not conform to 49 CFR 387.9 or 49 CFR 387.303(b)(1). The lack of conformity is reflected either by the absence of (1) a minimum limit for small freight vehicles weighing less than 10,000 pounds, (2) a \$750,000 minimum limit that applies for vehicles with a GVWR of 26,000 pounds or more, or (3) minimum limits and weight thresholds, together that do not conform to FMCSA requirements.

TABLE 7: STATE HOUSEHOLD GOODS CARRIER FINANCIAL RESPONSIBILITY REQUIREMENTS NOT CONFORMING TO FMCSA REGULATIONS

State	Top Tier Weight Threshold (lbs. at or Above)	Top Tier CSL Limit	Bottom Tier Weight Threshold (lbs. at or Below)	Bottom Tier CSL Limit
CA ¹	No threshold	\$600,000	NA	NA
FL	≥44,000	\$300,000	≥35,000 and <44,000	\$100,000
			>26,000 and <35,000	\$50,000
LA ¹	No threshold	\$510,000	NA	NA
MS	≥10,001	\$750,000	NA	NA
MT	>10,000	\$500,000	≤10,000	\$100,000
NE	No threshold	\$750,000	NA	NA
NV ¹	≥26,001	\$750,000	≥10,001 and ≤26,000	\$300,000
NC ²	>26,000	\$750,000	NA	NA
ND	≥26,001	\$750,000	NA	NA
OK	No threshold	\$750,000	NA	NA
OR	≥26,001	\$750,000	NA	NA
TX	>26,000	\$500,000	≤26,000	\$300,000
VA	No threshold	\$750,000	NA	NA

Sources: State statutes and regulations for the 50 States and the District of Columbia identified in Appendix A.

¹ The California Public Utilities Commission, Louisiana and Nevada Public Service Commission allow household goods carriers to meet either a CSL or SL financial responsibility requirement.

²The North Carolina Utilities Commission has adopted a weight-differentiated financial responsibility requirement. Vehicles weighing more than 26,000 pounds are subject to a CSL financial responsibility requirement. Vehicles weighing less than 26,001 pounds are subject to a SL financial responsibility requirement.

Eight States have adopted a \$750,000 minimum limit. Of these, only the Mississippi Department of Transportation Motor Carrier Services Division’s²³ minimum limit applies to vehicles with a GVWR of 10,001 pounds or more. Mississippi has not adopted a minimum limit for vehicles weighing less than 10,001 pounds. The Nevada Public Service Commission,²⁴ the North Carolina Utilities Commission,²⁵ the North Dakota Highway Patrol,²⁶ and the Oregon Department of Transportation Motor Carrier Division²⁷ have adopted a \$750,000 minimum limit that applies to vehicles weighing more than 26,000 pounds. The Nevada Public Service regulation has a second tier with a \$300,000 minimum limit for vehicles with a GVWR between

²³ Mississippi Department of Transportation Motor Carrier Safety Division, Household Goods Guidelines, <http://mdot.ms.gov/documents/Enforcement/Unified%20Carrier%20Registration/Mississippi%20Intrastate%20Operating%20Authority/Household%20Goods%20and%20Passenger%20Carriers%20Authority%20Certificate%20of%20Convenience%20and%20Necessity/1.%29%20Household%20Goods%20and%20Passenger%20Carriers%20Guidelines.pdf>. (Accessed February 6, 2017).

²⁴ NAC 706.191.

²⁵ NCUC Rule 2-36, Article 7.

²⁶ NDCC 38-04-01-02

²⁷ Oregon Department of Transportation, Motor Carrier Transportation Division, Application for an Oregon Intrastate Certificate to Transport Household Goods, <http://www.odot.state.or.us/forms/motcarr/9057fill.pdf>.

10,001 pounds and 26,000 pounds. The Nebraska Public Service Commission,²⁸ the Oklahoma Corporation Commission,²⁹ and the Virginia Department of Motor Vehicles have adopted a \$750,000 minimum limit with no weight threshold.³⁰ The California Department of Public Utilities and the Louisiana Public Service Commission have adopted minimum limits of \$600,000 and \$510,000, respectively, with no weight threshold. Both commissions allow household goods carriers to choose between a SL financial responsibility requirement and a CSL financial responsibility requirement.

The Montana Public Service Commission has set minimum limits for vehicles weighing 10,001 pounds or more and for vehicles weighing less than 10,001 pounds.³¹ The weight thresholds conform to FMCSA's requirement; however, the associated minimum limits fall short of FMCSA's at \$500,000 and \$100,000 respectively.

As noted in Table 7, The North Carolina Utilities Commission requires household goods carriers weighing less than 26,000 to meet a SL financial responsibility requirement (See Table 8). The Florida Department of Agriculture and Consumer Services has adopted a weight-differentiated CSL financial responsibility requirement. The lowest tier ranges from 26,001 pounds to less than 35,000 pounds, and has a minimum limit of \$50,000. The highest minimum limit is \$300,000, which is applicable to vehicles weighing 44,000 pounds or more. Operators of vehicles that are in the middle range of 35,000 pounds to less than 44,000 pounds must meet a \$100,000 minimum limit.³²

D. INTRASTATE FOR-HIRE HOUSEHOLD GOODS CARRIERS SPLIT LIMIT LIABILITY FINANCIAL RESPONSIBILITY REQUIREMENTS

Table 8 shows that 18 States require intrastate household goods carriers to meet a SL financial responsibility requirement. An effective CSL limit is calculated for each State to compare the minimum limits to FMCSA's \$750,000 minimum limit for vehicles with a GVWR of 10,001 pounds or more. The Hawaii Public Utilities Commission and Nevada Public Service Commission effective CSL limits are \$1,000,000 and \$750,000, respectively. Nevada's effective CSL minimum limit does not apply to vehicles that weigh less than 26,001 pounds. Hawaii's regulation does not specify a weight threshold. After excluding Hawaii and Nevada's top tier from the calculation, the average effective CSL minimum limit for the 16 remaining States is \$373,944 or \$376,056 less than FMCSA's \$750,000 limit. The Minnesota Department of Transportation Office of Commercial Vehicle Operations and the New York Department of Transportation have adopted a weight threshold of 10,001 pounds or more. Both States' minimum limits have an effective CSL minimum limit of \$350,000, which is \$400,000 less than FMCSA's \$750,000 minimum limit for vehicles with a GVWR of 10,001 pounds or more. The

²⁸ Nebraska Administrative Code Title 291 Nebraska Public Service Commission, Chapter 3 Motor Carrier Rules and Regulations, p. 5, http://www.psc.nebraska.gov/rules/rules_transportation.pdf.

²⁹Okla. Admin. Code § 165:30-(11).

³⁰ Va. Code Ann. § 46.2-2143.1.

³¹ ARM 38.3.701 through 706.

³² Fla. Stat. 507.04 (2).

remaining States that have adopted weight thresholds are substantially out of range relative to FMCSA’s GVWR 10,001 pound weight threshold, and except for the Connecticut Department of Transportation and the Nevada Public Service Commission, have effective CSL minimum limits significantly below FMCSA’s \$750,000 minimum limit for vehicles with a GVWR of 10,001 pounds and above.

TABLE 8: HOUSEHOLD GOODS CARRIERS SPLIT LIMIT FINANCIAL RESPONSIBILITY REQUIREMENTS

State	Weight Threshold (lbs.)	Bodily Injury/Death One Person	Bodily Injury/Death Per Accident	Property Damage	Effective CSL Minimum Limit	Shortfall Relative to FMCSA Requirement CSL \$750,000 Minimum Limit
AL	No threshold	\$100,000	\$300,000	\$50,000	\$350,000	(\$400,000)
AR	No threshold	\$50,000	\$100,000	\$30,000	\$130,000	(\$620,000)
CA ¹	No threshold	\$250,000	\$500,000	\$100,000	\$600,000	(\$150,000)
CT	>18,000	\$200,000	\$600,000	\$100,000	\$700,000	(\$50,000)
GA	No threshold	\$100,000	\$300,000	\$50,000	\$350,000	(\$400,000)
HI	No threshold	\$250,000	\$750,000	\$250,000	\$1,000,000	NA
ID	No threshold	\$25,000	\$50,000	\$15,000	\$65,000	(\$685,000)
KS	≥26,001	\$100,000	\$300,000	\$50,000	\$350,000	(\$400,000)
KY	>18,000	\$100,000	\$600,000	\$50,000	\$650,000	(\$100,000)
	≤18,000	\$100,000	\$300,000	\$50,000	\$350,000	(\$400,000)
LA ¹	No threshold	\$250,000	\$500,000	\$10,000	\$510,000	(\$240,000)
MA	No threshold	\$20,000	\$40,000	\$1,000	\$41,000	(\$709,000)
MN	>10,000	\$100,000	\$300,000	\$50,000	\$350,000	(\$400,000)
MO	>6,000	\$100,000	\$300,000	\$50,000	\$350,000	(\$400,000)
NC ²	≤26,000	\$100,000	\$300,000	\$50,000	\$350,000	(\$400,000)
NV ^{1,3}	≥26,001 and ≤80,000	\$750,000	\$750,000	\$750,000	\$750,000	NA
	≥10,001 and =26,000	\$300,000	\$300,000	\$300,000	\$300,000	(\$450,000)
NJ	No threshold	\$25,000	\$100,000	\$10,000	\$110,000	(\$640,000)
NY	≥10,001	\$100,000	\$300,000	\$50,000	\$350,000	(\$400,000)
RI	No threshold	\$250,000	\$500,000	\$25,000	\$525,000	(\$225,000)

Sources: State statutes and regulations for the 50 States and the District of Columbia identified in Appendix A.

¹ Household goods carriers in California, Louisiana and Nevada can meet either a CSL or SL financial responsibility requirement.

²The North Carolina Utilities Commission has adopted a weight-differentiated financial responsibility requirement. Vehicles weighing more than 26,000 are subject to a CSL financial responsibility requirement. Vehicles weighing less than 26,001 pounds are subject to a SL financial responsibility requirement.

³The threshold limits shown in the table are those that are included in the Nevada DMV Form MC208-Application for Intrastate Commerce. <http://nevadadm.state.nv.us/pdf/forms/mc208.pdf>.

E. CARGO INSURANCE REQUIREMENTS

The FMCSA requires interstate household goods carriers to insure for the loss or damage to cargo while in the carrier’s possession. For-hire interstate household goods carriers must provide

proof of insurance or surety bond to FMCSA that is sufficient to meet a minimum cargo liability of (1) \$5,000 for loss or damage to household goods carried on any one vehicle, and (2) \$10,000 for aggregate losses or damages to household goods at any one time or place.³³ Twenty-seven States require intrastate household goods carriers to maintain cargo insurance equal to, or greater in value than FMCSA's minimum limits.³⁴

Forty-five States require intrastate household goods carriers to obtain cargo insurance. Table 9 summarizes cargo insurance requirement for these States. The analysis is based on organizing State cargo insurance regulations into nine classifications. The first three classifications compare the \$5,000/\$10,000 split liability insurance required by 49 CFR 387.303(c) to the States that have adopted a split limit cargo insurance requirement. The comparison is analogous to the method used in Sections IV.B and IV.D to compare effective CSL minimum limits with SL minimum limits of financial responsibility to FMCSA's \$750,000 CSL financial responsibility requirement. Thus, the States' single limit cargo insurance requirements are compared to FMCSA's \$10,000 aggregate losses and damages requirement. Twenty-one States have adopted SL cargo insurance requirements that are either equal to, greater than, or less than FMCSA's cargo insurance requirement. Twelve States have cargo minimum limits that conform to FMCSA's minimum limits. Five States have adopted split limits that exceed FMCSA's, and four States have minimum limits that are less than FMCSA's requirement.

Next are the three States that have adopted single limits that are compared to the \$10,000 aggregate limit required by 49 CFR 387.303(c). The difference between FMCSA's aggregate minimum limit and the single limit liability cargo insurance determines whether a State's single limit requirement is equal to, greater than, or less than FMCSA's \$10,000 aggregate limit. Based on this methodology, five States have insurance coverage requirements that match FMCSA's requirement, six States exceed FMCSA's requirement and five States require less coverage than FMCSA.

Three States that have adopted a weight-based minimum limit. The minimum coverage requirement is estimated as the product of \$0.60 and the total weight of the shipper's property. The carrier may obtain cargo insurance covering this liability, or it may negotiate with the shipper to insure for a larger amount. Because this is a shipper-specific method, it is not possible to determine if this method offers more or less coverage than the amount required by 49 CFR 387.303(c). However, for illustrative purposes, a single limit minimum of \$50,000, equates to 83,000 pounds of household goods at \$0.60 per pound.

³³ 49 CFR 387.303(c).

³⁴ Appendix C contains a table of the cargo insurance requirements with citations to the regulation or statutory provisions.

**TABLE 9: SUMMARY OF STATE CARGO INSURANCE REQUIREMENTS FOR
INTRASTATE CARRIERS**

Cargo Insurance Category Comparison of State Cargo Insurance Requirements to FMCSA Requirement	States
Split Limit Minimums = 387.303(c)	DC DE, IL, IN, KY, MD, NY, OH, OK, SD, TN, TX Total = 12
Split Limit Minimums > 387.303(c) Minimum \$10,000/\$10,000 (MT) Maximum: \$50,000/\$100,000 (LA)	GA, LA, NV, NC, MT Total = 5
Split Limit Minimums < 387.303(c) Minimum: \$1,000/\$5,000 (AL) Maximum: \$2,500/\$5,000 (SC)	AL, HI, MO, SC Total = 4
Single Limit = 387.303(c) \$10,000 Aggregate Losses and Damage	CO, IA, OR, MA, WY Total = 5
Single Limit < 387.303(c) \$10,000 Aggregate Losses and Damage Minimum: \$3,000 (KS) Maximum: \$5,000 (NE)	AL, AR, KS, NE, PA Total = 5
Single Limit > 387.303(c) \$20,000 Aggregate Losses and Damage Minimum: \$20,000 (CA) Maximum: \$50,000 (MN, NM, VA)	CA, KS, MN, NM, RI, VA Total = 6
Minimum value at \$0.60 per pound	FL, NH, NJ Total = 3
Weight-differentiated Minimum \$5,000 ≤ 3 tons and \$10,000 > 3 tons (MS) Maximum: \$20,000 < 5 tons \$100,000 ≥ 5 tons (WV)	MS, WA, WV Total = 3
Required but not defined	MI, WI Total = 2

Sources: State statutes and regulations for the 50 States and the District of Columbia identified in Appendix C.

The Mississippi Public Service Commission, the Washington Utilities and Transportation Commission and the West Virginia Public Service Commission have adopted single limit minimums differentiated by the weight of a shipper's cargo. The weight-differentiated minimum single limits adopted by the West Virginia Public Service Commission exceed FMCSA's loss or damage per vehicle minimum limit and the aggregate limit for loss or damages at any one time and place. The weight-differentiated minimum limits adopted by the Washington Utilities and Transportation Commission are \$10,000 for shipments under 10,000 pounds and \$20,000 for shipments at or above 10,000 pounds, which exceeds FMCSA's minimum limits. The Mississippi Department of Transportation Motor Carrier Safety Division's minimum limits are roughly equivalent to FMCSA's per vehicle and aggregate limits.

Finally, the Michigan State Police and Wisconsin Department of Transportation Motor Vehicle Division require intrastate household goods carriers to acquire cargo insurance and provide proof of insurance. Neither State specifies a minimum coverage requirement. The following sections provide synopses of the States with cargo insurance requirements that are substantially in excess of FMCSA's requirements.

- Regulators in five States have adopted minimum split limits that exceed FMCSA's requirements. The Louisiana Public Service Commission requires intrastate household goods carriers to meet split limits of \$50,000 per vehicle and \$100,000 for any one time or place.³⁵ These limits are 10 times greater than FMCSA's limits. The Georgia Department of Public Safety Motor Carrier Compliance Division has adopted split limits of \$25,000 per vehicle and \$50,000 per any one time or place.³⁶ These limits are five times greater than FMCSA's minimum limits. The Nevada Public Service Commission has adopted split limits of \$15,000 per vehicle and \$30,000 for any one time and place, which are three times the value of FMCSA's minimum limits.³⁷ North Carolina has adopted split limits of \$35,000 per vehicle and \$50,000 for any one time, which are seven times and five times the value of FMCSA's minimum limits, respectively.³⁸
- Regulators in six States have adopted single limit requirements that exceed FMCSA's \$10,000 aggregate limit. The California Public Utilities Commission requires household goods carriers to meet a \$20,000 requirement, which is three times greater or \$10,000 more than FMCSA's aggregate limit.³⁹ The Minnesota Department of Transportation Office of Commercial Vehicle Operations,⁴⁰ the New Mexico Public Regulation Commission⁴¹ and the Virginia Department of Motor Vehicles⁴² require household goods carriers to maintain cargo insurance with a \$50,000 minimum limit, which is five times greater or \$40,000 more than FMCSA's requirement. Rhode Island has adopted a \$25,000 minimum limit that is two and one-half times greater, or \$15,000 above FMCSA's aggregate limit.⁴³
- Regulators in three States have adopted weight-differentiated single limits. The Mississippi Department of Transportation requires intrastate household goods carriers to meet a weight-differentiated single limit requirement of \$5,000 for cargo weighing no

³⁵ L.R.S 45:164 E.

³⁶ GA R&R 515-16-11-.03.

³⁷ NAC 706.191(1)(a).

³⁸ NCUC Rule R2-8.1(a)(3)

³⁹ 20 CA Adc T. 20, Div. 2, Chap. 7 § 5161(c).

⁴⁰ Minn. Stat. § 221.141 Subd. 4.

⁴¹ N.M. Code R. § 18.3.3.11 B.

⁴² Va. Code Ann § 46.2-2143.1.C.

⁴³ R.I. Gen. Laws § 39-12-27.

more than three tons and \$10,000 for cargo weighing more than three tons.⁴⁴ Both tiers are below FMCSA's per vehicle and aggregate loss and damage requirements. The Washington Utilities and Transportation Commission has adopted a weight-differentiated single limit requirement of \$10,000 for vehicles weighing less than 10,000 pounds and \$20,000 for vehicles weighing 10,000 pounds or more. The West Virginia Public Service Commission requires intrastate household goods carriers to meet a \$20,000 single limit for vehicles weighing less than 10,000 pounds and split liability limits of \$50,000/\$100,000 at or above 10,000 pounds.⁴⁵

F. STATE REGULATORS' MODIFICATIONS TO FMCSA HAZARDOUS MATERIAL FINANCIAL RESPONSIBILITY REQUIREMENTS

Given that FMCSA's financial responsibility requirements for hazardous materials transportation extend to intrastate commerce, states can only regulate transportation that does not fall within the federal regulations. States are largely limited to regulating hazardous materials transportation utilizing vehicles with GVWRs of less than 10,001 pounds. 49 CFR 387.9. The FMCSA identified nine States that have adopted financial responsibility requirements for intrastate transportation of hazardous material that are not in conflict with FMCSA's financial responsibility requirements for such transportation. Their adaptations of FMCSA's requirements are summarized below.

- The Georgia Department of Public Safety Motor Carrier Compliance Division Hazardous Material Handbook states that for the life of the motor carrier's permit, it shall maintain the minimum limits of financial responsibility required by DOT.⁴⁶
- The Iowa Department of Transportation requires a carrier of hazardous materials listed in 49 CFR 387.9 Schedule of Limits Item (4), with a GVWR less than 10,000 pounds, to meet a \$5 million minimum limit CSL financial responsibility requirement.⁴⁷
- The Missouri Department of Transportation Motor Carrier Services requires operators of vehicles with a GVWR less than 10,001 pounds, and transporting Zone A material (poison liquids and gases that are potentially lethal if inhaled) and quantities of Class 7

⁴⁴ Mississippi Department of Transportation Household Goods and Passenger Carriers Certificate of Convenience and Necessity Guidelines, [http://mdot.ms.gov/documents/Enforcement/Unified%20Carrier%20Registration/Mississippi%20Intrastate%20Operating%20Authority/Household%20Goods%20and%20Passenger%20Carriers%20Authority%20Certificate%20of%20Convenience%20and%20Necessity/1.%29%20Household%20Goods%20and%20Passenger%20Carriers%20Guide](http://mdot.ms.gov/documents/Enforcement/Unified%20Carrier%20Registration/Mississippi%20Intrastate%20Operating%20Authority/Household%20Goods%20and%20Passenger%20Carriers%20Authority%20Certificate%20of%20Convenience%20and%20Necessity/1.%29%20Household%20Goods%20and%20Passenger%20Carriers%20Guidelines.pdf) lines.pdf.

⁴⁵ 150 WVPSC CRS Series 9 Rule2.3a.

⁴⁶ Georgia Department of Public Safety Motor Carrier Compliance Division, Transportation Handbook, Chapter 3-Hazardous Materials Handbook, p. 3. See <https://dps.georgia.gov/documents/chapter-three-hazardous-materials-permits>.

⁴⁷ Iowa Department of Transportation, "Intrastate For-Hire Authority Information," <https://dnntest.iowadot.gov/mvd/motorcarriers/intrastatemanual.pdf>.

Material (radioactive material) as defined in 49 CFR 173.403 to secure a \$5 million CSL financial responsibility requirement.⁴⁸ Pursuant to 49 CFR 387.3(c), these hazardous materials, if transported by a vehicle with a GVWR less than 10,001 pounds are excluded from the financial responsibility requirements of 49 CFR 387.9.

- The New Mexico Public Regulation Commission requires that intrastate carriers of hazardous materials meet the 49 CFR 387.9 liability limits regardless of their weight.⁴⁹
- The South Carolina Public Service Commission requires intrastate carriers to meet a \$1 million CSL financial responsibility requirement for vehicles with a GVWR less than 10,000 pounds for any quantity of Class A or B explosives or highway route controlled quantity of radioactive materials defined in 49 CFR 173.455.⁵⁰
- The Tennessee Department of Safety applies the \$5 million minimum limit required by 49 CFR 387.9 Schedule of Limits Item (4) to contract carriers and private carriers operating vehicles with a GVWR less than 10,000 pounds.⁵¹
- The Utah Department of Transportation requires that intrastate for hire and private motor carriers of vehicles weighing less than 10,001 pounds meet the \$1 million minimum limit required by 49 CFR 387.9 Schedule of Limits Item (3) and have an executed MCS-90 endorsement form available at their principal business offices.
- The Virginia Department of State Police regulations require that motor carriers operating vehicles that weigh less than 10,000 pounds meet a \$1 million minimum limit of financial responsibility for transportation of commodities listed in 49 CFR 387.3 (b) and (c).
- The West Virginia Public Service Commission requires intrastate motor carriers transporting any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455 to secure a \$1 million limit CSL financial responsibility requirement.^{52,53}

⁴⁸Missouri Department of Transportation, “Intrastate Operating Authority Insurance Requirements,” <http://www.modot.org/mcs/documents/MissouriIntrastateOperatingAuthorityInsuranceRequirements7CSR265-10.030.pdf>

⁴⁹ NMAC 18.3.3.11 F.

⁵⁰ S.C. Code Ann. Regs. §103–172.

⁵¹ Tenn. Comp. R. & Regs. 1340-06-01-.07.

⁵² 150 CSR Series 9 Rule 2.3a.

⁵³ DOT amended its hazardous materials regulations associated with the transportation of radioactive materials to harmonize them with those of the International Atomic Energy Agency (IAEA). Thus, 49 CFR 173.455, which set forth the classification of fissile materials, was deleted in its entirety. For reference, see the final rule “Hazardous Materials Transportation Regulations; Compatibility with Regulations of the International Atomic Energy Agency,” 60 FR 50292 (September, 28, 1995).

G. TOWING SERVICES AND OTHER SERVICES OR COMMODITIES SUBJECT TO STATE FINANCIAL RESPONSIBILITY REQUIREMENTS

The FMCSA financial responsibility requirements apply to for-hire towing services by interstate motor carriers to the extent they have a GVWR or GCWR of 10,001 pounds or more. If the towing vehicle truck is carrying gasoline, blended gasoline, or ethanol in an external container for purposes of assisting a disabled vehicle and has a GVWR or GCWR of 10,001 pounds or more, it is deemed to be carrying hazardous material listed in 49 CFR 387.9 Schedule of limits Item (3). In this case, the operator would be required to meet the \$1 million minimum limit. If the towing vehicle is not carrying hazardous material and has a GVWR or GCWR of 10,001 pounds or more, the operator must meet the \$750,000 minimum limit.).

The FMCSA identified 17 States that have financial responsibility requirements for towing services. Table 10 shows the minimum limits required by each State. Six States have minimum limits that conform to either the 49 CFR 387.9 Schedule of Limits Item (1) (\$750,000), or the \$1 million minimum limit required by 49 CFR 387.9 Schedule of Limits Item (3). The Iowa Department of Transportation and New Mexico Public Regulation Commission regulations conform to 49 CFR 387.9 Item (1). The Colorado Public Utilities Commission, the Idaho Department of Transportation, the Utah Department of Transportation Motor Carrier Division, and the Virginia Department of Motor Vehicles all have adopted a \$750,000 CSL financial responsibility. The Ohio Public Utilities Commission and the Michigan State Police Commercial Vehicle Enforcement Division have adopted a \$1 million minimum limit with no weight threshold. The Montana Public Service Commission and Tennessee Department of Homeland Security have adopted multi-tiered financial responsibility requirements based on boom capacity. The Kentucky Department of Motor Vehicle Regulation has adopted a weight-differentiated minimum split limit applicable to for-hire and private carriers.

TABLE 10: INTRASTATE TOWING SERVICE FINANCIAL RESPONSIBILITY REQUIREMENTS

State	Minimum Limits		Citation
CO	\$750,000		CRS 40-10.1-401 . Permit requirements and 4 CCR 723-6
GA	> 10,000 lbs. \$100,000/\$300,000/\$50,000 plus \$50,000 garage keeper insurance		Applicable to entities with nonconsensual towing permits. See Georgia Department of Public Safety permit application
ID	\$750,000		IDAPA 39.02.80.020
IA	≥10,000 lbs. \$750,000		“Intrastate For-Hire Authority Information,” Iowa DOT Office of Vehicle & Motor Carrier Services
KY	≤18,000 lbs. \$100,000/\$300,000/\$50,000 >18,000 lbs. \$100,000/\$600,000/\$50,000		KRS 281.010 (18), (31) and (33) and KRS 281.655
LA	\$500,000		R.S. 45:180.1 and LPSC-T-76 Towing Recovery Packet
MD	>26,000 lbs. \$100,000/\$300,000/\$100,000		MD Code § 25–111, Maryland Motor Carrier Handbook, December 2014
MI	\$1,000,000 regardless of GVWR		Michigan form P-371-GC certificate application for general freight carriers and vehicle towing.
MT	Class A: 4+ ton boom ≥10,000 lbs. \$300,000 Class B: 8+ton boom ≥18,000 lbs.\$500,000 Class C: 16+ ton boom ≥32,000 \$750,000		Mont. Code Ann. 61-8-906 Montana Highway Patrol Division ARM: 23.6.108
NM	≥10,001 lbs. the minimum level required by 49 CFR 387.9 ≤10,000 lbs. Shall not be less than \$750,000		NMAC 18.3.3.10 liability minimum limits NMAC 18.3.3.11 for garage keepers insurance
OH	\$1,000,000		Ohio Revised Code 4921.25 Towing entities OAC 4901:2-13-03(E) Minimum Levels of Financial Responsibility
RI	\$250,000/\$500,000/\$25,000		R.I Gen. Laws § 39-12-27
TN	Bodily injury and property: Class A & D \$500,000 Class B: \$1,000,000 Class C: \$1,000,000	Hook Coverage Class A and D: \$75,000 Class B: \$150,000 Class C: \$200,000	Tennessee Department of Homeland Security, State Highway Patrol “Towing Service Standards”, July 2015
TX	GWR >26,000 \$500,000		43 § TAC 218.16 Excludes vehicles providing towing and booting operations pursuant to Texas Towing and Booting Act
UT	\$750,000		Utah Administrative Code R909-19-5 Applicable to Tow Truck Motor Carriers providing emergency service. Tow Truck Motor Carriers providing consensual or nonconsensual services are required to obtain MCS-90 endorsement required by 49 CFR 387 Minimum Levels of Financial Responsibility for Motor Carriers
VA	\$750,000 (treated as non-exempt bulk carrier; requires \$50,000 cargo insurance)		Virginia DMV Form OA-142 (April 1, 2015)
WY	> 26,000 lbs. \$750,000		Wyoming Department of Transportation Intrastate Operating Authority Manual 2016

H. STATE FINANCIAL RESPONSIBILITY REQUIREMENTS FOR PRIVATE CARRIERS

The FMCSA does not set financial responsibility requirements applicable to private, as opposed to for-hire, carriage of nonhazardous materials. By comparison, 14 States require private carriers to meet minimum limits of financial responsibility. The minimum limits and weight thresholds for these States are summarized in Table 11. The California Department of Motor Vehicles and Oklahoma Corporation Commission require private carriers to meet a financial responsibility requirement that conforms to 49 CFR 387.9 Schedule of Limits Item (1) and 49 CFR

387.303(b)(1). The Utah Department of Transportation Motor Carrier Division financial responsibility requirement conforms to 49 CFR 387.9 Schedule of Limits Item (1). The Wyoming Department of Transportation requires persons operating as an intrastate contract and private carrier meet a \$750,000 minimum limit, which applies to vehicles weighing more than 26,000 pounds. The 2016 Wyoming Operating Authority Manual states that it is permissible to be both a contract and private carrier.⁵⁴ The Connecticut Department of Motor Vehicles requires intrastate private carriers weighing more than 18,000 pounds to meet a \$750,000 minimum limit. The North Carolina Department of Motor vehicles regulations require operators of vehicles

TABLE 11: STATE FINANCIAL RESPONSIBILITY REQUIREMENTS FOR PRIVATE INTRASTATE CARRIERS

State	Weight Threshold (lbs.)	Financial Responsibility Requirement (thousands)	Effective CSL Minimum Limit (thousands)	Citation
AK	>26,000	\$500/\$200	\$700	Alaska Stat. § 19.10.399
CA	>10,000	\$750	NA	Cal. Com. Code § 34630(a).
	≤10,000	\$300	NA	
CT	>18,000	\$750	NA	Conn. Gen. Stat. Ann. §14-163c
	>26,000 and <35,000	\$55	NA	
FL	≥35,000 and <44,000	\$100	NA	Fla. Stat. Ann. § 627.7415
	≥44,000	\$300	NA	Fla. Stat. Ann. §207.002
				Fla. Stat. Ann. § 320.01
ID	>8,000	\$50/\$120/\$15	\$135	IDAPA § 39.02.80.020.05
KS	≥26,001	\$100/\$300/\$50	\$350	K.S.A. 66-1,128
KY	>18,000	\$100/\$600/\$50	\$650	KRS 281.655.4
	≤18,000	\$100/\$300/\$50	\$350	
NV	>10,001 and =26,000	\$300/\$300/\$300	\$300	NRS § 706.288 ²
	≥26,001 and 80,000	\$750/\$750/\$750	\$750	
NC	≥ 26,001	\$750	NA	NCGS § 20-309(a1)
	< 26,001	\$300	NA	
OK	≥10,000	\$750	NA	Okla. Admin. Code § 165:30-15-6
	< 10,000	\$300	NA	
	Restricted Property ¹	\$350	NA	
OR	No Threshold	\$750	NA	OAR 740-040-0020
TX	>26,000	\$500	NA	43 Tex. Admin. Code §218.16
UT	≥10,001	\$750	NA	Utah Admin. Code R909-1-3
WY	>26,000	\$750	NA	Wyoming DOT Operating Authority Manual

¹Restricted property includes sand, rock, gravel, rip-rap, aggregate or dirt, asphaltic mixtures and similar mixtures and compositions (excluding concrete and concrete mixtures) used in road, highway and other ground surface paving, unprocessed forestry products and by products not in a finished state, unprocessed agricultural materials, and ordinary livestock. There is no weight threshold at below which the regulation does not apply. (Okla. Admin. Code §165:30-3-11(b)(3)).

²The Nevada statute permits a private carrier to opt for a CSL financial responsibility requirement of \$300,000 for vehicles weighing between 10,001 and 26,000 pounds and \$750,000 for vehicles weighing 26,001 pounds or more.

weighing more than 26,000 pounds to meet a \$750,000 minimum limit. Vehicles weighing less than 26,001 pounds must meet a \$300,000 minimum limit. The Oregon Department of

⁵⁴ Wyoming Department of Transportation Motor Vehicle Services Department, “2016 Operating Authority Manual,” See http://www.dot.state.wy.us/home/trucking_commercial_vehicles/operating_authority.html.

Transportation Motor Carrier Division requires property carriers to meet a \$750,000 minimum limit. There is no weight threshold. Five States require private carriers to meet minimum limits of a SL financial responsibility requirement. The Alaska Department of Transportation requires operators of vehicles weighing 26,001 pounds or more to meet minimum limits of \$500,000/\$200,000. The effective CSL limit is \$700,000. The Kansas Corporation Commission requires private carriers to meet minimum limits of \$100,000/\$300,000/\$50,000. The effective CSL limit is \$350,000. The Nevada Public Service Commission requires intrastate private carriers to meet minimum limits equal to FMCSA’s requirements. However, the \$750,000 weight threshold applies to vehicles weighing 26,001 pounds and the \$300,000 limit applies to vehicles weighing between 10,001 and 26,000 pounds. The Kentucky Transportation Board requires operators of vehicles weighing more than 18,000 pounds to meet split limits of \$100,000/\$600,000/\$50,000, which convert to a \$650,000 effective CSL. Operators of vehicles weighing less than or equal to 18,000 pounds must meet minimum limits of \$100,000/\$300,000/\$50,000, which equates to a \$350,000 effective CSL.

V. THE EFFICACY OF FMCSA MINIMUM LIMITS FOR FINANCIAL RESPONSIBILITY REGULATIONS

Section 5517 (b)(2) of the FAST Act (P.L. 114-94) directed DOT to analyze “to the extent practicable” (1) “the extent to which current minimum levels of financial responsibility adequately cover” medical care, compensation and other identifiable costs and (2) “the frequency with which insurance claims exceed the current minimum limits of financial responsibility.” The FMCSA has examined the adequacy of its minimum limits of financial responsibility twice since 2013. First, FMCSA sponsored a report prepared by the Department of Transportation’s John A. Volpe Transportation Center (Volpe Center). The report entitled “Financial Responsibility Requirements for Commercial Motor Vehicles” (the Volpe Report) which can be found at https://ntl.bts.gov/lib/51000/51700/51745/12-045-Financial_Responsibility_Requirements_for_CMVs.pdf, found preliminary justification for increasing the current minimum limits of financial responsibility.

In April 2014, FMCSA submitted a report entitled “Examining the Appropriateness of the Current Financial Responsibility and Security Requirements for Motor Carriers, Brokers, and Freight Forwarders” to Congress. The FMCSA prepared the report prepared pursuant to section 32104 of the Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141). The report highlighted additional findings beyond those of the Volpe Report that addressed the adequacy of current minimum limits of financial responsibility. The Volpe Report findings included:⁵⁵

- “Catastrophic motor carrier-related crashes are relatively rare. Based on limited available claims data, it was estimated that catastrophic crashes, resulting in injury, death, and/or

⁵⁵ “Examining the Appropriateness of the Current Financial Responsibility and Security Requirements for Motor Carriers, Brokers, and Freight Forwarders,” Federal Motor Carrier Safety Administration, April 2014, pp. 10-11, Examining the Appropriateness of the Current Financial Responsibility and Security Requirements for Motor Carriers, Brokers, and Freight Forwarders,” Federal Motor Carrier Safety Administration, (Accessed December 14, 2017).

property damages that exceed the current minimum levels of financial responsibility, comprised less than one percent of all CMV crashes (about 3,300 of 330,000 total crashes per year).” (Emphasis deleted.)

- [The] costs for severe and critical injury crashes can easily exceed \$1 million. The analysis reveals that two categories of injury crash (severe and critical) yield damages of more than \$1 million, in nominal terms, using the DOT’s previous estimated value of a statistical life (VSL) of \$6.2 million.” (Footnote and emphasis omitted.)
- Current insurance limits do not adequately cover catastrophic crashes, mainly because of increased medical costs. The decreasing real value of the current minimum levels of financial responsibility is effectively removing the function of insurance in covering catastrophic crashes. From 1985 to 2013, the medical consumer price index (CPI) increased at a significantly higher rate than the core consumer price index (4.9 percent annually for medical care, compared to 2.8 percent for core). In fact, the medical consumer price index has outpaced overall inflation in all but one of those 29 years.” (Footnote and emphasis omitted.)
- Comprehensive data on premiums that motor carriers would incur to meet higher coverage limits were not readily available. The insurance underwriting process is specific to individual motor carriers, and there are no uniform pricing practices (other than limits that might be imposed by State regulations). The insurance industry participants are protective of their pricing for competitive reasons, and available information was largely generic and limited.” (Emphasis omitted.)

The conclusion of these reports that current insurance limits do not adequately cover catastrophic crash costs has not changed. However, the limitation posed by the lack of data continues to be an obstacle to quantifying the adequacy of current minimum limits in meeting insurance claims, or the frequency with which insurance claims exceed the current minimum levels. Since these reports were published, the principal cost drivers (i.e. VSL and the growth in medical care costs) have continued to increase. The growth in medical costs measured by the medical care component of CPI-U and the VSL have continued to increase after the publication of the Volpe Report in January 2013 and the April 2014 MAP-21 report to Congress. The Volpe Report used a 2006 VSL of \$5 million.⁵⁶ The DOT guidance on VSL was \$6.2 million in 2013 and \$9.6 million in 2016.⁵⁷ Between January 2013 and December 2016 the average annual increase in the CPI was 1.1 percent whereas the medical care component increased at an average annual rate of 1.2 percent⁵⁸

⁵⁶Volpe Report, p. 11.

⁵⁷ “Guidance on Treatment of the Economic Value of A Statistical Life (VSL) in U.S. Department of Transportation Analyses-2006 Adjustment,”

<https://www.transportation.gov/sites/dot.gov/files/docs/VSL%20Guidance%202016.pdf>. (Accessed May 30, 2017).

⁵⁸ U.S. Department of Labor, Bureau of Labor Statistics, U.S. Medical Care Services CUUR0000SAE, <https://data.bls.gov/cgi-bin/surveymost?cu>

VI. CONFORMITY OF STATE FINANCIAL RESPONSIBILITY REQUIREMENTS WITH FMCSA REGULATIONS

While reviewing State statutes and regulations regarding financial responsibility requirements, FMCSA observed that many State statutes and regulations incorporate by reference, in whole or in part, FMCSA's regulations for setting financial responsibility requirements for intrastate motor carriers. The discussion that follows describes how extent to which State statutes and regulations conform to FMCSA's regulations. The discussion focuses on minimum levels of financial responsibility on for-hire and private intrastate carriers of non-hazardous property and household goods. In Section IV.H., FMCSA identified 14 States that require private intrastate carriers of property to comply with financial responsibility requirements.

Appendix A contains citations to State law, regulations and rules pertaining to intrastate motor carriers' financial responsibility and cargo insurance requirements applicable to intrastate for-hire and private carriers. The Appendix also includes excerpts from State statutes, regulations and rules wherein State law incorporates by reference part 387 in its entirety, 49 CFR 387.9 in its entirety (in some instances with modifications), and FMCSA's statutory authority to set financial responsibility requirements under 49 USC 13906. The discussion below describes the varying degrees by which State financial responsibility requirements conform to FMCSA's requirements.

A. STATE FINANCIAL RESPONSIBILITY REQUIREMENTS THAT WOULD BE UNAFFECTED BY A CHANGE IN FMCSA MINIMUM LIMITS

In Section IV of this report, FMCSA identified 15 States that have adopted SL financial responsibility requirements applicable to intrastate for-hire property carriers (see Table 5). Eighteen States have adopted SL financial responsibility requirements applicable to intrastate for-hire household goods carriers (see Table 8). A change in FMCSA's minimum limits of financial responsibility would have no effect on these States, absent legislative or regulatory initiatives to adopt a CSL financial responsibility requirement that incorporates by reference part 387. The sections below provide examples of variations in statutory language or regulatory text that States have adopted whereby an increase in FMCSA's financial responsibility requirements may have an immediate impact on State financial responsibility requirements, or no impact absent amendments to State statutes or regulations.

B. STATE LAW ADOPTS PART 387 SUBJECT TO AMENDMENT OR MODIFICATION

A State law of this nature adopts FMCSA's minimum limits with modification to the weight threshold that triggers an intrastate carrier's obligation to meet minimum financial responsibility requirements that conform to 49 CFR 387.9. Delaware and Maryland are illustrative of a framework that incorporates part 387 minimum limits with modifications.

1. Delaware Department of Motor Vehicles

Title 21 of the Delaware Code incorporates part 387 by reference. The Delaware Code amends part 387 to make it applicable to vehicles with a GWR or GVWR greater than 26,000 pounds. Title 21 of the Delaware Code is as follows:

“Del. Code § 21-47-4702: (a) The State hereby adopts the following parts of the Code of Federal Regulations, Title 49, Chapter III, Subchapter B, except as modified by this chapter: Part 387, Part 390, Part 391, Part 392, Part 393, Part 395, Part 396 and Part 397 adopted pursuant to the Transportation Article of the United States Code (49 U.S.C. § 101 et seq.).

(b) Notwithstanding the adoption of the laws and regulations as indicated in subsection (a) of this section, no requirements under this chapter shall apply to any single vehicle or a vehicle in combination operated in intrastate commerce with a gross vehicle weight rating or gross vehicle weight of 26,000 pounds or less, except for:

(1) A vehicle being used to transport hazardous materials of a type or quality that requires the vehicle to be marked or placarded in accordance with the Federal Motor Carrier Safety Regulations;...”

2. Maryland Department of Transportation, Motor Vehicle Administration

The Maryland statute, like the Delaware statute, permits the Maryland Motor Vehicle Administration to adopt and modify part 387, such that it applies to intrastate carriers with a GVWR of 26,001 pounds or more. The Maryland statutory framework differs from the Delaware statute in that the Maryland Motor Vehicle Administration is authorized to adopt rules and regulations consistent with part 387, but it is not required to do so. Section 25-111.1 of the Maryland statute is as follows:

“§ 25–111.1(a) permits the Motor Vehicle Administration, in consultation with the State Highway Administration, may adopt rules and regulations that are consistent with 49 C.F.R., Part 387.

(b) The rules and regulations adopted under subsection (a) of this section shall apply to the following vehicles:

(1) For-hire vehicles engaged in intrastate commerce that exceed a gross vehicle weight rating of 26,000 pounds and are designed to carry property;

(2) For-hire vehicles engaged in interstate commerce that:

(i) Exceed a gross vehicle weight rating of 10,000 pounds and are designed to carry property”

C. STATE LAW ESTABLISHES PART 387 MINIMUM LIMITS AS A CEILING

States in this category have statutes that authorize the regulator to set minimum limits that do not exceed the minimum limits required by part 387. While either statutes or regulations state that part 387 is incorporated by reference, as described in the examples that follow, in practice the regulations adopted may not conform to 49 CFR 387.9 Schedule of Limits Item (1), 49 CFR 387.303(b)(1) or 49 CFR 387.303(c) in their entirety. The Mississippi Department of Transportation regulations described below are illustrative of this point. Further, the Texas Department of Motor Vehicles regulations described below illustrate a case where the regulatory agency has the authority to adopt minimum limits for financial responsibility up to FMCSA's requirements, but has opted not to do so.

1. Mississippi Department of Transportation, Motor Carrier Safety Division

The Mississippi Annotated Code at §77-7-83, with respect to common and contract carriers of household goods, states that:

“Each holder of a certificate authorizing operation as a common carrier by motor vehicle, or the holder of a contract permit issued by the commission, shall keep in force at all times an insurance policy or a certificate of insurance in lieu thereof, issued by some insurance company or association or other insurer authorized to transact business in this state, or bond or bonds, to be approved by the commission, in an amount required by the commission, conditioned to pay any final judgment against the carrier for personal injuries or property damage resulting from or arising out of the use, maintenance or operation of the motor vehicles of such carrier and suffered by any member of the public or by the state or any of its political subdivisions. The amount of the insurance policy or bond required by the commission under this section shall in no case be less than the insurance requirements of the United States Department of Transportation as set out in 49 CFR part 387.”

The Mississippi Department of Transportation Motor Carrier Safety Division (MCSD) guidelines applicable to intrastate household goods carriers (contract and common carriers) state:⁵⁹

“Minimum insurance requirements must be the same as the required contained in 49 C.F.R. 387.”

The guidelines set forth the liability limits that conform to 49 CFR 387.9 Schedule of Limits Item (1). The guidelines state the required coverage must reflect FMCSA's requirements. However, the guidelines do not conform to FMCSA regulations with respect to establishing minimum limits for small freight vehicles or cargo insurance. Additionally, the guidelines do not specify a weight threshold at which the \$750,000 minimum limits apply. The guidelines require

⁵⁹ <http://mdot.ms.gov/portal/enforcement.aspx?open=Unified%20Carrier%20Registration> (Accessed February 6, 2017).

household goods carriers to maintain weight-differentiated minimum limits of \$5,000 for cargo of three tons or less and \$10,000 for cargo greater than three tons.

The MCSD intrastate property carrier guidelines state:⁶⁰

“All insurance certificates must reflect required insurance coverage for restricted motor carriers as determined by Federal Motor Carrier Safety Administration.”

The guidelines set forth limits that conform to 49 CFR 387.9 Schedule of Limits Item (1), Item (2), and Item (3). The guidelines state the required coverage must reflect FMCSA requirements. However, the guidelines do not conform to FMCSA regulations with respect to establishing minimum limits for small freight vehicles or cargo insurance. Additionally, the guidelines do not specify a weight threshold at which the minimum limits apply. The guidelines require restricted carriers (i.e., property carriers other than household goods carriers) to maintain weight-differentiated minimum limits of \$5,000 for cargo of three tons or less and \$10,000 for cargo greater than three tons.

2. Texas Department of Motor Vehicles

The Texas Transportation Code at Section 643.101(b) references FMCSA’s regulations in order to establish a ceiling for its minimum limits of financial responsibility. The regulation requires the following:

“Except as provided in 643.1015, the department by rule may set the amount of liability insurance required at an amount that does not exceed the amount required for a motor carrier under a federal regulation adopted under 49 U.S.C. Section 13906(a)(1).”

The Texas Department of Vehicles (TxDMV) has established financial responsibility requirements with minimum limits below FMCSA’s minimum limits. Household goods carriers are required to meet a weight-differentiated CSL requirement. Vehicles with a GVWR less than 26,001 pounds must meet a \$300,000 minimum limit and vehicles with a GVWR of 26,001 pounds or more must meet a \$500,000 minimum limit. For-hire property carriers and private carriers with a GVWR of 26,001 pounds or more must meet a \$500,000 minimum limit.⁶¹ Finally, the TxDMV establishes minimum limits of financial responsibility for foreign carriers operating in intrastate commerce.

D. STATE STATUTES OR REGULATIONS THAT INCORPORATED BY REFERENCE FMCSA REGULATIONS EFFECTIVE AS OF A DATE OF PUBLICATION

States that fall into this category either have a statute or regulation that incorporates by reference 49 CFR part 387, or specific regulations within subpart A and/or subpart C, which appeared in the Federal Register or Code of Federal Regulations on a specific date. The Idaho State Police and Illinois Commerce Commission regulations exemplify regulations that fall into this category.

⁶⁰ Ibid.

⁶¹ The Texas DMV cargo insurance requirements conform to FMCSA’s requirement.

The Nebraska Revised Statute at Section 75-363 establishes the financial responsibility requirement enforced by the Nebraska State Police. This is an example of a statute that incorporates by reference part 387.

1. Idaho State Police

The Idaho State Police has adopted a financial responsibility requirement, which provides as follows with respect to FMCSA regulations:

“03. Carrier Safety Requirements (See Rule 19). Adoption of Federal Regulations 49 CFR Parts 356, 365, 382, 383, 385, 386, 387, 388 and 390 through 399 are hereby adopted by reference. Whenever any one (1) of these federal regulations (except Section 391.11(b)(1)) exempts intrastate carriers from any of their requirements, this rule at IDAPA 11.13.01, “The Motor Carrier Rules,” Section 019, removes that exemption and subjects the intrastate carrier to the same requirements. The Department asserts its authority under Section 019 to the maximum extent allowed by Section 67-2901A, Idaho Code, Public Laws 89-679 and 89-170 (see 49 U.S.C. 502(c)(3)), 49 CFR Part 388. (3-25-16)”

“a. Version of Federal Regulations Adopted. The federal regulations adopted by reference in this Section 019 are those contained in the compilation of 49 CFR Parts 356, 365, 382, 383, 385, 386, 387, 388, 390 through 399 published in the Code of Federal Regulations volumes dated October 21, 2015.”⁶²

2. Illinois Commerce Commission

Illinois Compiled Statutes at 625 ILCS 5/18c-1202 authorizes the Illinois Commerce Commission to set insurance requirements for intrastate household goods and intrastate property carriers. Title 92 Section 1425.30 of the Illinois Commerce Commission’s regulations requires for-hire property carriers to meet the following financial responsibility requirement:

“The minimum amounts of public liability and property damage insurance coverage required of all motor carriers of property shall be the amounts required by 49 CFR 1043.2, November 13, 1990,…”

Title 92 Section 1457.120 of the Illinois Commerce Commission regulations requires household goods carriers meet a financial responsibility requirement as follows:

“The minimum amounts of public liability and property damage insurance coverage required of all household goods carriers shall be the amounts required by 49 CFR 1043.2, November 13, 1990, "Security for the protection of the public: Minimum limits", no later amendments or editions included.”

⁶²IADPA § 11.13.01.

The Federal regulations referred to in the Illinois Commerce Commission regulations were Interstate Commerce Commission financial responsibility requirements under 49 CFR part 1043 – Surety Bonds and Policies of Insurance. The minimum limits for financial responsibility required by 49 CFR 1043.2 are identical to the minimum limits required by 49 CFR 387.9 and 49 CFR 387.303T(b)(1), except for the weight threshold. The Interstate Commerce Commission’s regulations’ minimum limits applied to vehicles with a GVWR of 10,000 or more pounds, as opposed to the current threshold of a GVWR of 10,001 pounds or more.

3. Nebraska State Police

Nebraska Revised Statutes at Section 75-363 incorporates by reference part 387 in the following:

“Federal motor carrier safety regulations; provisions adopted; exceptions.

(1) The parts, subparts, and sections of Title 49 of the Code of Federal Regulations listed below, as modified in this section, or any other parts, subparts, and sections referred to by such parts, subparts, and sections, in existence and effective as of January 1, 2016, are adopted as Nebraska law.

(2) Except as otherwise provided in this section, the regulations shall be applicable to:

(a) All motor carriers, drivers, and vehicles to which the federal regulations apply; and

(b) All motor carriers transporting persons or property in intrastate commerce to include:

(i) All vehicles of such motor carriers with a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight over ten thousand pounds;...

(3) The Legislature hereby adopts, as modified in this section, the following parts of Title 49 of the Code of Federal Regulations:

(d) Part 387 - MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS”

E. STATE STATUTE OR REGULATIONS THAT TRACK CHANGES IN FMCSA MINIMUM LIMITS

1. New Mexico Public Regulation Commission

Section 65-2A-18 of the New Mexico Statutes Annotated authorizes the New Mexico Public Regulation Commission to prescribe minimum limits for financial responsibility that track requirements applicable to interstate motor carriers as follows:

“...shall adopt the same minimum liability insurance requirements as those required by the federal motor carrier safety administration [sic] for interstate motor carriers for all motor vehicles for carriage of property or household goods”

The New Mexico Public Regulation Commission regulations provide as follows:⁶³

“Towing services, repossession services, household goods movers, and motor carriers of property with a gross vehicle weight rating of 10,001 pounds or more maintain the minimum levels of financial responsibility required by 49 CFR 387.9”

2. Indiana Department of State Revenue, Motor Carrier Services Division

Intrastate for-hire carriers of household goods and property must meet a \$750,000 minimum limit for vehicles weighing more than 10,000 pounds and \$300,000 for vehicles weighing 10,000 or less. This requirement is established in the Indiana Code and the regulations of the Department of State Revenue Motor Carrier Services Division.

The Indiana Code at IC § 8-2.1-24-18 states:

“Compliance with federal motor carrier safety regulations [sic] (a) 49 CFR Parts 40, 375, 380, 382 through 387, 390 through 393, and 395 through 398 are incorporated into Indiana law by reference...”

The Motor Carrier Services Division regulations at 45 IAC 16-1-2(b) states:

“Every common and contract carrier of passengers and/or property for hire by motor vehicle over the highways of the state of Indiana, in intrastate and/or interstate commerce shall, subject to the approval of the commission, file with and keep in effect and on file Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance (commonly known as Form E Indiana) covering public liability, property damage, loss to cargo subject to the exceptions and minimum amounts hereinafter set out.”

“(b) Public Liability and Property Damage Coverage. The minimum amounts for public liability and property damage coverage shall be those contained in Title 49, Code of Federal Regulations, Part 387”

3. Colorado State Patrol

The Colorado State Patrol is responsible for setting intrastate for-hire financial responsibility requirements pursuant to C.R.S §42-4-235(4) (a) which provides that:

“the chief of the Colorado State Patrol shall adopt rules for.....financial responsibility, insurance... except that rules regarding financial responsibility and insurance do not apply to a commercial vehicle as defined in subsection (1) of this section that is also

⁶³ N.M. Code R. § 18.3.3.10 D and N.M. Code R. § 18.3.3.10 E. Although the New Mexico Public Regulation Commission’s regulation is to track FMCSA’s minimum limits financial responsibility requirement, it has adopted a \$50,000 per shipper cargo insurance requirement.

subject to regulation by the public utilities commission under article 10.1 of title 40, C.R.S.”

The Colorado State Patrol Regulations at 8 CCR 1507-(V)(A)(4) do not apply to household goods carriers and towing services, and indicate that 49 CFR 387.1 through 387.17, 387.303, 387.305 and 387.309 shall apply with the following exceptions: (1) 49 CFR 387.7 (e) and (g) shall not apply, and (2). 49 CFR 387.9 (4) applies only to interstate and foreign commerce.

F. STATE FINANCIAL RESPONSIBILITY REQUIREMENTS THAT CONFORM IN DOLLAR AMOUNT TO FMCSA MINIMUMS WITH NO REFERENCE TO FMCSRs.

For States that fall into this category, the minimum limits for financial responsibility and cargo insurance requirements are fixed in amount in either statutes or regulations.

1. South Carolina Department of Motor Vehicles

The South Carolina Department of Motor Vehicles (DMV) regulates for-hire property carriers.

“The applicant must provide evidence of meeting the financial responsibilities or insurance requirements, satisfy compliance requirements of the United States Department of Transportation motor carrier safety and hazardous materials regulations before issuance, and continually satisfy these requirements or certification may be suspended, revoked, or placed in a probationary status.”⁶⁴

The DMV regulations’ current minimum limits conform to 387.9 Item Schedule of Limits Item (1) and 387.303(b)(1) for small freight vehicles. The DMV regulations also set minimum limits for transportation of hazardous materials listed in 49 CFR 387.9 Schedule of Limits Item (2) and Item (4) for vehicles weighing less than 10,000 pounds. The regulatory text does not reference FMCSA regulations.⁶⁵

2. The South Carolina Public Service Commission

The South Carolina Public Service Commission (SCPSC) regulates household goods and hazardous materials carriers. The SCPSC’s enabling legislation directs it to set minimum requirements for liability and property damage.⁶⁶ The SCPSC has codified a \$750,000 minimum limit applicable to for-hire household goods carriers operating vehicles weighing 10,000 pounds or more. The regulations also set a \$500,000 minimum limit for household goods carriers operating vehicles weighing less than 10,000 pounds. The latter exceeds FMCSA’s requirement for small freight carriers under 49 CFR 387.303(b)(1). The regulatory text is as follows:⁶⁷

⁶⁴ S.C. Code Ann. § 56-3-661.

⁶⁵ S.C. Code Regs. § 38-414.

⁶⁶ S.C. Code Ann. § 58-23-920.

⁶⁷ S.C. Code Regs. §103-172. The weight threshold at which the \$750,000 minimum limit applies is 10,000 pounds and above, which is 1 pound less than the weight threshold applicable to for-hire property carriers (including household goods carriers) under FMCSA regulations.

“103–172. Schedule of Minimum Limits.

Insurance policies and surety bonds for bodily injury and property damage will have limits of liability not less than the following:

MOTOR CARRIERS, KIND OF LIABILITY LIMITS

EQUIPMENT & CAPACITY

PASSENGER

1 to 7 Passengers \$25,000.00 \$50,000.00 \$25,000.00

8 to 15 Passengers \$25,000.00 \$100,000.00 \$25,000.00

16 or More Passengers \$25,000.00 \$300,000.00 \$25,000.00

FREIGHT (All motor vehicles used in the transportation of property.)

1. 10,000 OR MORE POUNDS GVWR.

a. NON-HAZARDOUS \$750,000 per incident

b. HAZARDOUS \$5,000,000 per incident

(Hazardous substances, as defined in 49 CFR 171.8; Class A or B explosives; liquefied compressed gas or compressed gas; or highway route controlled radioactive materials as defined in 49 CFR 171.455.)

c. HAZARDOUS \$1,000,000 per incident

(Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials, and hazardous substances defined in 49 CFR 172.101 but not mentioned in 1.(b) or 2.(b).)

2. LESS THAN 10,000 POUNDS GVWR.

a. NON-HAZARDOUS \$500,000 per incident

b. HAZARDOUS \$5,000,000 per incident

(Any quantity of Class A or B explosives or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.)

VII. CONCLUSION

Based on FMCSA’s review of State statutes, regulations, rules and regulatory guidelines for all 50 States and the District of Columbia, it is apparent that most States’ minimum limits of financial responsibility applicable to intrastate for-hire property and household goods carriers require less coverage for public liability than do FMCSA’s minimum levels of financial responsibility required by 49 CFR 387.9 and 49 CFR 387.303T(b)(1). The findings that support this conclusion are summarized as follows:

- Only 15 States have adopted CSL financial responsibility requirements applicable to for-hire property carriers with minimum limits and weight thresholds that conform to FMCSA requirements under both 49 CFR 387.9 and 49 CFR 387.303T(b)(1) (See Table 3). Only 12 of 25 States have CSL financial responsibility requirements for household goods carriers that conform to both 49 CFR 387.9 and 49 CFR 387.303T(b)(1). The 12 States are listed in Table 6.

- Twenty-four States, with respect to for-hire intrastate property carriers (Table 4), and 13 States, with respect to for-hire household goods carriers (Table 7), have adopted CSL financial responsibility requirements that do not conform to FMCSA's requirements under 49 CFR 387.9 and 49 CFR 387.303T(b)(1). The differences relative to FMCSA's requirements include (1) 10 States with minimum limits less than either or both the minimum levels required by 49 CFR 387.9 (\$750,000) and 49 CFR 387.303T(b)(1) (\$300,000), (2) the exemption of carriers from meeting a financial responsibility requirement if vehicles weigh less than a threshold value ranging from 18,000 pounds to 26,000 pounds, or (3) no financial responsibility requirements for small freight vehicles.
- Fourteen States require for-hire intrastate property carriers to meet the minimum limits of a SL financial responsibility requirement. Hawaii and Nevada are the only States that have adopted minimum limits that have an effective CSL limit equal to or greater than FMCSA's \$750,000 minimum limit.⁶⁸ The remaining 12 States adopted SL minimum limits that on average have a \$337,500 effective CSL minimum limit.
- Sixteen States require for-hire intrastate household goods carriers to meet the minimum limits of a SL financial responsibility requirement. Again, Hawaii and Nevada are the only States that have adopted minimum limits that have an effective CSL limit equal to or greater than FMCSA's \$750,000 minimum level. The remaining 14 States adopted SL minimum limits that on average have a \$395,313 effective CSL minimum limit.

There are four attributes of financial responsibility requirements where a number of States have adopted requirements that exceed the scope of FMCSA's financial responsibility requirements.

- Two States also adopted a \$750,000 minimum limit with no weight threshold. In the absence of a weight threshold, these States have adopted a financial responsibility requirement that is more expansive than FMCSA's requirement. In these States, intrastate for-hire property and household goods carriers must meet the \$750,000 minimum limit regardless of vehicle weight. The FMCSA's financial responsibility requirement narrows the applicability of the \$750,000 minimum limit to vehicles with a GVWR of 10,001 pounds or more. Small freight vehicles with a GVWR that is less than 10,001 pounds are required to meet a minimum limit of \$300,000.

⁶⁸ A SL financial responsibility requirement sets dollar limits for a per person minimum level for bodily injuries (referred to as a sub-limit), an aggregate level for all bodily injuries sustained by all persons involved in the accident, and a limit for all property damage resulting from the same accident. For example, a SL financial responsibility requirement with minimum limits of \$100,000/\$300,000/\$100,000 means that a motor carrier must demonstrate to its regulator that it has the means (i.e., insurance, surety bond, approval to self-insure or other financial assets) sufficient to meet (1) a sub-limit of \$100,000 per person for bodily injury costs, (2) an aggregate bodily injury limit of \$300,000 for an event at any one time and place, and (3) a \$100,000 limit for property damage. Based on these terms, an insurer is obligated to pay claims up to the aggregate of bodily injury costs only if three people each have claims equal to the \$100,000 sub-limit. For example, if three people sustain bodily injuries in an accident resulting in individual claims filed with a motor carrier's insurer for medical expenses of \$100,000, \$75,000, and \$125,000, the insurer is only obligated to pay claims up to an aggregate amount of \$275,000. Because of the \$100,000 sub-limit, the insurer is not obligated to pay the \$25,000 in medical costs more than the sub-limit, notwithstanding that the aggregate medical costs total \$300,000. This leaves the motor carrier responsible for the remaining \$25,000.

- More than half of the States have adopted cargo insurance requirements that are equal to or greater than FMCSA's current requirements. Eight States have established minimum limits anywhere from two to ten times greater than the minimum limits FMCSA requires interstate household goods carriers to meet under 49 CFR 387.303T(c).
- Fourteen States require intrastate private carriers transporting non-hazardous property to meet minimum limits of financial responsibility. The FMCSA has limited its financial responsibility requirements to private carriers of hazardous materials. Three States require private property carriers operating vehicles with a GVWR of 10,001 pounds and above to meet a \$750,000 minimum limit. Three States require private carriers of property, operating vehicles with a GVWR of 26,001 pounds or more, to meet a \$750,000 minimum limit, and one State requires intrastate private property carriers operating vehicles with a GVWR of 18,001 pounds or more to meet a \$750,000 minimum limit. Seven States require intrastate private carriers to meet a SL financial responsibility requirement. The effective CSL minimum limits range from \$135,000 to \$750,000.
- Nine States have adopted FMCSA minimum limits of 49 CFR 387.9 Item (2), Item (3) and Item (4), which is not applicable to intrastate carriers. By adopting the minimum limits of FMCSA's regulations and applying them to intrastate carriers in a manner that does not conflict with FMCSA regulations, these States have expanded the scope of financial responsibility requirements.

In 2014, in accordance with MAP-21, FMCSA submitted its quadrennial report to Congress on the appropriateness of its current financial responsibility requirements. The report presents the findings of an FMCSA-sponsored report prepared by the Volpe Transportation Center (the Volpe Report). The Volpe Report estimated crash costs for crashes involving catastrophic loss of life, severe bodily injuries and critical bodily injuries. The difference between the estimated crash costs and FMCSA's current minimum limits provided preliminary support for increasing financial responsibility requirements. In the FAST Act, Congress directed FMCSA to assess the adequacy of its current financial responsibility requirements relative to claims and the rate at which crash costs exceed minimum limits for accidents involving interstate for-hire of non-hazardous property and for-hire and private carriers of hazardous materials subject to FMCSA financial responsibility requirements. While the medical and human costs estimated in the Volpe Report have increased since 2013, such that preliminary support for an increase in the minimum coverage limits remains, the lack of publicly available data precludes a comparison of actual crash costs to either FMCSA or State minimum levels. This is true for both for-hire interstate carriers of non-hazardous and passengers, as well as private carriers of hazardous material subject to the financial responsibility requirements of 49 CFR 387.9. While FMCSA and many State minimum levels of financial responsibility have not increased in decades, that does not mean that motor carriers of property or passengers have not increased the amount of coverage under their insurance policies, surety bonds or self-insurance plans, as part of a prudent risk management program. Therefore, the more relevant analysis is a comparison of actual crash costs relative to actual liability limits of interstate and intrastate insurance policies.

In addition to directing FMCSA to assess motor carrier financial responsibility, Congress, in section 32104 of MAP-21, directed FMCSA to consider the appropriateness of the current bond and insurance requirements for brokers and freight forwarders. While the Agency has not formally studied whether \$75,000 is the appropriate level of financial responsibility for property brokers and freight forwarders, it is not aware of any formal efforts by stakeholders seeking modification of the financial responsibility amount.

Finally, In MAP-21, Congress also directed FMCSA to consider the appropriateness of the financial responsibility amount for passenger carrier brokers (49 USC 13904(f)). The FMCSA has discretionary authority to mandate financial responsibility requirements on such entities, which it has not exercised to date. While the Agency has not formally studied the lack of a financial responsibility requirement on passenger brokers, the Agency received 11 comments from passenger carriers, trade associations and consultancies, in response to its 2014 ANPRM on financial responsibility, that largely opposed the imposition of such a requirement. The Agency has no current plans to impose a financial responsibility requirement on bus brokers.

**APPENDIX A: STATE LAWS AND REGULATIONS
GOVERNING FINANCIAL RESPONSIBILITY
REQUIREMENTS FOR INTRASTATE MOTOR CARRIERS**

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
State	Regulatory Agency	Statutory Authority and Agency Regulations	Citation to Statute Authority and/or Regulation Establishing Terms for Financial Responsibility
AL	Public Service Commission, Transportation Division (Household goods)	Title 37, Chapter 3 Motor Vehicle Carriers, Code of Alabama 1975 Alabama Public Service Commission, Motor Carrier General Orders Rules and Regulations Pamphlet No. 2003	Ala. Code §37-3-7 authorizes the Commission to regulate common and contract carriers. Pamphlet No. 2003, Rule 4.3 sets split liability limits. Pamphlet No. 2003, Rule 17.70 Transportation of Hazardous Materials and Hazardous Wastes Each motor carrier engaged in the transportation of explosives, hazardous materials, or hazardous wastes, as defined by the United States Department of Transportation, must comply with the United States Department of Transportation regulations governing carriage by public highway of explosives and hazardous materials.
	Department of Public Safety Motor Carrier Safety Unit	Title 32 Motor Vehicles and Traffic Chapter 9A Commercial Motor Vehicle Safety Requirements	Ala. Code §32-9A-A2 (a)(1) “Except as otherwise provided in subsection (b), no person may operate a commercial motor vehicle in this state, or fail to maintain required records or reports, in violation of the federal motor carrier safety regulations as prescribed by the U.S. Department of Transportation, 49 C.F.R. Part 107, Parts 171-180, Parts 382-387, and Parts 390-399 and as they may be amended...” Section 32-9A-2(5) A commercial motor vehicle operated in intrastate commerce which does not equal or exceed 26,001 pounds, except a motor vehicle, regardless of weight, which is designed or used to transport 16 or more passengers, including the driver, or which is used in the transportation of hazardous materials and required to be placarded pursuant to 49 C.F.R. Part 172, Subpart F, shall be exempt from the federal motor carrier regulations otherwise made applicable in this State pursuant to subsection (a). For purposes of this subdivision, commercial motor vehicle means a commercial motor vehicle as defined in 49 C.F.R. §390.5.
AK	Department of Transportation and Public Facilities, Division of Measurement Standards and Commercial Vehicle Enforcement	Alaska Statutes Title 19 Highways and Ferries, Chapter 10 State Highway System Alaska Admin. Code 17.25 Operations and Wheeled Vehicles	Alaska Stat. §19.10.300 (a) sets split liability limits. 17 AAC 25.210. SAFE OPERATION OF COMMERCIAL MOTOR VEHICLES (a) A person driving a commercial motor vehicle, or a company whose business involves the operation of a commercial motor vehicle, upon a highway or vehicular way or area, shall comply with the regulations relating to the management, maintenance, operation, or driving of commercial motor vehicles, adopted by the United States Department of

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
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			Transportation and contained in the following provisions, as revised as of October 1, 2014 and adopted by reference, except as otherwise provided in (b) of this section: (1) 49 C.F.R. Part 381 (Waivers, Exemptions, and Pilot Programs); (2) 49 C.F.R. Part 385 (Safety Fitness Procedures); (3) 49 C.F.R. Part 387 (Minimum Levels of Financial Responsibility for Motor Carriers);... (b) The federal regulations in 49 C.F.R. that are adopted by reference in (a) of this section are revised as follows: (1) the lead-in language of 49 C.F.R. 387.9 is revised to read: "Intrastate carriers that operate only in this State and that engage in intrastate commerce only shall meet the minimum levels of financial responsibility set out in AS 19.10.300, except that an intrastate carrier described in item (2) in the schedule of limits in 49 C.F.R. 387.9 shall meet the minimum level of financial responsibility set out in that schedule:"
AZ	Arizona Department of Public Safety	Arizona Revised Statutes Title 28, Chapter 9 and Chapter 14 Arizona Administrative Code Chapter 17-5	Ariz. Rev. Stat. § 28-4033 sets CSL liability limits.
AR	Arkansas State Highway Commission	Arkansas Annotated Code Title 23 Public Utilities and Regulated Industries, Subtitle 1 Public Utilities and Carriers, Chapter 13 Motor Carriers, Subchapter 2 Arkansas Motor Carrier Act 1955 State Highway Commission Rule 13.1 and Rule HM 1.4	A.C.A. § 23-13-202 authorizes the regulation of the motor carrier industry. A.C.A § 23-13-206 exempts private carriers from regulation, other than safety regulation, which includes establishing minimum financial responsibility requirements. State Highway Commission, Rule 13.1 liability and cargo insurance limits State Highway Commission Rule 17.1 adopts part 387 reference, to the extent not in conflict with State law VEH §§ 34631.5(a)(1) and (2) set CSL limits for property.
CA	California Department of Motor Vehicles	California Vehicle Code (VEH) Division 14.85 California Code of Regulations Title 13 Division 1 Motor Vehicles	VEH §§ 34631.5(a)(3) sets SL or CSL limits for hazardous waste other than waste listed in 387.9. VEH §§ 34631.5(a)(4) Except as provided in paragraph (3), every motor carrier of property, as defined in Section 34601, that transports any hazardous matter, as defined by Section 353, shall provide and thereafter continue in effect adequate protection against liability imposed by law on those carriers for the payment of damages for personal injury or death, and damage to or destruction of property, in amounts of not less than the minimum levels of financial responsibility specified for carriers of hazardous material by the United States Department of Transportation in Part 387 (commencing with Section 387.1) of Title 49 of the Code of Federal Regulations. The applicable minimum levels of financial responsibility required are as follows:

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
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			<p>Items A, C and D are identical to 387.9 Items (2), (3), and (4) and are not incorporated by reference. Liability limits are fixed values in the statute</p> <p>B) Hazardous waste as defined in Section 25117 of the Health and Safety Code and in Article 1 (commencing with Section 66261.1) of Chapter 11 of Division 4.5 of Title 22 of the California Code of Regulations, but not mentioned in (C) or (D)</p> <p>Note: VEH §§ 34631.5(a)(4)(A),(C)and (D) are the equivalent of 387.9 Items 2, 3, and 4.</p> <p>CCR Title 13 §220.06 sets forth statutory requirements for proof of financial responsibility</p>
	California Public Utilities Commission (Household goods)	<p>California Public Utilities Code (CPUC) Title 20 Division 2 Chap. 7 Household Goods Carriers</p> <p>CPUC General Order 100M Liability Insurance</p> <p>CPUC General Order 1339-C Cargo Insurance</p>	<p>20 CA Adc T. 20, Div. 2, Chap. 7 § 5161(c).</p> <p>CPUC General Order 100M sets liability limits</p> <p>CPUC General Order 1339-C sets cargo insurance limits</p>
CO	Department of Public Safety Authority ¹	<p>CRS Title 42 Vehicle and Traffic Regulation, Article 4,</p> <p>CDPS 8 CCR 1507-1</p>	<p>Colo. Rev. Stat. §42-4-235(4)(a) The chief of the Colorado State patrol shall adopt rules for the operation of all commercial vehicles. In adopting the rules, the chief shall use as general guidelines the standards contained in the current rules and regulations of the United States Department of Transportation relating to safety regulations, qualifications of drivers, driving of motor vehicles, parts and accessories, notification and reporting of accidents, hours of service of drivers, inspection, repair and maintenance of motor vehicles, financial responsibility, insurance, and employee safety and health standards; except that rules regarding financial responsibility and insurance do not apply to a commercial vehicle as defined in subsection (1) of this section that is also subject to regulation by the public utilities commission under article 10.1 of title 40, C.R.S.</p> <p>8 CCR 1507-(V)(A) All intrastate and interstate motor carriers, commercial vehicles and drivers thereof operating within the State of Colorado shall operate in compliance with the safety regulations contained in...(a table follows in the regulations that lists all FMCSA regulations incorporated by reference including 49 CFR 387)</p> <p>8 CCR 1507-(V)(A)(4) Pursuant to §42-4-235(4)(A), the financial responsibility and insurance provisions of these rules do not apply to commercial vehicles regulated by the Colorado Public Utilities</p>

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
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			Commission (PUC). 49 CFR 387.1 through 387.17, 387.303, 387.305 and 387.309 shall apply with the following exceptions: a. 49 CFR 387.7 (e) and (g) shall not apply. b. 49 CFR 387.9 (4) applies only to interstate and foreign commerce c. Weight threshold for property increased to 26,001 lbs.
	All Other Regulated Intrastate Services (household goods and towing) Colorado Public Utilities Commission (CPUC)	CRS Title 40 Utilities, Article 10.1 Motor Carriers 4 CCR Part 6 Rules Regulating Transportation	Colo. Rev. Stat. §40-10.1-107 CPUC to issue financial responsibility rules. 4 CCR 723-6 Rule 6007 sets minimum combined single limits for household goods and towing
CT	Connecticut Department of Motor Vehicles	Conn. Gen. Stat. Ann Title 14 Chapter 246 Motor Vehicles 14-163c and 14-163d Regulations of Connecticut State Agencies Title 14-163c1	Conn. Gen. Stat. Ann. §14-163c The Commissioner of Motor Vehicles may adopt regulations, in accordance with the provisions of chapter 54, which incorporate by reference the standards set forth in 49 CFR Parts 382 to 397, inclusive, as amended. Such regulations, adopted by reference to the provisions of 49 CFR Parts 382 to 397, inclusive, as amended, may be made applicable to any motor vehicle or motor carrier, as defined in 49 CFR Part 390, which (1) is in intrastate commerce and has a gross vehicle weight rating or gross combination weight rating or gross vehicle weight or gross combination weight of eighteen thousand one or more pounds; or (2) is in interstate commerce and has a gross vehicle weight rating or gross combination weight rating or gross vehicle weight or gross combination weight of ten thousand one or more pounds... or (4) is used in the transportation of hazardous materials in a quantity requiring placarding under the Hazardous Materials Transportation Act, 49 USC App. 1801 to 1813, inclusive, unless exempted under the provisions of the code or the provisions of subsection (b) of this section. Conn. Agencies Regs. §§14-163c-1(6) Part 387, “Minimum Levels of Financial Responsibility for Motor Carriers,” as amended from time to time;
	Connecticut Department of Transportation ² (Household good)	Conn. Gen. Stat. Ann. Title 14 Chapter 245c Motor Carriers of Property For-hire Regulations of Connecticut State Agencies Title 16	Conn. Gen. Stat. Ann. Sec. 13b-410. (Formerly Sec. 16-304). Jurisdiction of commissioner. Penalties. (a) The Commissioner of Transportation is authorized to prescribe and establish such reasonable regulations for household goods carriers and motor contract carriers operating in intrastate commerce as the commissioner deems necessary with respect to rates and charges, issuance of certificates or permits, classification of carriers, abandonment or suspension of service, routes, speed, adequacy of service, financial responsibility, insurance covering personal injury, property damage and cargo, uniform system of accounts, records, reports, safety of operation and equipment and the public convenience and safety.

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
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			<p>Conn. Agencies Regs. Sec. 16-304-D4 Split liability limits for intrastate carriers. And with respect to interstate carriers the regulation provides as follow::</p> <p>The liability amounts for freight vehicles with gross vehicle weight ratings of 10,000 pounds or more are those prescribed under Interstate Commerce Commission Bureau of Motor Carrier Safety Docket No. MC-94, codified as 49 CFR 387 on July 1, 1983</p>
DE	Department of Motor Vehicles (DMV)	Title 21 Del. Code Motor Vehicles Operation and Equipment, Chapter 47 Motor Carrier Safety-Responsibility	<p>Del. Code § 21-47-4702 (a) The State hereby adopts the following parts of the Code of Federal Regulations, Title 49, Chapter III, Subchapter B, except as modified by this chapter: Part 387, Part 390, Part 391, Part 392, Part 393, Part 395, Part 396 and Part 397 adopted pursuant to the Transportation Article of the United States Code (49 USC § 101 et seq.).</p> <p>(b) Notwithstanding the adoption of the laws and regulations as indicated in subsection (a) of this section, no requirements under this chapter shall apply to any single vehicle or a vehicle in combination operated in intrastate commerce with a gross vehicle weight rating or gross vehicle weight of 26,000 pounds or less, except for:</p> <p>(1) A vehicle being used to transport hazardous materials of a type or quality that requires the vehicle to be marked or placarded in accordance with the Federal Motor Carrier Safety Regulations...</p>
DC	District of Columbia Metropolitan Police Department	District of Columbia Hazardous Materials Transportation and Motor Carrier Safety Act of 1988, D.C. Law 7-190 . DC. Administrative Code Title 18 Vehicles and Traffic, Chapter 18-14 Commercial Transportation Safety	<p>D.C. Code § 6-3303(6) directs the Mayor to establish a system of regulation for transportation of hazardous material consistent with federal regulations of the United States Department of transportation.</p> <p>DMCR § 8-14-1400.2 In accordance with this statutory directive, all vehicles identified in § 1401.1 shall be operated in compliance with title 49 of the Code of Federal regulations, Parts 171 through 180, Part 383, Part 387, and Parts 390 through 397 currently in effect.</p> <p>DMCR § 8-14-1406.1 Motor carriers and shippers shall be required to comply with all other federal regulations that are referenced in title 49 of the Code of Federal Regulations, Parts 171 through 180, and 382, 383, 385, 386, 387, 388, and 389 through 399 and the Federal Hazardous Materials Regulations Part 107 (subparts F and G only).</p>
FL	Florida Department of Highway Safety and Motor Vehicles	Title XXXVII Insurance, Chapter 627 Insurance Rates and Contracts	<p>Fla. Stat. § 627.7415 (1)-(3) sets split liability limits for intrastate commercial motor vehicles</p>

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
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			Fla. Stat. § 627.7415 (4) All commercial motor vehicles subject to regulations of the United States Department of Transportation, 49 C.F.R. part 387, subpart A, and as may be hereinafter amended, shall be insured in an amount equivalent to the minimum levels of financial responsibility as set forth in such regulations.
	Florida Department of Agriculture and Consumer Services (Only Household goods only)	Title XXXIII Chapter 507 Florida Administrative Code 5J-15 Household Moving Services	Fla. Stat. § 507.4 set limits for liability and cargo insurance
GA	Department of Public Safety, Motor Carrier Compliance Division (MCCD)	OCGA Title 40, Chapter 1, Article 3, Motor Carriers GA R&R Chapter 515-16 Transportation ³ Georgia Department of Public Safety Transportation MCCD Rule Book Chapter 1	OCGA § 40-1-112 requires household goods and property carriers to maintain insurance in the amounts and methods required by the MCCD. OCGA § 40-1-23 hazardous material liability limits for a bond or indemnity insurance shall be at least in the amount or amounts authorized or required by federal law or regulations MCCD Chapter 1-387 Minimum Levels of Financial Responsibility for Motor Carriers. Except as amended by the Department herein, the balance of Rule 1-387 is contained in Minimum Levels of Financial Responsibility for Motor Carriers Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 387, and as amended. 1-387.1 Purpose and Scope. Insofar as necessary to insure proper enforcement of Federal financial responsibility regulations within this State, the Department adopts this Part in order to maintain compliance and compatibility with the Commercial Motor Carrier Safety Assistance Program. This Part is intended to apply only to interstate commerce and those operations of intrastate carriers subject to the jurisdiction of the Federal Motor Carrier Safety Administration as provided for in 49 CFR Part 387. It is not the intent of the Department to impose Federal financial responsibility limits on intrastate motor carriers not otherwise subject to 49 CFR Part 387. GA R&R 515-16-11-.03 set split liability limits and cargo insurance for intrastate carriers
HI	Hawaii Department of Transportation	Hawaii Revised Statutes 286 Transportation of Hazardous Materials Hawaii Administrative Rule Title 19-141 Motor Carrier Safety Regulation	HRS § §286-222 General powers. (a) The department of transportation may regulate the transportation of hazardous materials by motor carrier in commerce HAR § 19-141-14 Incorporates by reference. The Federal Motor Carrier Safety Regulations, as they existed on November 1, 2015, are hereby adopted and incorporated by reference as it existed on November 1, 2015

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
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ID	Idaho Department of Transportation	<p>Title 49 Chapter 12 Motor Vehicles, Chapter 12 Financial Responsibility</p> <p>IADPA 39.02.80 Rules Governing Motor Carrier Financial Responsibility</p>	<p>I.C. § 49-1233(5) authorizes IDOT promulgate financial responsibility regulations.</p> <p>IADPA § 39.02.80.002 incorporates 49 CFR 171.8, 172.101, 173.403, 387 and 387.5, effective as of October 1, 1997.</p> <p>IADPA § 39.02.80.020.05 sets liability limits for private property carriers</p>
IL	Illinois Commerce Commission	<p>625 ILCS 5/Ch.18C Subchapter 4 Article IX Safety Regulations for Motor Carriers of Property: Insurance</p> <p>IL Administrative Code Title 92, part 387 Minimum Levels of Financial Responsibility</p> <p>IL Administrative Code Title 92, Part 1425 Household Goods Carriers</p> <p>IL Administrative Code Title 92, Part 1457 Household Goods Carriers</p>	<p>625 ILCS 5/18b-105 incorporates part 387 by reference</p> <p>625 ILCS 5/18c-4902 authorizes to ICC to set financial responsibility requirements</p> <p>92 Ill. Admin. Code 387.1050 Applies to interstate carriers operating intrastate and interstate and intrastate transporters of hazardous waste with the exceptions in 387.3</p> <p>92 Ill. Admin. Code 387.2000 The Department incorporates by reference 49 CFR 387 as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 380, 382, 383, 385, appendix B of 386, 387, 390, 391, 392, 393, 395, 396 and 397) was in effect on October 1, 2014, as amended at 80 FR 18146, April 3, 2015. No later amendments to or editions of 49 CFR 387 are incorporated.</p> <p>Property Carriers:</p> <p>92 Ill. Admin. Code 1425.30 Public Liability and Property Damage Coverage The minimum amounts of public liability and property damage insurance coverage required of all motor carriers of property shall be the amounts required by 49 CFR 1043.2, November 13, 1990, "Security for the protection of the public: Minimum limits."</p> <p>92 Ill. Admin. Code 1425.40 Cargo Damage Coverage</p> <p>a) The minimum amounts of cargo damage coverage required of all motor common carriers of property shall be as required by the provisions of 49 CFR 1043.2(c), November 13, 1990, except as specified in subsection (b) below</p> <p>b) The minimum amounts of cargo damage coverage required of intrastate motor common carriers of property transporting unprocessed agricultural materials and ordinary livestock shall be \$5,000 liability for the unprocessed agricultural materials, milk in bulk, materials in dump-</p>

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
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			<p>type vehicles, or ordinary livestock carried on each vehicle at any one time.</p> <p>Household Goods Carriers 92 Ill. Admin. Code 1457.120 The minimum amounts of public liability and property damage insurance coverage required of all household goods carriers shall be the amounts required by 49 CFR 1043.2, November 13, 1990, "Security for the protection of the public: Minimum limits", no later amendments or editions included.</p> <p>92 Ill. Admin. Code Section 1457.130 Cargo Damage Coverage The minimum amounts of cargo damage coverage required of all motor common carriers of property shall be as required by the provisions of 49 CFR 1043.2(c), November 13, 1990, except as specified in subsection (b) below.</p>
IN	Indiana Department of State Revenue, Motor Carrier Services Division	<p>Indiana Code (IC) Title 8, 2.1-24 Motor Carrier Safety and Insurance Certification</p> <p>45 Indiana Administrative Code 16 Rule 1 Motor Carrier Department</p>	<p>IC § 8-2.1-24-4 authorizes department to regulate insurance requirements</p> <p>IC § 8-2.1-24-18 Compliance with federal motor carrier safety regulations (a) 49 CFR Parts 40, 375, 380, 382 through 387, 390 through 393, and 395 through 398 are incorporated into Indiana law by reference, and, except as provided in subsections (d), (e), (f), and (g), must be complied with by an interstate and intrastate motor carrier of persons or property throughout Indiana.</p> <p>45 IAC 16-1-2(a) Every common and contract carrier of passengers and/or property for hire by motor vehicle over the highways of the State of Indiana, in intrastate and/or interstate commerce shall, subject to the approval of the commission, file with and keep in effect and on file Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance (commonly known as Form E Indiana) covering public liability, property damage, loss to cargo subject to the exceptions and minimum amounts hereinafter set out.</p> <p>(b) Public Liability and Property Damage Coverage. The minimum amounts for public liability and property damage coverage shall be those contained in Title 49, Code of Federal Regulations,</p> <p>(c) Coverage for Loss or Damage to Cargo. The minimum amounts of coverage for loss or damage to cargo shall be those contained in Title 49, Code of Federal Regulations, part 1043.</p>

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
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			<p>45 IAC 16-1-2 (c) The minimum amounts for loss or damage to cargo shall be those contained in Title 49 CFR 1043.</p> <p>FORM BAS-1 specifies weight thresholds and applicable limits</p>
IA	Department of Transportation Motor Carrier Services	<p>Iowa Code Title VIII Transportation, Chapter 325A Motor Carrier Authority</p> <p>Iowa Administrative Code 761 Transportation Dept., Chapter 524</p>	<p>Iowa Code § 325A.6 Insurance. All motor carriers subject to this chapter shall have minimum insurance coverage which meets the limits established in the federal motor carrier safety regulations in 49 C.F.R. pt. 387</p>
KS	Kansas Corporation Commission	<p>Chapter 66 Public Utilities, Article 1 Powers of the State Corporation Commission, Article 13 Motor Carriers</p> <p>Kansas Administrative Rules Agency 82, Article 82-4 Motor Carriers of Persons or Property</p>	<p>K.S.A. § 66-1,128 set minimum split liability</p> <p>K.S.A. §§ 66-1,129 incorporates by reference federal regulations for transportation of hazardous material</p> <p>K.A.R 82-4-3e incorporates part 387 by reference 387 as of October 1, 2003, modified as follows:</p> <p>387.3 modified to apply to billing dispute provisions to intrastate carriers</p> <p>387.5 and 387.7 modified to exclude surety bonds to meet financial responsibility requirements</p>
KY	Transportation Cabinet, Department of Vehicle Regulation	<p>KRS Title XXIV Public Utilities, Chapter 281 Motor Carriers</p> <p>KAR Title 601, Chapter 1 Motor Carriers</p>	<p>KRS § 281.655-4 sets split liability limits⁴</p> <p>KRS § 281.655-11 Before any household goods certificate shall be issued or renewed, the applicant or certificate holder shall file or have on file with the department an approved insurance policy or bond compensating shippers or consignees for loss or damage to property belonging to shippers or consignees and coming into possession of the carrier in connection with its transportation service in the amounts required by 49 C.F.R. sec. 387.303(c) for interstate household goods motor carriers.</p> <p>KRS § 281.655-11 “The provisions of this section notwithstanding, the Secretary of Transportation <i>may</i> (emphasis added) adopt, incorporate by reference, or set forth in its entirety the provisions of Title 49, United States Code of Federal Regulations, Part 387, relating to the levels of financial responsibility for motor carriers, in effect as of June 24, 2015, or as amended after that date, with respect to <i>any</i> (emphasis added) motor carrier operating in Kentucky.”</p> <p>601 KAR 1:101. Proof of liability and cargo insurance. RELATES TO: KRS 281.655, 281.656, 49 C.F.R. 367, 387</p>

Appendix A			
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			<p>STATUTORY AUTHORITY: KRS 281.655(1) NECESSITY, FUNCTION, AND CONFORMITY: KRS § 281.655(1) authorizes the cabinet to promulgate administrative regulations requiring the applicant or holder of a certificate or permit to file or have on file with the cabinet an approved indemnifying bond or insurance policy. This administrative regulation establishes a system of insurance filings for all motor carriers operating in intrastate commerce or registered in Kentucky pursuant to the provisions of 49 C.F.R. Part 367.</p> <p>Section 1. Proof of Insurance of Interstate Exempt and Intrastate Motor Carriers. (1)(a) A motor carrier operating in intrastate for-hire commerce shall file a certificate of insurance with the cabinet as proof of insurance required by KRS 281.655(1). (b).the certificate of insurance shall be written to show the term of the policy to be continuous until canceled (2) A certificate of bodily injury and property damage insurance shall be filed on Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, Form E, TC 95-211. (3) All motor carriers of household goods shall file proof of cargo insurance on Uniform Motor Carrier Cargo Certificate of Insurance, Form H, TC 95-212. (4) A policy of insurance shall be canceled by the filing of Uniform Notice of Cancellation of Motor Carrier Insurance Policies, Form K, TC 95-213</p> <p>Section 2. Insurance - Interstate Authorized Carriers. (1) The minimum amounts of liability insurance for a motor carrier of property or passengers authorized by the Interstate Commerce Commission shall be governed by 49 C.F.R. 387.9</p>
LA	Louisiana Public Service Commission	LRS - Title 45 Chap 4., Motor Carriers Part A, Motor Carriers	<p>L.R.S 45-163 D sets split liability limits</p> <p>L.R.S 45:164 E Sets cargo insurance split liability limits</p>
ME	Maine Bureau of Motor Vehicles	<p>MRS Title 29-A Motor Vehicles and Traffic, Chapter 13 Financial Responsibility and Insurance</p> <p>State of Maine Commercial Vehicle Laws and Regulations Prepared by the Bureau of Motor Vehicles, Office of Motor Carrier Services.</p>	<p>MRS § 101-17 Commercial motor vehicle. "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:</p> <p>A. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit or units with a gross weight rating of more than 10,000 pounds; [2013, c. 381, Pt. B, §6 (AMD).]</p>

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
State	Regulatory Agency	Statutory Authority and Agency Regulations	Citation to Statute Authority and/or Regulation Establishing Terms for Financial Responsibility
			<p>B. Is a bus; [2013, c. 381, Pt. B, §6 (AMD).]</p> <p>C. Is of any size and is used in the transportation of any materials that have been designated as hazardous under 49 United States Code, Section 5103 and require placarding under the federal Hazardous Materials Transportation Act and related regulations in 49 Code of Federal Regulations, Part 172, Subpart F or any quantity of a material listed as a select agent or toxin in 42 Code of Federal Regulations, Part 73; or</p> <p>D. Has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds.</p> <p>MRS § 29A-1611-2A. Minimum insurance requirements. The minimum insurance requirements are as follows.⁵</p> <p>Except as provided in paragraph E, there is a \$350,000 combined single limit for emergency vehicles and for-hire transportation vehicles for transporting freight or merchandise but not passengers in intrastate-exempt service or service exempted by the federal Department of Transportation, Surface Transportation Board.</p>
MD	Maryland Department of Transportation, Maryland Motor Vehicle Administration	<p>MD Transportation Ann, Code Title 25, §25-111.1 COMAR Title 11 Dept. of Transportation, Subtitle 21 Motor Vehicle Administration-Commercial Motor Vehicles Chapter 01 Motor Carrier Safety</p> <p>MD Transportation Code Title 13 § 13-920</p>	<p>MD Code § 25-111.1(a) The Administration, in consultation with the State Highway Administration, may adopt rules and regulations that are consistent with 49 C.F.R., Part 387.</p> <p>(b) The rules and regulations adopted under subsection (a) of this section shall apply to the following vehicles:</p> <p>(1) For-hire vehicles engaged in intrastate commerce that exceed a gross vehicle weight rating of 26,000 pounds and are designed to carry property;</p> <p>(2) For-hire vehicles engaged in interstate commerce that:</p> <p>(i) Exceed a gross vehicle weight rating of 10,000 pounds and are designed to carry property</p> <p>COMAR 11.21.01.02 The federal motor carrier safety regulations contained in 49 CFR 40, 382, 383, 387, 390-393, 395-399, and 1572, as amended, are incorporated by reference, subject to the application provision in Regulations .03, .04-1-.08, and .11-.14 of this chapter and the amendments and exemptions cited in .09 and .10 of this chapter.</p>

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
State	Regulatory Agency	Statutory Authority and Agency Regulations	Citation to Statute Authority and/or Regulation Establishing Terms for Financial Responsibility
			<p>COMAR 11.21.04.4-4 49 CFR 387 is incorporated by reference with no amendments or exemptions.</p> <p>MD Code 13-920(h) requires insurance for tow trucks subject to 25-111.1</p>
MA	Massachusetts Registry of Motor Vehicles	Massachusetts General Law 90 §§ 19 L and 34A Code of Massachusetts Regulations 540.14	<p>M.G.L. 90 Section 34A “Motor vehicle liability bond,” establishes split limits of liability.</p> <p>M.G.L. 90 Section 19L directs the Registry of Motor Vehicles to incorporate by reference FMCSA regulations including part 387. A rulemaking is in progress to amend 540 CMR accordingly.</p>
	Massachusetts Department of Public Utilities, Transportation Division	Code of Massachusetts Regulations 220.20 Massachusetts General Law 159B	The MDPU establishes cargo insurance requirements. Financial responsibility requirements are set by the Department of Public Utilities Transportation Division https://www.mymovingreviews.com/move/massachusetts-movers-regulations
MI	State Police, Commercial Vehicle Enforcement Division	MCL Chapter 475, Act 254 of 1933 Motor Carrier Act. MCL Motor Carrier Safety Act of 1963, Act 181 of 1963 Michigan Administrative Code Motor Carriers R460.19101 – 460.19301 ⁶	<p>MCL Chapter § 475.2m authorizes issuance of regulations</p> <p>MCL §480.11(a) Sec. 1a. (1) This State adopts the following provisions of title 49 of the code of federal regulations on file with the office of the secretary of State, except where modified by this act: <i>(i)</i> Except as provided in this subparagraph, where the term "United States Department of Transportation ", "federal motor carrier safety administration", "federal motor carrier safety administrator", "director", "bureau of motor carrier safety", "pipeline and hazardous materials administration", or "associate administrator for hazardous materials safety" appears, it refers to the department of state police. <i>(ii)</i> Where "interstate" appears, it means intrastate or interstate, or both, as applicable, except as specifically provided in this act.</p> <p>Mich. Admin. Code R 460.19101 For vehicles ≤ 10,000 pounds and >10,000 SL minimum for non-hazardous property and CSL minimum limits for hazardous materials See also Form P 371-GC for freight carriers and P 371-H for household goods.</p>
MN	Department of Transportation, Office of Commercial Vehicle Operations	Minnesota Statutes 2015, Chapter 221 Motor Carriers Minnesota Administrative Rules Department of Transportation Chapter 8855, Motor Carrier Insurance	<p>Minn. Stat. § 221.141 Subd. 1 insurance or Bond Subdivision 1. Financial responsibility of carriers. (a) No motor carrier and no interstate carrier shall operate a vehicle until it has obtained and has in effect the minimum amount of financial responsibility required by this section. Policies of insurance, surety bonds, other types of security,</p>

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
State	Regulatory Agency	Statutory Authority and Agency Regulations	Citation to Statute Authority and/or Regulation Establishing Terms for Financial Responsibility
			<p>and endorsements must be continuously in effect and must remain in effect until canceled.</p> <p>Subd. 1c. Interstate carrier. An interstate carrier must obtain insurance or bond in the minimum amounts prescribed in Code of Federal Regulations, title 49, section 1043.2, paragraphs (a) and (b)</p> <p>Subd. 1d. Motor carrier of hazardous cargo. A motor carrier that transports property described under (2) and (3) of the schedule of limits in Code of Federal Regulations, title 49, section 387.9, must obtain insurance or bond in the amounts prescribed in those regulations.</p> <p>Minn. Stat. § 221.141 subchap.4 sets minimum requirement for cargo insurance.</p> <p>Minn. R.8855.0450 subchap.1 establishes minimum limits for split liability financial responsibility requirement.</p> <p>Minn. R. 8855.045 subchap. 2 Motor carriers of property that transport hazardous waste, hazardous substances, or hazardous materials in the quantities described in Code of Federal Regulations, title 49, section 387.7, shall obtain or cause to be obtained minimum coverage against public liability as required in that section.</p> <p>Minn. R. 8855.0800 When insurance is provided by more than one insurer to aggregate coverage required under Minnesota Statutes, chapter 221, each insurer shall file form BMC 91X described in Code of Federal Regulations, title 49, section 1043.7, paragraph (a)(3), as amended through October 1, 1987, which is incorporated by reference.</p>
MS	Mississippi Department of Transportation, Motor Carrier Safety Division (MCSD)	<p>Miss Code Ann. § 77 Chapter 7 Motor Carriers Title 37 Transportation and Highways Sub-Part 6601 – Office of Enforcement Chapter 04001 Commercial Motor Vehicle Compliance MCSD General Freight Guidelines MCSD Household Goods Guidelines</p>	<p>Miss. Code Ann. §§ 77-7-23 authority for issuing rules for restricted carriers</p> <p>Miss. Code Ann. §§ 77-7-83 (Applicable to common carriers) The amount of the insurance policy or bond required by the commission under this section shall in no case be less than the insurance requirements of the United States Department of Transportation as set out in 49 CFR part 387</p> <p>Miss. Code Ann. §§ 77-7-85 (Applicable to contract carriers) The minimum amount of such insurance policy or bond shall be as provided in Section 77-7-83.</p> <p>Miss. Code R. §04001-102 The Mississippi Department of Transportation Office of Enforcement is authorized to enforce the Motor</p>

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
State	Regulatory Agency	Statutory Authority and Agency Regulations	Citation to Statute Authority and/or Regulation Establishing Terms for Financial Responsibility
			Carrier Safety Regulations (49 CFR parts 40, 325, 350, & 355-399) as amended; MCSO General Freight Operating Authority for Freight Operating Authority Guidelines set limits for transportation of hazardous material states that “[A]ll insurance certificates must reflect required insurance coverage for a restricted motor carrier as determined by Federal Motor Carrier Safety Administration (FMCSA).”
MO	Missouri Department of Transportation Motor Carrier Services	RMSo. Title XXV Chapter 390 Motor Carriers and Express Companies Chapter 390 Liability Insurance Required 7 Code of State Regulations 265, Chap-10 Motor Carrier Operations	7 CSR 265-10.030 Insurance Pursuant to 7 CSR 265-10.030 – Insurance http://www.modot.org/movinginmissouri/documents/MissouriIntrastateOperatingAuthorityInsuranceRequirements7CSR265-10.030.pdf
MT	Montana Public Service Commission (MPSC)	Montana Code Annotated Title 61 Motor Vehicles Part 1 (private carriers) Montana Code Annotated Title 69 Public Utilities and Carriers Chapter 11 Regulation of Carriers Montana Code Annotated Title 69 Public Utilities and Carriers Chapter 12 Motor Carriers (common and contract carriers of household goods and non-hazardous materials) Montana Administrative Rules Chapter 38 Public Service Regulation (common and contract carriers of household goods and non-hazardous material)	Mont. Code Ann. § 61-6-103 sets minimum requirements for non-hazardous material private carriers. Mont. Code Ann. § 69-12-201(e) authorizes the MPSC to supervise and regulate motor carriers in all materials affecting the relationship between motor carriers and the traveling and shipping public. Mont. Code Ann. § 69-12-402 Compliance with commission rules. No certificate shall be issued or remain in force unless the holder thereof shall comply with such rules of the commission as it shall adopt governing the filing of bonds, policies of insurance, or such security or agreement in such form and adequate amount and conditioned as the commission may require for: (1) the prompt payment of all compensation or fees due the state under the provisions of this chapter; and (2) the payment of any final judgment which may be rendered against any such motor carrier arising out of the death of or injury to any passenger or injury to other persons or property as a result of any negligent operation of the motor vehicles or such motor carrier, with power in the commission to permit self-insurance whenever, in its opinion, the financial ability of the motor carrier warrants. ARM 38.3.701 through 706 sets liability limits for property, damage, and cargo insurance, proof of insurance forms, and filing requirements for self-insurance. ARM 38.3.707 States that applicable insurance limits are set forth in the MV-4 endorsement form. As follows: The Federal Department of Transportation minimum insurance limits for hazardous materials freight as hazardous materials is defined by that Department.

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
State	Regulatory Agency	Statutory Authority and Agency Regulations	Citation to Statute Authority and/or Regulation Establishing Terms for Financial Responsibility
	Montana Department of Justice Highway Patrol Division (Towing insurance requirements)	Montana Code Annotated Title 26 Motor Vehicles Chapter 8 Traffic Regulation Chapter 23.6 Tow Trucks	Mont. Code Ann. 61-8-906 sets minimum requirements ARM 23.6.101(8) garage keepers/on hook liability limits ARM 23.6.101(1) set cargo insurance and property liability limits
NE	Nebraska Public Service Commission (Household goods only)	Neb. Rev. Stat. Chapter 75 Public Service Commission Nebraska Administrative Code Title 291 Nebraska Public Service Commission, Chapter 3 Motor Carrier Rules and Regulations	Neb. Rev. Stat. §§75-304 (Supp. 2015) requires the commission to establish classification and financial responsibility requirements for regulated carriers. Regulated carriers are common and contract carriers of household goods. 291 Neb. Admin. Code, ch. 3 § 006.01 (effective November 23, 2016) sets CSL limits for regulated carriers (common and contract carriers) of household goods
	Nebraska State Patrol	Neb. Rev. Stat. Chapter 75 Public Service Commission Neb. Rev. Stat. §75-368 transferred §§75-362 to 75-369.07 to the Nebraska State Patrol Enforcement Division including the use of applicable Public Service Commission regulations Nebraska Administrative Code Title 291 Nebraska Public Service Commission, Chapter 3 Motor Carrier Rules and Regulations	Neb. Rev. Stat. §§75-363 Federal motor carrier safety regulations; provisions adopted; exceptions. (1) The parts, subparts, and sections of Title 49 of the Code of Federal Regulations listed below, as modified in this section, or any other parts, subparts, and sections referred to by such parts, subparts, and sections, in existence and effective as of January 1, 2016, are adopted as Nebraska law. (2) Except as otherwise provided in this section, the regulations shall be applicable to: (a) All motor carriers, drivers, and vehicles to which the federal regulations apply; and (b) All motor carriers transporting persons or property in intrastate commerce to include: (i) All vehicles of such motor carriers with a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight over ten thousand pounds (3) The Legislature hereby adopts, as modified in this section, the following parts of Title 49 of the Code of Federal Regulations (d) Part 387 – Minimum Levels of Financial Responsibility for Motor Carriers
NV	Nevada Department of Motor Vehicles (DMV)	Nevada Revised Statutes Title 58, Energy; Public Utilities, Chapter 706 Regulation and Licensing of Motor Carriers NAC Chapter 706 Motor Carriers	Nev. Rev. Stat. § 706.291(2) authorizes the DMV to establish requirements for liability insurance NAC 706.191(1)(b) establishes liability limits for common and contract carriers of hazardous material.

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
State	Regulatory Agency	Statutory Authority and Agency Regulations	Citation to Statute Authority and/or Regulation Establishing Terms for Financial Responsibility
			<p>NAC 706.191(3) requires that liability limits to be equal to the greater of NAC specified limits or the minimum requirements of CFR Title 49.</p> <p>NAC 706.288(4) If the minimum amount of insurance required to be maintained pursuant to Title 49 of the Code of Federal Regulations is increased above the amount listed in this section, the common or contract motor carrier of property or the private motor carrier shall, at all times, maintain insurance in an amount that is equal to or greater than the federally required minimum amount.</p>
NH	Department of Safety, Division of Motor Vehicles (Property and Hazardous Material)	<p>RSA Title XXI Motor Vehicles, Chapter 266 Equipment of Vehicles</p> <p>NH Administrative Rules Chapter Saf-C 900, Motor Carrier Safety Rules</p>	<p>RSA 266.72a DMV “The commissioner may adopt as rules, under RSA 541-A, the current version of the federal motor carrier safety regulations promulgated by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration and Federal Motor Carrier Safety Administration, contained in 49 C.F.R. parts 107, 382, and 385-397. Notwithstanding the provisions of RSA 541-A, any amendments or additions by the respective federal agencies or their successor agencies shall also amend or supplement the rules adopted by the commissioner of safety without further action on the part of the commissioner”</p> <p>NH Admin, Rules Saf-C 908.01 Financial Responsibility. Every motor carrier operating motor vehicles transporting passengers or property in interstate commerce shall comply with the minimum levels of financial responsibility for carriers set forth in 49 CFR 387, and every motor carrier transporting hazardous materials interstate or intrastate, shall comply with the minimum levels of financial responsibility for NH Admin, Rules Saf-C 901.1 and 901.02 adopt part 387 for application to intrastate carriers.</p>
	Department of Safety Bureau of Tolls (Household Goods)	<p>RSA Title XXXIV Public Utilities Chapter 375-A</p> <p>New Hampshire Administrative Rules Chapter Saf-C 4600 Carriage of Household Goods</p>	<p>RSA 375-A:4 requires household good carriers to comply by safety rules adopted by the Commissioner of the Department of Safety. See NH Admin, Rules Saf-C 908.01 above.</p> <p>RSA 375-A:8 conditions issuance of certificate or permit on filing proof of cargo insurance.</p> <p>New Hampshire Admin. Rules Saf-C 4602.2 Carriage of Household Goods</p> <p>(b) The insurance policy or indemnity bond required in (a) above shall have an amount of coverage not less than \$.60 per pound of registered load carrying capacity of any vehicle used in the applicant's business.</p>
NJ	State Police Safety Bureau (Excluding household goods)	<p>NJRS Title 39 Motor Vehicles and Traffic Regulation</p> <p>NJAC Title 13. Law and Public Safety Chapter 60. Motor Carrier Safety Administration</p>	<p>N.J.R.S. § 39:5B-32(e) authorizes “The superintendent shall enforce financial responsibility requirements under 49 USC 13906 and 31139, and 49 CFR Part 387.”</p>

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
State	Regulatory Agency	Statutory Authority and Agency Regulations	Citation to Statute Authority and/or Regulation Establishing Terms for Financial Responsibility
			<p>N.J.A.C. § 13:60-1.2 incorporates by reference N.J.R.S. 39:3-10.11, which defines a commercial motor vehicle carrying property, excluding hazardous material carriers, to be greater than or equal to 26,000 lbs.</p> <p>N.J.A.C § 13:60-2.1(a) incorporates part 387 by reference</p>
	Office of Attorney General, Division of Consumer Affairs, Regulated Businesses (Household goods)	<p>NJRS Title 45 Section 45:14D Public Movers and Warehousemen Licensing Law</p> <p>NJAC Title 13 Law and Public Safety Chapter 44D Public Movers and Warehousemen</p>	<p>N.J.A.C § 13:44D-4.7 (b)(1) sets minimum limits for cargo insurance</p> <p>N.J.A.C. § 3:44D-4.7 (b)(2) set minimum limits for liability and property damage split liability</p>
NM	New Mexico Public Regulation Commission (NMPRC)	NMSA Chapter 65 Motor Carriers, Article 2A Motor Carrier Act NMAC Title 18 Transportation and Highways, Chapter 3 Financial Responsibility	<p>N.M. Stat. § 65-2A-18 NMPRC shall adopt the same minimum liability insurance requirements as those required by the federal motor carrier safety administration for interstate motor carriers for motor vehicles for carriage of property or household goods”</p> <p>N.M. Code R. § 18.3.3.10 D Towing services, repossession services, household goods movers, and motor carriers of property with a gross vehicle weight rating of 10,001 pounds or more maintain the minimum levels of financial responsibility required by 49 CFR 387.9</p> <p>N.M. Code R. § 18.3.3.10 E Towing services, repossession services, household goods movers, and motor carriers of property with a gross vehicle weight rating of 10,000 pounds or less must maintain a combined single-limit public liability insurance policy of at least seven and fifty thousand dollars (\$750,000) per occurrence for bodily injury to death of or death of all person injured or killed and property damage.</p> <p>N.M. Code R. § 18.3.3.10 F motor carriers of property transporting hazardous matter in intrastate commerce must maintain the minimum levels of financial responsibility required by 49 CFR 387.9 for interstate commerce regardless of gross vehicle weight.</p> <p>N.M. Code R 18.3.3.11 A. Towing services must maintain fifty thousand dollars (\$50,000) of both on-the-hook and garage-keepers' liability insurance. B. Household goods carriers must maintain fifty thousand dollars (\$50,000) cargo liability insurance per shipper for loss or damage to cargo of the shipper.</p>
NY	New York Department of Transportation	<p>Transportation Law TRA Articles 2, 8 and 9</p> <p>New York Compilation of Codes and Rules (CCR) Title 17 Dept. of Trans, Chapter VI Regulations</p>	<p>NY TRANS § 14-f transportation of hazardous waste</p> <p>17 CRR-NY 855.1 sets split limits for intrastate common and contract carriers</p>

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
State	Regulatory Agency	Statutory Authority and Agency Regulations	Citation to Statute Authority and/or Regulation Establishing Terms for Financial Responsibility
			<p>17 CRR-NY 855.2 (applicable to interstate carriers) incorporates by reference part 387, published in the Federal Register on October 1, 2013 applicable to for-hire motor carriers of property operating motor vehicle in interstate and foreign commerce and motor carriers transporting hazardous materials, hazardous substances, or hazardous waste.</p> <p>17 CRR-NY 820.8 incorporates 49 CFR as it pertains to transportation of hazardous materials in or through the State</p>
			<p>NCGS § 62-268 sets limits split liability at \$50,000/\$100,000/\$50,000 and authorizes the NCUC to require a greater amount</p> <p>NCGS § 62-152.2 authorizes NCUC to set uniform cargo liability rules</p> <p>NCUC Rule 2-36 sets minimum liability limits and cargo insurance limits for transport of household goods by vehicles less than or equal to 26,000 lbs. For vehicles greater than 26,000 lb. the NCUC adopts \$750,000 “for public liability equal to and property damage as required by federal law”</p>
NC	North Carolina Utilities Commission (NCUC) (Regulation of household goods)	<p>North Carolina General Statutes (NCGS) Chapter 62 Public Utilities Carriers, Article 7 Public Utilities and Article 12 Carriers</p> <p>NCUC Rule R2-36</p>	
	North Carolina Department of Motor Vehicles	<p>North Carolina General Statutes Chapter 20 Division of Motor Vehicles, Article 13 Vehicle Financial Responsibility Act of 1957</p>	<p>NCGS § 20-309(a1) (a)(Effective until July 1, 2016) No motor vehicle shall be registered in this State unless the owner at the time of registration provides proof of financial responsibility for the operation of such motor vehicle, as provided in this Article. The owner of each motor vehicle registered in this State shall maintain financial responsibility continuously throughout the period of registration.</p> <p>(a)(Effective July 1, 2016) No motor vehicle shall be registered in this State unless the owner at the time of registration provides proof of financial responsibility for the operation of such motor vehicle, as provided in this Article. The owner of each motor vehicle registered in this State shall maintain financial responsibility continuously throughout the period of registration. For purposes of this Article, the term "motor vehicle" includes mopeds, as that term is defined in G.S. 20-4.01.</p> <p>(a1) An owner of a commercial motor vehicle, as defined in G.S. 20-4.01(3d), shall have financial responsibility for the operation of the motor vehicle in an amount equal to that required for for-hire carriers transporting nonhazardous property in interstate or foreign commerce in 49 C.F.R. § 387.9.</p>
ND	North Dakota Highway Patrol	NDCC Title 39 Motor Vehicles Chapter 21 Equipment of Vehicles	NDCC Section 39-21-46.3. The superintendent of the state highway patrol shall, under chapter 28-32, adopt necessary rules concerning the

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
State	Regulatory Agency	Statutory Authority and Agency Regulations	Citation to Statute Authority and/or Regulation Establishing Terms for Financial Responsibility
		<p>NDCC Title 39 Motor Vehicles Chapter 31 Common Household Goods Carriers</p> <p>NDAC Title 38 Article 38-04 Motor Carrier Safety Regulations</p>	<p>safe operation of motor vehicles and when and how motor carrier audits or inspections will be conducted. The rules must duplicate or be consistent with current motor carrier safety regulations of the United States department of transportation [sic]. The superintendent of the state highway patrol may adopt the motor carrier safety regulations by reference, and any adoption must be construed to incorporate amendments as may be made from time to time. A violation of rules adopted under this subsection is a noncriminal violation. A person who fails or refuses to comply with these rules must be assessed a fee in the amount set forth in section 39-06.1-06 for each violation.</p> <p>NDAC 38-04-01-01 These regulations are binding upon all motor carriers and their employees while operating within or through the state of North Dakota and shall be enforced by the North Dakota highway patrol.</p> <p>NDAC 38-04-01-02. Adoption of regulations. The following parts of title 49, Code of Federal Regulations, including amendments are adopted by reference:</p> <p>5. Part 387 - Minimum Levels of Financial Responsibility for Motor Carriers. Intrastate commercial motor vehicles with a gross vehicle weight, gross vehicle weight rating, gross combination weight, and gross combination weight rating of twenty-six thousand pounds [11793.52 kilograms] or less are exempt from all federal motor carrier safety regulations unless the vehicle is used to transport hazardous materials requiring a placard.</p>
OH	Ohio Public Utilities Commission	<p>Ohio Revised Code Title 49 Public Utilities, Chapter 4921 Motor Carriers</p> <p>Ohio Administrative Code 4901:2 Motor Carriers,</p>	<p>Ohio Rev. Code § 4921.09 (C) The Commission shall adopt rules to achieve the purposes of this section that are not incompatible with the requirements of the United States department of transportation. The rules shall at a minimum address all of the following:</p> <p>(1) The minimum levels of financial responsibility for each type of for-hire motor carrier;</p> <p>(2) The form and type of documents to be filed with the commission;</p> <p>(3) The manner by which documents may be filed with the commission;</p> <p>(4) The timelines for filing documents with the commission.</p> <p>Ohio Rev. Code § 4921.09 (E) The commission may adopt rules, not incompatible with the requirements of the United States department of transportation (sic), governing requirements for cargo insurance for for-hire motor carriers engaged in the transportation of household goods over a public highway in this state.</p>

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
State	Regulatory Agency	Statutory Authority and Agency Regulations	Citation to Statute Authority and/or Regulation Establishing Terms for Financial Responsibility
			<p>OAC 4901:2-19-17(A) The commission hereby adopts the provisions of the consumer protection regulations of the U.S. department of transportation for the transportation of household goods in interstate commerce contained in 49 C.F.R. 366, 370, 371, 373, 375, 378, 386, and 387, unless specifically excluded or modified by a rule of this commission, that was effective on the date referenced in paragraph (E) of rule 4901:2-19-02 of the Administrative Code. All household goods carriers operating in interstate commerce within Ohio shall conduct their operations in accordance with those regulations and the provisions of this chapter.</p>
OK	Oklahoma Corporation Commission	<p>Oklahoma Statutes Title 47, Chapter 56, Motor Carriers, Motor Carrier Act of 1995</p> <p>Oklahoma Administrative Code Title 165, Chapter 30. Motor Carriers</p>	<p>47 O.S. Chapter 56: §230.4 may adopt by reference and enforce all or any portion of the federal motor carrier safety regulations and the hazardous materials regulations of the United States Department of Transportation, as now or hereafter amended</p> <p>47 O.S., Chapter 56 § 230.15(B) Any person who transports or who causes the transportation of any hazardous material shall be required to comply with the financial responsibility requirements specified by the federal motor carrier safety regulations and the hazardous materials regulations of the United States Department of Transportation provided that in no event shall the financial responsibility requirement exceed One Million Dollars (\$1,000,000.00) except as otherwise specifically required by federal law, or any federal rule or regulation promulgated thereto.</p> <p>Okla. Admin. Code § 165:30-10-3. Liability insurance</p> <p>(a) All interstate motor carriers shall have valid insurance on file with FMCSA, as required by FMCSA.</p> <p>(b) All interstate motor carriers not required to file insurance with FMCSA, shall carry a copy of its current and valid liability insurance security verification form in each vehicle and present it to an officer upon his/her request.</p> <p>Okla. Admin. Code § 165:30-(11)(a) Minimum liability insurance limits as set forth in 49 CFR Part 387 shall also be applicable to intrastate operations unless otherwise specified in subsections (b)(1)-(4).</p> <p>Items (1) through (4) conform to the limits of 387.9 for property and hazardous waste for vehicles with GVWR > 10,000 and vehicles below GVWR below \$10,000.</p>

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
State	Regulatory Agency	Statutory Authority and Agency Regulations	Citation to Statute Authority and/or Regulation Establishing Terms for Financial Responsibility
OR	Department of Transportation, Motor Carrier Division	Oregon Revised Statutes, Chapter 825 Motor Carriers Oregon Administrative Rules, Chapter 740, Motor Carrier, Division 40 Insurance and Bonds, and Division 100 Vehicles Driver: Equipment: Equipment	Or. Rev. Stat. §§ 825.160 and 162 directs the Oregon DOT to set limits for liability and cargo insurance 740-100-0010 Adoption of Federal Safety Regulations (1) Except as provided in section (4) of this rule, the rules and regulations adopted by the United States Department of Transportation contained in Title 49, Code of Federal Regulations (CFR), Parts 380 (Special Training Requirements), 382 (Controlled Substances and Alcohol Use and Testing), 383 (Commercial Driver's License Standards Requirements and Penalties), 385 (Safety Fitness Procedures), 387 (Minimum Levels of Financial Responsibility for Motor Carriers) 2.(b) The provisions of Part 387 will apply to intrastate motor carriers only when transporting hazardous materials, hazardous substances or hazardous wastes. OAR 740-040-0020 sets liability limits OAR 740-040-0030 sets cargo insurance limits
PA	Public Utilities Commission	Pennsylvania Consolidated Statutes Title 66 Public Utilities, Part 1 Public Utility Code Pennsylvania Code Title 52 Public Utilities, Chapter 32 Motor Carrier Insurance	66 Pa.C.S. § 512 authorizes PA PUC to establish financial responsibility regulations 52 Pa. Code § 32.12 sets CSL limits 52 Pa. C.S § 32.13 sets limits for household goods cargo insurance
	Pennsylvania Department of Transportation	Pennsylvania Consolidated Statutes Title 75 Chapter 17 Financial Responsibility Pennsylvania Code Title 67 Chapter 231 Intrastate Motor Carrier Safety Requirements	75 Pa. C.S. § 1701 et seq. § 1702. Definitions "Financial responsibility." The ability to respond in damages for liability on account of accidents arising out of the maintenance or use of a motor vehicle in the amount of \$15,000 because of injury to one person in any one accident, in the amount of \$30,000 because of injury to two or more persons in any one accident and in the amount of \$5,000 because of damage to property of others in any one accident. The financial responsibility shall be in a form acceptable to the Department of Transportation.
RI	Public Utilities Commission (RIPUC), Division Public Utilities and Motor Carriers	R.I Gen. Laws §39-12 Rhode Island Public Utilities Commission Division of Public Utilities and Carriers, Rules and Regulations Governing Transportation Provided by Motor Carriers	RI Gen. Laws §39-12-27 sets split liability limits and cargo insurance limits RIPUC 15 All common or contract carriers shall be subject to the rules and regulations adopted by the U.S. Department of Transportation governing: (a) the safety of motor carrier operations and equipment, and (b) the transportation of hazardous materials.

Appendix A

Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers

State	Regulatory Agency	Statutory Authority and Agency Regulations	Citation to Statute Authority and/or Regulation Establishing Terms for Financial Responsibility
SC	South Carolina Department of Motor Vehicles ⁷	<p>South Carolina Code of Laws Title 56 Motor Vehicles, Chapter 9 Motor Vehicle Responsibility Act</p> <p>South Carolina Code of Regulations Chapter 38</p>	<p>S.C. Code Ann. § 56-3-661 Certification requirements; insurance requirements.</p> <p>No for-hire motor vehicle carrier of property, except carriers of household goods or hazardous waste for disposal, may operate in this State without having applied for and received a Class E Certificate of Compliance from the Department of Motor Vehicles. A one-time fee of twenty-five dollars may be charged each company for each certificate issued.</p> <p>The applicant must provide evidence of meeting the financial responsibilities or insurance requirements, satisfy compliance requirements of the United States Department of Transportation motor carrier safety and hazardous materials regulations before issuance, and continually satisfy these requirements or certification may be suspended, revoked, or placed in a probationary status.</p> <p>S.C. Code Regs. § 38-414. Schedule of Minimum Limits sets limits consistent with 387.9 and 387.303(b)(1)(ii) for small freight and sets limits for 387.9 Items 2 and 4 for vehicles below 10,000 lbs. with no reference to FMCSA minimum limits in 387.9 and 387.303(b)(1)(ii).</p> <p>S.C. Code Regs. § 38-415 Cargo Insurance or Surety Bond Required of Motor Carrier sets limits for Class E-LC carriers</p> <p>S.C. Code Regs. § 38-424 Safety Rules and Regulations The rules and regulations adopted by the United States Department of Transportation relating to safety of operation and to equipment (49 CFR Parts 382, 383, 385, 387, and 390-399 and amendments thereto) shall apply to all motor carrier vehicles engaged in interstate commerce and intrastate commerce over the highways within the state of South Carolina, whether common carriers, contract carriers, exempt carriers, or private carriers, except where these aforementioned rules and regulations may conflict with South Carolina Law.</p>
	South Carolina Public Service Commission (Household goods and hazardous material carriers)	<p>Title 58 Public Utilities and Carriers, Chapter 23</p> <p>South Carolina Code of Regulations Chapter 103 Public Service Commission</p>	<p>S.C. Code Ann. § 58-23-920 delegates authority to the SPSC to set liability limits for household goods and hazardous material</p> <p>S.C. Code Ann. Regs. 103-172 set limits for common and contract carriers of household goods and hazardous that conform part 387.9 and 387.303(b)(1)(ii) for small freight and sets limits for 387.9 Items 2 and 4 for vehicles below 10,000 lbs. The FMCSA's regulations are not incorporated by referenced or cross referenced.</p>

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
State	Regulatory Agency	Statutory Authority and Agency Regulations	Citation to Statute Authority and/or Regulation Establishing Terms for Financial Responsibility
SD	Department of Public Safety Division of Highway Patrol	Title 49 Public Utilities and Carriers Chapter 28 Motor Carrier Regulation	<p>SDLC 49-28-33 Rules governing motor carriers--Promulgation--Conformity with federal rules. The department may pursuant to chapter 1-26 adopt rules to establish uniform procedures for the administration of the provisions of this chapter. Rules may be adopted by the department governing motor carriers in the following areas:</p> <p>(1) Filing information and reports; and</p> <p>(2) Registration and identification when performing interstate operations within the state.</p> <p>The Director of the Division of Highway Patrol may promulgate reasonable rules pursuant to chapter 1-26 to promote safety of operations, standards, and safety of equipment. The rules shall conform as nearly as possible with the rules and regulations for safety of operations and equipment adopted by the U.S. Department of Transportation, pursuant to 49 USC Chapter 311 as amended through January 1, 2005.</p>
TN	Department of Safety, Division of Commercial Vehicle Enforcement	<p>Tennessee Code Annotated 65 Public Utilities and Carriers, Chapter 15 Motor Carriers⁸</p> <p>Department of Safety, Division of Chapter 1340-06-01, Supervision and Control of Motor Vehicles and Motor Buses</p>	<p>T.C.A. §65-15-110 delegates authority to the Department of Safety to establish financial responsibility requirements for motor carriers and contract carriers</p> <p>Tenn. Comp. R. & Regs. 1340-06-01-.06 No motor carrier subject to the provisions of T.C.A §65-15-101 et seq. shall engage in transportation of passengers or property for compensation, and no certificate or permit shall be issued to a motor carrier or shall remain in force, unless and until there shall been filed with and approved by the Commissioner of Safety of Homeland Security for intrastate commerce or the United States Department of Transportation for interstate commerce a policy of insurance (or certificate of insurance in lieu thereof) or a surety bond not less than the amounts herein after prescribed.....</p> <p>Tenn. Comp. R. & Regs. 1340-06-01-.07 set consistent 387.9 Items (2), (3) and (4) and 387.303(b)(i), with respect to vehicles weighing less than 10,000 pounds as follows: The limits listed under numbers (1)(a), (1)(b) and (1)(c) apply to vehicles with a gross weight rating of ten thousand (10,000) pounds or more. The limits listed under number (1)(d) applies to all vehicles with a gross vehicle weight rating of less than ten thousand (10,000) pounds lose GVWR.</p> <p>Note: Numbers 1(a), 1(b), 1(c) correspond to 49 CFR 387.9 Items (1) through (4).</p>

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
State	Regulatory Agency	Statutory Authority and Agency Regulations	Citation to Statute Authority and/or Regulation Establishing Terms for Financial Responsibility
	Tennessee Department of Homeland Security, Tennessee Highway Patrol	Title 55 Motor and Other Vehicles Chapter 16 Unclaimed or Abandoned Vehicles Towing Service Standards Manual July 2015	Tennessee Department of Homeland Security, Towing Company Insurance Verification Form
TX	Texas Department of Motor Vehicles	Texas Transportation Code, Title 7 Vehicles and Traffic, Subtitle F Commercial Motor Vehicles, Chapter 643 Motor Carrier Registration Texas Administrative Code, Title 43 Transportation, Part 10 Dept. of Motor Vehicles, Chapter 218 Motor Carriers	TRAN § 643.101(b) Except as provided in 643.1015, the department by rule may set the amount of liability insurance required at an amount that does not exceed the amount required for a motor carrier under a federal regulation adopted under 49 USC Section 13906(a)(1). TRAN § 643.101(c) A motor carrier required to register under Subchapter B that transports household goods shall maintain cargo insurance in the amount required for a motor carrier transporting household goods under federal law.” 43 Tex. Admin. Code § 218.16 sets liability limits other than for cargo insurance and incorporates by reference part 387 effective October 23, 2015 with respect to foreign carriers 43 Tex. Admin. Code § 218.82 Financial Responsibility (a) Intrastate transportation. No motor carrier shall operate a foreign commercial motor vehicle in intrastate transportation in Texas, unless the motor carrier obtains and has in effect an insurance policy which covers at least the minimum level required by 49 C.F.R. Part 387. However, if the motor carrier is required to register with the department under Transportation Code, Chapter 643, the motor carrier must comply with the financial responsibility requirements in §218.16 of this title (relating to Insurance Requirements). For the purposes of this subsection, intrastate transportation is any transportation on a public road or highway in Texas that is not described in 49 USC §13501. (b) The department adopts by reference 49 C.F.R. Part 387. Effective October 23, 2015, the department adopts by reference the amendments to 49 C.F.R. Part 387 with an effective date of October 23, 2015,
UT	Department of Transportation, Motor Carrier Division	Utah Code §72-9 Utah Admin, Code r.909	Utah Code § 70-9-103(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules: (a) adopting by reference in whole or in part the Federal Motor Carrier Safety Regulations Utah Admin. Code R909-1-2. Adoption of Federal Regulations. (1) Safety Regulations for Motor Carriers, 49 CFR Parts 350 through 384, Parts 387 through 399, and Part 40, (October 1, 2014), as amended by the

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
State	Regulatory Agency	Statutory Authority and Agency Regulations	Citation to Statute Authority and/or Regulation Establishing Terms for Financial Responsibility
			<p>Federal Register through April 23, 2015 are incorporated by reference, except for Parts 391.11(b)(1) and 391.49 as it applies to intrastate drivers only. These requirements apply to all motor carrier(s) as defined in 49 CFR Part 390.5, excluding commercial motor vehicles which are designed or used to transport more than 8 and less than 15 passengers (including the driver) for compensation and Section 72-9-102(2) engaged in intrastate commerce.</p> <p>Utah Admin. Code R909-1-3. Insurance for Private Intrastate/Interstate Motor Carriers. (1) "Private Motor Carrier" means a person who provides transportation of property or passengers by commercial motor vehicle and is not a for-hire motor carrier. (2) All intrastate private motor carriers shall have a minimum amount of \$750,000 liability. (3) All intrastate for-hire and private motor carriers transporting any quantities of oil listed in 49 CFR 172.101; hazardous waste, hazardous material and hazardous substances defined in 49 CFR 171.101, shall have \$1,000,000 minimum level of financial responsibility and a MCS-90 endorsement maintained at the principal place of business.</p> <p>Utah Admin. Code r909-1-3 incorporates part 387.9 Item (2) for private and intrastate carriers >10,000 lbs.</p> <p>R909-19-5. Insurance. (1) Tow Truck Motor Carriers performing emergency moves shall maintain liability insurance coverage of at least \$750,000 per occurrence. Tow Truck Motor Carriers performing non-emergency moves shall maintain liability insurance coverage of at least \$1,000,000 per occurrence. (2) All Tow Truck Motor Carriers performing consent or non-consent tows are required to obtain a MCS-90 endorsement for environmental restoration as required in 49 CFR Part 387 Minimum Levels of Financial Responsibility for Motor Carriers. (3) Evidence of required insurance shall be maintained at the principal place of business and made available to the Department and/or Investigator upon request and prior to issuance of the Tow Truck Motor Carrier certification.</p>
VT	Vermont Department of Motor Vehicles	<p>V.S.A., Title 23, Chapter 11, §800.</p> <p>Vermont Department of Motor Vehicle Rules http://dmv.vermont.gov/licenses/commercial/requirements#Rule_38</p>	<p>23 VSA Chapter 11 §800 Maintenance of financial responsibility Subsection (a) as currently effective; see also subsection (a) and contingent effective date of amendment note set out below.</p>

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
State	Regulatory Agency	Statutory Authority and Agency Regulations	Citation to Statute Authority and/or Regulation Establishing Terms for Financial Responsibility
			<p>(a) No owner of a motor vehicle required to be registered, or operator required to be licensed or issued a learner's permit, shall operate or permit the operation of the vehicle upon the highways of the State without having in effect an automobile liability policy or bond in the amounts of at least \$25,000.00 for one person and \$50,000.00 for two or more persons killed or injured and \$10,000.00 for damages to property in any one crash. In lieu thereof, evidence of self-insurance in the amount of \$115,000.00 must be filed with the Commissioner of Motor Vehicles, and shall be maintained and evidenced in a form prescribed by the Commissioner. The Commissioner may require that evidence of financial responsibility be produced before motor vehicle inspections are performed pursuant to the requirements of section 1222 of this title.</p> <p>DMV Rule No. 38. Rules for Transportation of Hazardous Materials An existing rule entitled "Rules for Transportation of Hazardous Materials" is amended which consists of the regulations promulgated by the U. S. Department of Transportation contained in Parts 100-199, revised October 01, 1992; Parts 390-397 and 399 revised October 01, 1992 of the Code of Federal Regulations Title 49; and Parts 71 and 73 of Title 10 revised January 01, 1992; and any amendments thereto, with the following modifications:</p> <p>(a) All of the regulations adopted shall be construed so that whenever Department of Transportation, Secretary of Transportation and other Federal Agencies and Titles are referred to, they shall be construed to mean and be in effect as State of Vermont Agency of Transportation and the Secretary of Transportation serving as the administrative head thereof.</p> <p>(b) Whenever the word Interstate appears in the text of Title 10 and Title 49 of the Code of Federal Regulations, it shall be construed to mean both Interstate and Intrastate motor carrier transportation.</p> <p>(c) In those instances where the context requires otherwise, appropriate interpretation shall be made: i.e., where there is no comparable State Agency, such as Coast Guard, then such shall be the Secretary of Transportation, or his/her designee. Subsidiary offices of the Federal Department of Transportation shall be construed to be the Commercial Vehicle Enforcement Unit of the Agency of Transportation, Department of Motor Vehicles.</p>
VA	Virginia Department of Motor Vehicles	Virginia Code Title 46.2 Motor Vehicles	Va. Code Ann. § 46.2-2143.1 Insurance requirements for motor carriers

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
State	Regulatory Agency	Statutory Authority and Agency Regulations	Citation to Statute Authority and/or Regulation Establishing Terms for Financial Responsibility
			<p>B. The minimum public financial responsibility requirements for motor carriers operating in intrastate commerce shall be \$750,000. The minimum insurance for motor carriers operating in interstate commerce shall equal to the minimum required by federal law, regulation or both⁹</p> <p>C. The minimum for cargo insurance required for motor carriers operating in intrastate commerce shall be \$50,000. Motor carriers engaged exclusively in transporting bulk materials shall not be required to file cargo insurance, bond or bonds for cargo liability.</p>
	Virginia State Police (Transportation of hazardous waste)	<p>Virginia Code Title 52. Police (State) Chapter 1. Department of State Police</p> <p>Virginia Administrative Code Title 19, Agency 30, Chapter 20. Motor Carrier Safety Regulations</p>	<p>Va. Code Ann § 52-8.4. Powers and duties to promulgate regulations; inspection of certain records.</p> <p>A. The Superintendent of State Police, with the cooperation of such other agencies of the Commonwealth as may be necessary, shall promulgate regulations pertaining to commercial motor vehicle safety pursuant to the United States Motor Carrier Act of 1984. These regulations shall set forth criteria relating to driver, vehicle, and cargo safety inspections with which motor carriers and transport vehicles shall comply, and shall be no more restrictive than the applicable provisions of the Federal Motor Carrier Safety Regulations of the United States Department of Transportation.</p> <p>19VAC30-20-20. Authority for Regulation. Part II. General Information and Legislative Authority</p> <p>A. These regulations are issued under authority of Section 52-8.4 of the Code of Virginia, Powers and duties to promulgate regulations; inspection of certain records.</p> <p>B. Section 52-8.4 of the Code of Virginia mandates that the Superintendent of State Police, with the cooperation of such other agencies of the Commonwealth as may be necessary, shall promulgate regulations pertaining to commercial motor vehicle safety pursuant to the United States Motor Carrier Act of 1984.</p> <p>C. These regulations, as promulgated, shall be no more restrictive than the applicable provisions of the Federal Motor Carrier Safety Regulations of the United States Department of Transportation.</p> <p>19VAC30-20.80 Compliance. Part III. Incorporation by Reference</p>

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
State	Regulatory Agency	Statutory Authority and Agency Regulations	Citation to Statute Authority and/or Regulation Establishing Terms for Financial Responsibility
			<p>Article 1. Compliance with Federal Regulations Every person and commercial motor vehicle subject to the Motor Carrier Safety Regulations operating in interstate or intrastate commerce within or through the Commonwealth of Virginia shall comply with the Federal Motor Carrier Safety Regulations promulgated by the United States Department of Transportation, Federal Motor Carrier Safety Administration, with amendments promulgated and in effect as of January 1, 2010, pursuant to the United States Motor Carrier Safety Act found in 49 CFR Parts 366, 370 through 376, 379, 380 Subpart E, 382, 385, 386 Subpart G, 387, 390 through 397, and 399, which are incorporated in these regulations by reference, with certain exceptions</p> <p>VAC-30-2080. Compliance. Every person and commercial motor vehicle subject to the Motor Carrier Safety Regulations operating in interstate or intrastate commerce within or through the Commonwealth of Virginia shall comply with the Federal Motor Carrier Safety Regulations promulgated by the United States Department of Transportation, Federal Motor Carrier Safety Administration, with amendments promulgated and in effect as of January 1, 2010, pursuant to the United States Motor Carrier Safety Act found in 49 CFR Parts 366, 370 through 376, 379, 380 Subpart E, 382, 385, 386 Subpart G, 387, 390 through 397, and 399, which are incorporated in these regulations by reference, with certain exceptions</p> <p>19VAC30-20-100. Minimum Levels of Financial Responsibility for Motor Carriers A commercial motor vehicle used wholly in intrastate commerce is not subject to this section unless transporting hazardous materials, hazardous substances or hazardous waste as set forth in 49 CFR 387.3(b) and (c).</p>
WA	Washington Utilities and Transportation Commission	<p>Revised Code of Washington Title 81 Chapter 81.80 Motor Freight Carriers</p> <p>Washington Administrative Code §480-14 Motor Carriers</p> <p>Washington Administrative Code §480-15, Household Goods Carriers</p>	<p>RCW § 81.80.190 authorizes the Utilities and Transportation Commission to establish insurance requirements for common and contract carriers.</p> <p>WAC § 480-14-250 sets liability limits for motor carriers</p> <p>WAC §480-15-530 Public liability and property damage insurance. (household goods) (2) The minimum limits of required public liability and property damage insurance for motor vehicles operated by household goods carriers are as follows: (a) At least three hundred thousand dollars in combined single limit coverage for motor vehicles with a gross vehicle weight rating of less than ten thousand pounds.</p>

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
State	Regulatory Agency	Statutory Authority and Agency Regulations	Citation to Statute Authority and/or Regulation Establishing Terms for Financial Responsibility
			<p>(b) At least seven hundred fifty thousand dollars in combined single limit coverage for motor vehicles with a gross vehicle weight rating of ten thousand pounds or more.</p> <p>WAC §480-15-550 sets cargo insurance limit for household goods carriers</p>
WV	West Virginia Public Service Commission	<p>WV Code Chapter 24A Commercial Carriers</p> <p>WV Title 150 Code of State Rules (CSR) Series 9</p>	<p>W. Va. Code § 24A-5-5(g) authorizes WPSC liability limits for common and contract carriers</p> <p>150 CRS Series 9 Rule 2.1.a. No motor carrier shall operate any motor vehicle upon the highways of West Virginia and no certificate or permit issued by the Commission shall remain in force unless and until the motor carrier has filed with the Commission, and the Commission has approved a surety bond, policy of insurance (or certificate of insurance in lieu thereof), qualifications as a self-insurer, or other securities or agreement...</p> <p>150 CSR 9 Rule 3.3(a) incorporates by reference part 387 for for-hire and private carriers in effect as of the date the issuance of Rule 3.3(a).</p> <p>150 CSR Series 9 Rule 3.3(d) . Notwithstanding the provisions of Title 49 CFR part 387, the provisions of Rule 2.1, rather than of Title 49 CFR part 387, shall govern the filings and limits of insurance or other financial responsibility that relate to the intrastate for-hire transportation of passengers upon the public highways of West Virginia and the intrastate for-hire transportation of nonhazardous property upon the public highways of West Virginia. Provided, however, that the provisions of Title 49 CFR part 387 shall govern the limits of insurance or other financial responsibility that relate to the intrastate and interstate transportation of hazardous property upon the public highways of West Virginia and the interstate transportation of passengers and nonhazardous property upon the public highways of West Virginia to the extent that such transportation is subject to financial responsibility and insurance regulation.</p> <p>150 CSR Series 9 Rule 2.3 sets the limit for cargo insurance requirements</p>
WI	Department of Transportation, Motor Vehicle Division	<p>Wisconsin Statutes Chapter 194 Motor Vehicle Transportation</p> <p>Wisconsin Administrative Rules TRANS Chapter 176 Motor Carrier and School Bus Insurance Certification</p>	<p>Wis. Stat. § 194.41 incorporates by reference part 387 by citing by 49 USC 13906(a)(1)</p> <p>Wis. Admin. Code Trans. § 176.06 the limits for non-hazardous and hazardous waste for for-hire carriers</p>

Appendix A			
Annotated Table of Authorities of State Laws and Regulations on Financial Responsibility Requirements for Intrastate Freight and Hazardous Material Carriers			
State	Regulatory Agency	Statutory Authority and Agency Regulations	Citation to Statute Authority and/or Regulation Establishing Terms for Financial Responsibility
WY	Department of Transportation Motor Vehicle Services Department	Wyoming Statutes Title 31 Motor Vehicles Chapter 18 Commercial Vehicles Wyoming Department of Transportation Rules Chapter 3 (2016)	Wyo. Stat. Ann. §31-18-101(14) delegates authority to Wyoming DOT to issue financial responsibility rules Wyoming DOT Rules Chapter 3(a) Sets minimum as the greater of \$750,000 or applicable federal law.

NOTES TO APPENDIX A

¹ On August 6, 2004, HB 09-244 transferred regulation of property (excluding household goods) from the Colorado Public Service Commission to the Colorado Department of Public Safety. At which time, the requirement that property carriers show proof of insurance was eliminated for property carriers with GVWR less than or equal to 26,000 lbs. Property carriers below 26,001 lbs. were deregulated. They are still required to meet the minimum levels financial responsibility established set by the Colorado Department of Safety.

² Regulation of household goods carriers was transferred from the Connecticut Department of Utilities Control to the Connecticut Department of Transportation. The provisions of Connecticut General Statute Title 16 were renumbered under Title 13. The regulations remain codified in the Connecticut eRegulation System under Title 16.

³ Rules of the Georgia Public Service Commission were transferred to the Department of Public Safety (OGCA § 40-1-57).

⁴ KRS 281.655(11) authorizes the Kentucky Secretary of Transportation to adopt part 387, in effect as of June 24, 2015

⁵ MRS § 29A-1611.E 2 requires that trucks, with a registered gross weight of 26,000 lbs. or more, rented for less than 30 days obtain \$350,000 combined single limit coverage or split limited liability coverage of \$50,000/\$100,000/\$25,000.

⁶ The regulations require \$500,000 minimum for property. The application for a motor carrier certificate (P 371-GC) states the minimum requirement is \$750,000 and that Michigan requirements for public liability and property damage are the same as required by 49 CFR 387.9.

⁷ For-hire transportation of property does not require a certificate of public, convenience and necessity issued by the South Carolina Public Service Commission. The financial responsibility requirement is set by the South Carolina Department of Motor Vehicles.

⁸ TN Rule 1340-06-01-.06(2) adopts FMCSA insurance and surety bond forms for intrastate, interstate carriers and interstate carriers operating in intrastate commerce.

⁹ Va. Code Ann. §46.2-2143.1 D allows interstate motor carriers operating in intrastate commerce to submit it proof compliance with FMCSA minimum financial responsibility requirements, including cargo insurance. This is permissible so long as both intrastate and interstate operations are insured at least for \$750,000 liability and cargo insurance is no less than FMCSA minimum limits for financial responsibility and cargo liability.

**APPENDIX B: STATE REGULATIONS FOR SECURING
FINANCIAL RESPONSIBILITY REQUIREMENTS**

Appendix B Summary of State Law and Regulations: Methods for Securing Financial Responsibility Requirements					
State	Regulatory Authority	Insurance Policy	Self-Insure	Surety Bond	Other
AL	Public Service Commission, Transportation Division	Yes	Yes ¹	Yes	Other approved securities and agreements ² Collect on Delivery Bond
AK	Department of Transportation and Public Facilities, Division of Measurement Standards and Commercial Vehicle Enforcement	Yes	Yes	Yes	Other department approved security or agreements
AZ	Arizona Department of Public Safety	Yes	Yes ³	Yes	No
AR	Arkansas State Highway Commission	Yes	Yes	Yes	Yes
CA	California Department of Motor Vehicles	Yes	Yes ⁴	Yes	No
	California Public Utilities Commission (household goods)	Yes	Yes	Yes	No
CO	Department of Public Safety (For-hire property carriers.)	Yes	Yes ⁵	Yes	No
	Colorado Public Utilities Commission (household goods, towing and hazardous waste) ⁶	Yes	Yes ⁷	Yes	No
CT	Connecticut Department of Motor Vehicles	Yes	Yes	Yes	Yes
	Connecticut Department of Transportation ⁸	Yes	Yes	Yes	Yes
DE	Delaware Department of Motor Vehicles	Yes	Yes	Yes	No
DC	District of Columbia Metropolitan Police Department	Yes	Yes	Yes	Yes
FL	Florida Department of Highway Safety and Motor Vehicles	Yes	Yes ⁹	Yes	No
	Florida Department of Agriculture and Consumer Services (household goods)	Yes	No	For cargo for movers with 2 or few vehicles ¹⁰	\$25,000 certificate of deposit deposited in a Florida bank for movers with 2 or few vehicles ¹¹
GA	Department of Public Safety, Motor Carrier Compliance Division	Yes	Yes	Yes	Securities or other agreements for cargo insurance
HI	Hawaii Public Utilities Commission	Yes	Yes ¹²	Yes ¹³	No
ID	Idaho Department of Transportation	Yes	Yes ¹⁴	Yes	No
IL	Illinois Commerce Commission	Yes	Yes ¹⁵	Yes	No

Appendix B Summary of State Law and Regulations: Methods for Securing Financial Responsibility Requirements					
State	Regulatory Authority	Insurance Policy	Self-Insure	Surety Bond	Other
IN	Indiana Department of State Revenue, Motor Carrier Services Division	Yes	Yes ¹⁶	Yes	Yes
IA	Department of Transportation Motor	Yes	Yes ¹⁷	Yes	No
KS	Kansas Corporation Commission	Yes	Yes ¹⁸	No	No
KY	Transportation Cabinet, Department of Vehicle Regulation	Yes	Yes	Yes	No
LA	Louisiana Public Service Commission	Yes	No	Yes	\$3,000 COD bond required for common carriers of freight only
ME	Maine Bureau of Motor Vehicles	Yes	Yes ¹⁹	Yes	No
MD	Maryland Department of Transportation, Maryland Motor Vehicle Administration	Yes	Yes ²⁰	Yes	No
MA	Registry of Motor Vehicles	Yes	Yes	Yes	No
MI	State Police, Commercial Vehicle Enforcement Division	Yes	Yes	No	No
MN	Department of Transportation, Office of Commercial Vehicle Operations	Yes	No	Yes	Other types of security and endorsements
MS	Mississippi Department of Public Safety, Motor Carrier Safety Division	Yes	Yes ²¹	Yes	No
MO	Missouri Department of Transportation Motor Carrier Services	Yes	Yes ²²	Yes	No
MT	Montana Public Service Commission	Yes	Yes	No	Securities or agreements in form and amount as may be required
	Montana Department of Justice Highway Patrol Division	Yes	No	No	No
NE	Nebraska Public Service Commission	Yes	Yes	Yes	Securities or agreements approved by regulator
	Nebraska State Patrol	Yes	Yes	Yes	Yes
NV	Nevada Department of Motor Vehicles	Yes	Yes	Yes	COD bond for the benefit of shippers \geq \$1,000
NH	Department of Safety, Division of Motor Vehicles (property and hazardous material)	Yes	Yes	Yes	Yes
	Department of Safety Bureau of Tolls (household goods)	Yes	Yes	No	No

Appendix B Summary of State Law and Regulations: Methods for Securing Financial Responsibility Requirements					
State	Regulatory Authority	Insurance Policy	Self-Insure	Surety Bond	Other
NJ	State Police Safety Bureau (property and hazardous material)	Yes	Yes	Yes	No
	Office of Attorney General, Division of Consumer Affairs, Regulated Businesses (household goods)	Yes	Yes	No	Other securities or agreements and in amounts required by Director of Consumer Affairs
NM	New Mexico Public Regulation Commission	Yes ²³	Yes ²⁴	Yes	No
NY	New York Department of Transportation	Yes	Yes ²⁵	Yes	Other securities and agreements
NC	North Carolina Utilities Commission (household goods)	Yes	Yes	Yes	No
	North Carolina Department of Motor Vehicles	Yes	Yes	Yes	Financial security deposit
ND	North Dakota Highway Patrol	Yes	No	Yes	\$25,000 trust fund deposited with the Bank of North Dakota
OH	Public Utilities Commission	Yes	Yes	Yes ²⁶	No
OK	Oklahoma Corporation Commission	Yes	Yes	Yes	No
OR	Department of Transportation, Motor Carrier Division	Yes	Yes ²⁷	Yes	Irrevocable letter of credit equal to the liability and cargo insurance minimums limits ²⁸
PA	Public Utilities Commission	Yes	Yes ²⁹	Yes	Other securities and agreements
RI	Public Utilities Commission, Division Public Utilities and Motor Carriers	Yes	Yes	Yes	Other securities and agreements
SC	South Carolina Department of Motor Vehicles ³⁰	Yes	Yes ³¹	Yes	Yes ³²
	South Carolina Public Service Commission (household goods and hazardous material)	Yes	Yes ³³	Yes	No
SD	South Dakota Dept. of Public Safety	Yes	Yes	Yes	No
TN	Department of Safety, Division of Commercial Vehicle Enforcement	Yes	Yes	Yes	No
	Tenn. Dept. of Homeland Security, Tenn. Highway Patrol	Yes ³⁴	No	No	No
TX	Texas Department of Motor Vehicles	Yes	Yes ³⁵	Yes	No
UT	Department of Transportation, Motor Carrier Division	Yes	Yes	Yes	No

Appendix B Summary of State Law and Regulations: Methods for Securing Financial Responsibility Requirements					
State	Regulatory Authority	Insurance Policy	Self-Insure	Surety Bond	Other
VT	Department of Motor Vehicles	Yes	Yes ³⁶	Yes	No
VA	Virginia Department of Motor Vehicles	Yes	Yes	Yes	Irrevocable Letter of Credit Trust funded with US Treasury and VA Tax Exempt Bonds
	Virginia State Police	Yes	No	No	No
WA	Washington Utilities and Transportation Commission	Yes	No	Yes	No
WV	West Virginia Public Service Commission	Yes	Yes	Yes	Other Securities
WI	Department of Transportation, Motor Vehicle Division	Yes	Yes	Yes ³⁷	No
WY	Department of Transportation, Motor Vehicle Services	Yes	Yes	Yes	No

Notes to Appendix B

¹ A carrier approved by the FMCSA to self-insurer will be approved to self-insure by the Alabama Public Service Commission upon providing proof of the approval. The carrier must also demonstrate a net worth of \$1.5 million (Rule 4 § Section 4.5(A)).

² The carrier must demonstrate the securities and agreements equal five times the applicable liability limit. (Rule 4 § Section 4.5(C)).

³ A self-insurer or partial self-insurer must file a bond of no less than \$250,000. A carrier must have 10 or more vehicles and assets and no less than \$1,000,000 as a condition to applying for authority to self-insure. Ariz. Rev. Stat. § 28-4011.

⁴ The carrier must have 25 or more registered commercial vehicles. The required level of liability insurance cannot exceed \$750,000, and there be no judgements pending against the carrier.

⁵ The carrier must have 25 or more registered vehicles. (Colo. Rev. Stat. 42-7-501)

⁶ Pursuant to HB 09-244 enacted on August 6, 2004, regulation of property carriers was transferred from the Colorado Public Service Commission to the Colorado Department of Public Safety. At which time, the requirement that property carriers show proof of insurance was eliminated for carriers with GVWR less than or equal to 26,000 lbs. Property carriers below 26,001 lbs. were deregulated. They still must meet minimum levels financial responsibility established by the Colorado Department of Safety.

⁷ Motor carriers may obtain a certificate of self-insurance issued pursuant to Colo. Rev. Stat. §10-4-624 and Colo. Rev. Stat. § 42-7-501, or part 387. Carriers that self-insure must have 25 or more registered vehicles.

⁸ Regulation of household goods carriers was transferred from the Connecticut Department of Utilities Control to the Connecticut Department of Transportation. The provisions of Connecticut General Statute Title 16 were renumbered under Title 13. The regulations remain codified under Title 16 in the Connecticut eRegulation System.

⁹ Interstate carriers operating in intrastate commerce must provide proof of FMCSA's authorization of the motor carrier's self-insurance plan. Florida intrastate only carriers must provide a self-insurance certificate issued by the Department of Highway Safety and Motor Vehicles, Bureau of Financial Responsibility as a condition of authorization to self-insure by the Department. Fla. Stat. § 324.031 requires a motor carrier requesting an authorization to self-insure to furnish a certificate of deposit equal to the number of vehicles owned times \$30,000, to a maximum of \$120,000.

¹⁰ The Florida Department of Agriculture and Consumer Services must be the only named beneficiary (Fla. Stat. § 507.4(1)(b)).

¹¹ Ibid.

¹² Carriers must have 25 or more registered vehicles or certificate of self-insurance issued by the Hawaii Insurance Commissioner.

¹³ A surety must own Hawaii real estate twice the value of the bond.

¹⁴The carrier must have 25 or more registered vehicles, and a certified public account's attestation of net worth no less than \$500,000. The carrier must file financial statements annually demonstrating \$500,000 net worth.

¹⁵ Household goods carriers are not allowed to self-insure. The Illinois Corporation Commission requires self-insurers to meet minimum requirements for net worth with property free of liens and in Illinois valued at or more (a) \$500,000, if the carrier operates less than 25 vehicles, (b) \$750,000, if the carrier operates from 25 to 100 vehicles; or (c) \$1,000,000, if the carrier operates more than 100 vehicles (92 Ill. Admin. (Code Section 1425.120).

¹⁶ A common carrier may self-insure subject to approval by Motor Carrier Services Division (45 IAC 16-1-2 (d)(1)).

¹⁷ Interstate carriers that operate intrastate may self-insure subject to receiving and maintain an FMCSA authorization to self-insure. (IAC 524.7(2)(325A)).

¹⁸ The carrier must have at least 25 registered vehicles.

¹⁹ MRS § 29A-1611 (1)(3) permits a carrier to self-insure if it has been authorized to do so by the Interstate Commerce Commission, a predecessor of FMCSA.

²⁰ The carrier must have an FMCSA authorization to self-insure.

²¹ Only restricted carriers (all for-hire property carriers other than household goods are eligible to self-insure (Miss. Code Ann. §§ 77-7-23).

²² Carriers may file an application to self-insure, or submit an FMCSA authorization to self-insure (7 CSR 265-10.035).

²³ No insurance policy will have a deductible greater than \$5,000 except that authorized by the NMPRC (N.M. Code R. § 18.3.3.12).

²⁴ Superintendent of Insurance must authorize a carrier to self-insurance. (N.M. Code R. § 18.3.3.8).

²⁵ Subject to an order by the New York Department of Transportation, for a term not to exceed 5 years (17 CRR-NY 855.4), subject to the requirements of self-insurance rules (17 and CRR-NY 508.5).

²⁶ PUCO will approve and application to self-insure from carriers that have an FMCSA authorization to self-insure.

²⁷ A For-hire carrier with an FMCSA authorization to self-insure is exempt from Oregon liability insurance, and cargo insurance requirements.

²⁸ OAR 740-040-0060

²⁹ An applicant for self-insurance must demonstrate its net worth and have received Pennsylvania Department of Transportation certificate of self-insurance. Security for self-insurance may include reserves, sinking funds, third party financial guarantees, parent company sureties and excess insurance coverage (52 Pa Code § 32.15).

The financial responsibility requirement is set by the South Carolina Department of Motor Vehicles

³¹ Self-insurance must be certified by the South Carolina Department of Motor Vehicles. To be considered for self-insuring, a carrier must have a minimum of 26 registered vehicles and net worth of no less than \$20 million, or a segregated account with the sum of \$3,000 for each registered vehicle. Funds must be deposited with an FDIC insured institution and must consist of money market accounts and certificates of deposit. See the South Carolina Department of Motor Vehicles Financial Requirements for Self-Insured Certificate, FR-003A.

³² The South Carolina Public Service Commission may consider alternative forms of security including irrevocable letters of credit, 80 percent cash on deposit with a Federal Reserve System bank and 20 percent real estate (S.C. Code Ann. § 56-9-60).

³³ Household goods and hazardous material carriers self-insurance plans must be approved by the South Carolina Department of Motor Vehicles (S.C. Code Ann. § 58-23-910).

³⁴ An umbrella liability insurance is permissible if total coverage is equal to or great that the sum of the combined single limits for all classes of the operator's towing vehicles. See Tennessee Department of Homeland Security, State Highway Patrol, "Towing Service Standard Manual," July 2015, p. 16.

³⁵ Self-insurers must also demonstrate net worth and financial instruments equal to or greater than minimum insurance requirements including reserves, sinking funds, third-party financial guarantees; parent company or affiliate sureties; or excess insurance coverage (TAC 218.16).

³⁶ Carriers choosing to self-insure must provide to Vermont Department of Vehicles evidence of self-insurance in the amount of \$115,000 (23 VSA § 800).

³⁷ Interstate carriers operating in intrastate commerce that have received authorization from FMCSA to self-insure may qualify for an authorization to self-insure by submitting a certified copy of FMCSA's authorization (Wis. Admin. Code Trans. § 176.05(b)(2)).

**APPENDIX C: STATE HOUSEHOLD GOODS CARGO
INSURANCE REQUIREMENTS**

Appendix C
Summary of State Household Goods Cargo Insurance Requirements

Single Limit Cargo Insurance			Split Limit Cargo Insurance			
State	Citation	Limit	State	Citation	Loss or Damage Property on One Vehicle	Aggregate Loss or Damage Any One Time and Place
AL	Pamphlet No. 2003 Rule No. 4	\$5,000	AL	Pamphlet No. 2003 Rule No. 4	\$1,000	\$5,000
AR	Rule 13.1	\$5,000	DC	DMCR § 8-14-1401.1	\$5,000	\$10,000
CA	CPUC Order 136-C	\$20,000	DE	Del. Code § 21-47-4702(a)	\$5,000	\$10,000
CO ¹	4 CCR 6007(a)(ii)	\$10,000	GA	GA R&R515-16-11-.04	\$25,000	\$50,000
IA	IA DOT Truck Guide	\$10,000	HI	HAR § 19-141-14	\$1,500	\$3,000
FL ²	Fla. Stat. § 507.4	\$0.60 per pound	IL ⁴	92 Ill. Admin. Code 1457.120	\$5,000	\$10,000
KS	KAR 8-4-23	\$3,000	IN ⁵	45 IAC 16-1-2	\$5,000	\$10,000
MA	220 CMR 260	\$10,000	KY	KRS § 281.655-7	\$5,000	\$10,000
MN	Minn. R. 8855.050 subchap. 2	\$50,000	LA	R.S. 164 (E)	\$50,000	\$100,000
MI	Must be filed with request for household goods motor carrier certificate (Form P-371-h) Motor Carrier Services Regulations at R 460.19102 Rule 1102 state it as a requirement that is not required to be continuously in effect.		MD	COMAR 11.21.01.02	\$5,000	\$10,000
MS ³	Household Goods Guidelines	≤3 tons \$5,000	MO	Minimum Levels of Financial Responsibility	\$2,500	\$5,000
		>3 tons \$10,000	MT	MV-2 Cargo Endorsement Form	\$10,000	\$10,000
NE	291 Neb. Admin. Code, Ch. 3 § 003.03	≥\$5,000	NV ⁶	NAC 706.191(2)	\$15,000	\$30,000
NH	NH Admin. Rules Saf-C 4602.	\$0.60 per pound	NY	17 CRR-NY 855.1	\$5,000	\$10,000
NJ	N.J.A.C. § 3:44D-4.6(a)	\$0.60 per pound	NC	NCUC Rule 2-36	\$35,000	\$50,000
NM	N.M. Code R. §§ 18.3.3.11 B	\$50,000	OH	OAC 4901:2-13-03(B)	\$5,000	\$10,000
OR	OAR 740-040-0030	\$10,000	OK	Okl. Admin. Code § 165:30—3-11(c)	\$5,000	\$10,000
PA	52 Pa. Code § 32.13	\$5,000	SC	S.C. Code Ann. Reg. §. 103-173	\$2,500	\$5,000
RI	R.I Gen. Laws §39-12-27	\$25,000	SD	SDCL 49-28-1 and	\$5,000	\$10,000

Appendix C							
Summary of State Household Goods Cargo Insurance Requirements							
Single Limit Cargo Insurance				Split Limit Cargo Insurance			
State	Citation	Limit		State	Citation	Loss or Damage Property on One Vehicle	Aggregate Loss or Damage Any One Time and Place
VA	Va. Code Ann. §46.2-2143.1	\$50,000		TN	Tenn. Comp. R. & Regs 1340-06-01-.07	\$5,000	\$10,000
				TX	TAC 218.16a	\$5,000	\$10,000
WA	WAC 480-15-550	<10,000 lbs. \$10,000 ≥10,000 lbs. \$20,000		WI	Wis. Stat. § 194.23 requires an applicant to demonstrate its financial ability to provide cargo insurance		
WY	WYDOT Chapter 3 Insurance	\$10,000		WV	150 CSR Series 9 Rule 2.3		
					<10,000 lbs.	\$20,000	\$20,000
					≥10,000 lbs.	\$50,000	\$100,000