

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### Division of Motor Vehicles

#### 39.02.80 – Rules Governing Motor Carrier Financial Responsibility

##### **Who does this rule apply to?**

*This rule to establishes the amount of liability coverage to be carried by motor carriers for personal injury suffered by one (1) person while being transported in a vehicle, any additional amounts for all persons receiving personal injury and such amount for damage to the property of any person other than the insured.*

- Common Carriers;
- Contract Carriers; and
- Interstate Carriers.

##### **What is the purpose of this rule?**

*This rule provides the level of insurance required for filing proof of Motor Carrier Financial Responsibility with the Department prior to and during registration. This rule addresses risky or perilous cargoes/hazardous substances and the minimum level of insurance the carrier is required to file.*

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statute passed by the Idaho Legislature:*

Motor Vehicles -

- [49-1233, Idaho Code](#) – Motor Carrier Financial Responsibility – Exemptions – Board Rules

##### **Who do I contact for more information on this rule?**

Idaho Transportation Department  
Monday – Friday 8:00 am to 5:00 pm  
P.O. Box 7129  
Boise, ID 83707-1129  
3311 West State Street  
Phone: (208) 334-8000  
[itd.idaho.gov](http://itd.idaho.gov)

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## 39.02.80 – RULES GOVERNING MOTOR CARRIER FINANCIAL RESPONSIBILITY

### 000. LEGAL AUTHORITY.

This rule is adopted under the authority of Section 49-1233(5) Idaho Code. (3-31-22)

### 001. PURPOSE.

This rule establishes the amount of liability coverage to be carried by motor carriers for personal injury suffered by one (1) person while being transported in a vehicle, any additional amounts for all persons receiving personal injury, and such amount for damage to the property of any person other than the insured. (3-31-22)

### 002. INCORPORATION BY REFERENCE.

The Idaho Transportation Board incorporates by reference 49 CFR 171.8, 49 CFR 172.101 and its appendix, 49 CFR 173.403, 49 CFR 387 and 49 CFR 387.5, published in the Code of Federal Regulations volume dated October 1, 1997. (3-31-22)

### 003. -- 009. (RESERVED)

### 010. DEFINITIONS.

**01. Common Carrier.** Any person who holds itself out to the general public to engage in the transportation by motor vehicle in commerce in the state of Idaho of passengers or property for compensation. (3-31-22)

**02. Contract Carrier.** Any person who, under individual contracts or agreements, engages in the transportation by motor vehicle of passengers or property in commerce in the state of Idaho for compensation. (3-31-22)

**03. Environmental Restoration.** See 49 CFR 387.5. (3-31-22)

**04. Hazardous Material.** See 49 CFR 171.8, 49 CFR 172.101, and 49 CFR 173. (3-31-22)

**05. Injury.** Harm to the body, sickness, or disease resulting from a motor carrier accident, including death from an injury. (3-31-22)

**06. Interstate Carrier.** Any person who owns or operates any motor vehicle in the state of Idaho or on the highways of the state of Idaho, in commerce between the States, or between the States and a foreign Nation, used or maintained for the transportation of persons or property. (3-31-22)

**07. Private Carrier.** Any person not included in the terms “common carrier” or “contract carrier” who or which transports in commerce in the state of Idaho by motor vehicle property of which such person is the owner, lessee, or bailee, when such property is for the purpose of sale, lease, rent or bailment, or in the furtherance of any commercial enterprise; provided, that a motor vehicle of a private carrier, not in excess of eight thousand (8,000) pounds gross vehicle weight, not engaged in the transport of a hazardous substance, is exempt. (3-31-22)

**08. Property Damage.** Damage to or loss of use of tangible property. (3-31-22)

### 011. -- 019. (RESERVED)

### 020. INSURANCE REQUIREMENTS.

**01. Insurance Required.** No motor carrier subject to the jurisdiction of the Department may transport property or passengers until the carrier has obtained and has in effect the minimum levels of insurance or a surety bond set forth in this rule. (3-31-22)

**02. Passenger Carriers.** The minimum levels of insurance or surety bond coverage (for injury, death, or property damage) in any one (1) accident for common/contract passenger carriers are: (3-31-22)

**a.** For any vehicle with a seating capacity of twenty-five (25) passengers or more -- five million dollars (\$5,000,000); (3-31-22)

**b.** For any vehicle with a seating capacity of twenty-four (24) passengers or less -- one million, five hundred thousand (\$1,500,000). (3-31-22)

**03. Property Carriers -- Certain Risky or Perilous Cargoes.** The minimum levels of insurance or surety bond coverage (for injury, death, environmental restoration, or property damage in any one accident) for common and contract property carriers are: (3-31-22)

- a.** Five million dollars (\$5,000,000) for carriers of: (3-31-22)
  - i.** Any quantity of Division 1.1, 1.2, or 1.3; (3-31-22)
  - ii.** Any quantity of Division 2.3, Hazardous Zone A, or Division 6.1, Packing Group 1, Hazardous Zone A; (3-31-22)
  - iii.** Highway route controlled quantity of Class 7 material as defined in 49 CFR 173.403; (3-31-22)
  - iv.** Hazardous substances, as defined in 49 CFR 171.8, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of three thousand, five hundred (3,500) water gallons; (3-31-22)
  - v.** Division 2.1 or 2.2 in bulk; (3-31-22)
- b.** One million dollars (\$1,000,000) for carriers of: (3-31-22)
  - i.** Oil listed in 49 CFR 172.101; or (3-31-22)
  - ii.** Hazardous waste, hazardous materials or hazardous substances as defined in 49 CFR 171.8 and listed in 49 CFR 172.101 or its Appendix, but not mentioned in Subsection 020.03.a. (3-31-22)

**04. Other Property Carriers.** The minimum level of insurance or surety bond coverage (for injury, death or property damage in any one (1) accident) for common and contract carriers of all other property (including drive away and tow away units transported by the carrier) is seven hundred fifty thousand dollars (\$750,000). (3-31-22)

**05. Private Carriers.** Private carriers must maintain the insurance required by Section 49-1229, Idaho Code, except private carriers transporting certain risky or perilous cargoes described in Subsection 020.03 must carry insurance as required by that Subsection. (3-31-22)

**021. CERTIFICATES OF INSURANCE.**

**01. Filing.** Common/contract carriers and interstate carriers who participate in the base state agreement by registering in Idaho as their base state must file with or be verified by the Department certificates that the insurance or bond described by the certificate of insurance is in effect for the account of the motor carrier. (3-31-22)

**02. Forms.** The certificates for intrastate common/contract carriers must be either Form E, Department Form E-1, or W.C. 3091 that is completed and signed by the insurance company's underwriting department or its authorized representative. (3-31-22)

**03. Coverage.** Policies of insurance and surety bonds required and filed with or verified by the Department remain in effect as described on the certificate until terminated according to Section 49-1233(3), Idaho Code. When certificates of insurance show that insurance has lapsed, the Department shall refuse to renew the carrier's vehicle registrations or revoke the carrier's motor vehicle registrations under the authority of Section 49-202(10)(12), Idaho Code. (3-31-22)

**022. -- 999. (RESERVED)**