

13702, commits a violation for which the penalty is \$200 for the first violation and \$275 for each subsequent violation.

(12) A freight forwarder, its officer, agent, or employee, that assists or willingly permits a person to get service under 49 U.S.C. 13531 at less than the rate in effect under 49 U.S.C. 13702 commits a violation for which the penalty is up to \$550 for the first violation and up to \$2,200 for each subsequent violation.

(13) A person who gets or attempts to get service from a freight forwarder under 49 U.S.C. 13531 at less than the rate in effect under 49 U.S.C. 13702 commits a violation for which the penalty is up to \$550 for the first violation and up to \$2,200 for each subsequent violation.

(14) A person who knowingly authorizes, consents to, or permits a violation of 49 U.S.C. 14103 relating to loading and unloading motor vehicles or who knowingly violates subsection (a) of 49 U.S.C. 14103 is liable for a penalty of not more than \$11,000 per violation.

(15) A person, or an officer, employee, or agent of that person, who tries to evade regulation under Part B of Subtitle IV, Title 49, U.S.C., for carriers or brokers is liable for a penalty of \$220 for the first violation and at least \$275 for a subsequent violation.

(16) A person required to make a report to the Secretary, answer a question, or make, prepare, or preserve a record under Part B of Subtitle IV, Title 49, U.S.C., or an officer, agent, or employee of that person, is liable for a maximum penalty of \$5,500 per violation if it does not make the report, does not completely and truthfully answer the question within 30 days from the date the Secretary requires the answer, does not make or preserve the record in the form and manner prescribed, falsifies, destroys, or changes the report or record, files a false report or record, makes a false or incomplete entry in the record about a business related fact, or prepares or preserves a record in violation of a regulation or order of the Secretary.

(17) A motor carrier, water carrier, freight forwarder, or broker, or their officer, receiver, trustee, lessee, employee, or other person authorized to receive information from them, who discloses information identified in 49 U.S.C. 14908 without the permission of the shipper or consignee is liable for a maximum penalty of \$2,200.

(18) A person who violates a provision of Part B, Subtitle IV, Title 49, U.S.C., or a regulation or order under Part B, or who violates a condition of registration related to transportation that is subject to jurisdiction under subchapter I or III or Chapter 135, or who violates a condition of registration of a foreign motor carrier or foreign motor private carrier under section 13902, is liable for a penalty of \$550 for each violation if another

penalty is not provided in 49 U.S.C. Chapter 149.

(19) A violation of Part B, Subtitle IV, Title 49, U.S.C., committed by a director, officer, receiver, trustee, lessee, agent, or employee of a carrier that is a corporation is also a violation by the corporation to which the penalties of Chapter 149 apply. Acts and omissions of individuals acting in the scope of their employment with a carrier are considered to be the actions and omissions of the carrier as well as the individual.

(20) In a proceeding begun under 49 U.S.C. 14902 or 14903, the rate that a carrier publishes, files, or participates in under section 13702 is conclusive proof against the carrier, its officers, and agents that it is the legal rate for the transportation or service. Departing, or offering to depart, from that published or filed rate is a violation of 49 U.S.C. 14902 and 14903.

[63 FR 12414, Mar. 13, 1998, as amended at 65 FR 7756, Feb. 16., 2000; 67 FR 61821, Oct. 2, 2002; 68 FR 15383, Mar. 31, 2003; 69 FR 39371, June 30, 2004]

## PART 387—MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS

### Subpart A—Motor Carriers of Property

#### Sec.

- 387.1 Purpose and scope.
- 387.3 Applicability.
- 387.5 Definitions.
- 387.7 Financial responsibility required.
- 387.9 Financial responsibility, minimum levels.
- 387.11 State authority and designation of agent.
- 387.13 Fiduciaries.
- 387.15 Forms.
- 387.17 Violation and penalty.

### Subpart B—Motor Carriers of Passengers

- 387.25 Purpose and scope.
- 387.27 Applicability.
- 387.29 Definitions.
- 387.31 Financial responsibility required.
- 387.33 Financial responsibility, minimum levels.
- 387.35 State authority and designation of agent.
- 387.37 Fiduciaries.
- 387.39 Forms.
- 387.41 Violation and penalty.

### Subpart C—Surety Bonds and Policies of Insurance for Motor Carriers and Property Brokers

- 387.301 Surety bond, certificate of insurance, or other securities.

- 387.303 Security for the protection of the public: Minimum limits.
- 387.305 Combination vehicles.
- 387.307 Property broker surety bond or trust fund.
- 387.309 Qualifications as a self-insurer and other securities or agreements.
- 387.311 Bonds and certificates of insurance.
- 387.313 Forms and procedures.
- 387.315 Insurance and surety companies.
- 387.317 Refusal to accept, or revocation by the FMCSA of surety bonds, etc.
- 387.319 Fiduciaries.
- 387.321 Operations in foreign commerce.
- 387.323 Electronic filing of surety bonds, trust fund agreements, certificates of insurance and cancellations.

#### Subpart D—Surety Bonds and Policies of Insurance for Freight Forwarders

- 387.401 Definitions.
- 387.403 General requirements.
- 387.405 Limits of liability.
- 387.407 Surety bonds and certificates of insurance.
- 387.409 Insurance and surety companies.
- 387.411 Qualifications as a self-insurer and other securities or agreements.
- 387.413 Forms and procedure.
- 387.415 Acceptance and revocation by the FMCSA.
- 387.417 Fiduciaries.
- 387.419 Electronic filing of surety bonds, certificates of insurance and cancellations.

AUTHORITY: 49 U.S.C. 13101, 13301, 13906, 14701, 31138, and 31139; and 49 CFR 1.73.

EDITORIAL NOTE: Nomenclature changes to part 387 appear at 66 FR 49873, Oct. 1, 2001.

#### Subpart A—Motor Carriers of Property

##### § 387.1 Purpose and scope.

This subpart prescribes the minimum levels of financial responsibility required to be maintained by motor carriers of property operating motor vehicles in interstate, foreign, or intrastate commerce. The purpose of these regulations is to create additional incentives to motor carriers to maintain and operate their vehicles in a safe manner and to assure that motor carriers maintain an appropriate level of financial responsibility for motor vehicles operated on public highways.

[46 FR 30982, June 11, 1981, as amended at 48 FR 52683, Nov. 21, 1983]

##### § 387.3 Applicability.

(a) This subpart applies to for-hire motor carriers operating motor vehicles transporting property in interstate or foreign commerce.

(b) This subpart applies to motor carriers operating motor vehicles transporting hazardous materials, hazardous substances, or hazardous wastes in interstate, foreign, or intrastate commerce.

(c) *Exception.* (1) The rules in this part do not apply to a motor vehicle that has a gross vehicle weight rating (GVWR) of less than 10,000 pounds. This exception does not apply if the vehicle is used to transport any quantity of a 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, or to a highway route controlled quantity of a Class 7 material as it is defined in 49 CFR 173.403, in interstate or foreign commerce.

(2) The rules in this part do not apply to the transportation of non-bulk oil, non-bulk hazardous materials, substances, or wastes in intrastate commerce, except that the rules in this part do apply to the transportation of a highway route controlled quantity of a Class 7 material as defined in 49 CFR 173.403, in intrastate commerce.

[46 FR 30982, June 11, 1981; 46 FR 45612, Sept. 14, 1981, as amended at 48 FR 5559, Feb. 7, 1983; 48 FR 52683, Nov. 21, 1983; 49 FR 38290, Sept. 28, 1984; 59 FR 63923, Dec. 12, 1994]

##### § 387.5 Definitions.

As used in this subpart—

*Accident* includes continuous or repeated exposure to the same conditions resulting in public liability which the insured neither expected nor intended.

*Bodily injury* means injury to the body, sickness, or disease including death resulting from any of these.

*Cancellation of insurance* the withdrawal of insurance coverage by either the insurer or the insured.

*Endorsement* an amendment to an insurance policy.

*Environmental restoration* restitution for the loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, watercourse, or body of water of any commodity transported by a motor