



# Operate Church Vehicles Legally and Safely

## TRANSPORTATION & TRIPS

### Does your church have to follow the U.S. Department of Transportation Federal Motor Carrier Safety Regulations?

If your church uses commercial motor vehicles (buses, vans or towed motor vehicles) on roads to transport passengers or property across state lines (interstate commerce), most of the regulations also cover intrastate operations. You may be subject to the Federal Motor Carrier Safety Regulations (FMCSR), which came in to effect January 1, 1995. There are also additional state regulations that your operations may need to fulfill. While these regulations have been in effect for a great many years, authorities are now taking a closer look at enforcement due to many recent vehicle accidents involving churches vehicles operated by nonprofit organizations.

For the purposes of this Act, a commercial motor vehicle is:

- A vehicle or combination of vehicles with an actual gross vehicle weight or a gross vehicle weight rating (GVWR: established by the manufacturer) over 10,000 lbs;
- A vehicle designed or used to transport more than 8 passengers (including the driver) for compensation;
- A vehicle designed or used to transport more than 15 passengers (including the driver) and is not used to transport passengers for compensation; or
- A vehicle of any size that is transporting hazardous materials in a quantity that requires placarding.

As a private motor carrier of passengers (PMCP) or operator of a commercial motor vehicle, your church vehicle will fall into one of two groups: business or non-business. Most church-owned PMCPs are considered non-business, meaning the church provides private, interstate

transportation of passengers that is not for commercial purposes. The Department of Transportation (DOT) lists churches, scout groups and other charitable organizations that purchase and/or lease buses and vehicles for the private transportation of their groups, as examples of non-business PMCPs.

As a PMCP, you must meet certain requirements of the FMCSRs. These requirements differ slightly depending on your classification as a business or non-business PMCP. Business PMCPs must meet; driver qualification requirements, driving of motor vehicle requirements, parts and accessories requirements, hours of service requirements and inspection, repair and maintenance requirements. Non-business PMCPs are subject to these same requirements except they are exempt from the recordkeeping requirements under the driver qualification provisions.

These regulations apply to business and non-business PMCPs as defined by the Federal Highway Administration (FHWA) of the Department of Transportation (DOT). The FHWA has stated that churches in general either will be exempt from the federal regulations altogether or will fall within the definition of regulated non-business PMCPs.

A church that owns or leases a bus or van will be a non-business private motor carrier of passengers if:

- The bus or van has a gross vehicle weight of 10,001 or more pounds or is designed to transport more than 15 passengers (including the driver) and

### Ministry Protection Memo

“MPM” is a series on various topics relative to Church and safety. Send your comments and interests to AME Zion’s Director of Ministry Protection.

### CONTACT INFORMATION

#### Neil Davidson

Arthur J. Gallagher & Co.  
2850 Golf Road  
Rolling Meadows, IL 60008-4050  
630.285.3585  
neil\_davidson@ajg.com

or

#### David A. Aiken, Sr.

Executive Director  
3225 W. Sugar Creek Road  
Charlotte, NC 28269  
704.714.1505  
David.AikenSr\_ZBS@amezhqtr.org

## Acronyms

### FMCSR

Federal Motor Carrier Safety Regulations

### PMCP

Private Motor Carrier of Passengers



- The bus or van is “involved in interstate transportation of passengers,” which basically means taking the bus or van outside of the state in which the church is located.

## Example

Your church is located in a town at a state line and has a van or bus that carries sixteen passengers (including the driver) and crosses the state line to transport people to church every Sunday—your church is subject to the federal regulations (regardless of the gross weight of the vehicle or number of passengers it holds).

On the other hand, a 20,000 lb bus designed to hold fifty passengers that is never used to cross state lines is exempt from the federal regulations.

A 14,000 lb van that is designed to hold eighteen passengers and occasionally crosses state lines is subject to the regulations. The same van that is never used to cross state lines is exempt from the regulations.

If the regulations apply to your church, here are the requirements for non-business private motor carriers of passenger:

- The driver must have a commercial driver’s license (issued by the state).
- The vehicle must be marked on both sides with the motor carrier’s name or trade name; city and state of the church; and motor carrier identification number preceded by “USDOT.”
- The driver must be in good health, be at least twenty-one years of age, speak and read English well enough to do his or her job and respond to official questions, be able to drive the vehicle safely, be able to determine whether the vehicle is safely loaded, know how to block, brace and tie down cargo, have only one valid driver’s license and not be disqualified to drive a commercial motor vehicle.
- The driver must comply with the following safety requirements: be sure the vehicle is safe and properly working before each trip and must ensure that emergency equipment is in place, buses must stop at all railroad crossings, the parking brake must be set when a driver leaves a vehicle unattended and emergency warning devices must be activated in an emergency. Headlights must be used from ½ hour before sunset to ½ hour after sunrise (or anytime there is not enough light to see clearly 500 ft away). Drivers who are involved in an accident must stop immediately and assist injured persons and take steps to prevent additional accidents at the scene. Drivers must not smoke when the vehicles is being fueled. Written permission from the owner of the vehicle is necessary for passengers to ride.
- The vehicle must be properly equipped with adequate lighting devices, reflectors and electrical equipment, brakes, certain specified glazing and window construction, coupling devices and towing methods, emergency equipment, protection against shifting or falling cargo, appropriate frames, cab and body components, wheels, steering and suspension systems. The vehicle’s fuel system must be maintained to the original manufacturer’s standards and certain specified miscellaneous parts and accessories may be required.



- The driver must not drive more than ten hours following eight consecutive hours off duty; must not drive after being on duty for fifteen hours; must not drive after being on duty more than sixty hours in any seven consecutive days. A driver log is a helpful way to comply with this particular regulation. (Note: The purpose of this requirement is to prevent driver fatigue; be careful about the requirement when your driver is also a professional driver for another organization because the time is cumulative).

The vehicle must be regularly inspected, repaired, maintained and all vehicle parts and accessories must be in a safe and proper working order at all times; push-out windows, emergency doors and emergency door marking lights in buses must be inspected at least every ninety days.

Trucking Regulation Contacts For more information about the regulations, call the FHWA at the DOT office in your state or the national FHWA office in Washington, D.C. 202.366.4009 or 202.366.0834). You should also check to be sure your own state has no regulations that would affect the church’s use of vans or buses.

**Federal Motor Carrier Safety Regulations (FMCSR) questions:**  
202.366.1790  
[www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)

**USDOT Safety Ratings/USDOT Numbers/New Entrants:**  
800.832.5660  
[www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)

**Hazardous Materials Questions:**  
800.HMR.4922 / 202.366.4488  
<http://hazmat.dot.gov>

---

*The Ministry Protection Memo (MPM) series is offered as an educational tool in support of AME Zion property and casualty insurance program to help you develop loss control procedures to suit your specific needs. With these publications, AME Zion does not seek to establish a particular standard of care or to promote legal advice. We encourage church leaders to consult with competent attorneys with regard to their specific loss control need. AME Zion encourages reproduction and distribution of this MPM within the AME Zion denomination.*