

Section 3

Motor Carriers of Passengers

Definitions

Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle:

- Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight, or gross combination weight of 10,001 pounds (4,536 kg) or more, whichever is greater;
- Is designed or used to transport more than 8 passengers, including the driver, for compensation;
- Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter 1, subchapter C.

Direct compensation means payment made to the motor carrier by the passengers or a person acting on behalf of the passengers for the transportation services provided and not included in a total package charge or other assessment for highway transportation services.

PASSENGER CARRIER OPERATIONS

■ For-hire Motor Carriers of Passengers

For-hire motor carriers of passengers provide transportation of passengers for compensation. Examples of for-hire transportation of passengers include intercity bus service, charter bus service, canoe rental company bus service, and hotel bus service. Three factors must be present before a motor carrier of passengers is classified as a for-hire carrier:

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

The chart below summarizes the applicability of the Federal Motor Carrier Safety Regulations (FMCSRs) to for-hire motor carriers of passengers.

PART	REGULATORY TOPIC	APPLICABLE
380	Special Training Requirements	Partial
382	Controlled Substances and Alcohol Use and Testing	Yes
383	Commercial Driver's License	Yes
387	Financial Responsibility (Insurance/Surety)	Yes
390	General Applicability and Definitions	Yes
391	Qualification of Drivers	Partial
392	Driving of Commercial Motor Vehicles	Yes
393	Parts and Accessories	Yes
395	Hours of Service of Drivers	Yes
396	Inspection, Repair, and Maintenance	Yes