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WHAT IS THE MINIMUM INSURANCE COVERAGE IN OHIO INTRA-STATE TRUCKING CASES?

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Minimum insurance coverage is easy to determine when commercial motor vehicles are involved in interstate commerce. 49 CFR 387 requires a minimum \$750,000 insurance policy in most circumstances, \$5 million for hazardous material carriers and \$1 million in a few unusual circumstances. But what are the minimum insurance limits when the truck is an Ohio truck that does not cross state lines?

To answer this question, we need to look at Ohio Administrative Code 4901:2-5-02, Adoption of U.S. Department of Transportation Safety Standards. It states:

(A) The public utilities commission of Ohio hereby adopts the provisions of the motor carrier safety regulations of the U.S. department of transportation contained in 49 C.F.R. 40, 49 C.F.R. 107, subparts f and g, 367, 380, 382, 383, 385, 386, 387 and 390 to 397, unless specifically excluded or modified by a rule of this commission... All motor carriers operating in intrastate commerce within Ohio shall conduct their operations in accordance with those regulations and the provisions of this chapter.

(B) All motor carriers engaged in interstate commerce in Ohio shall operate in conformity with all regulations of the U.S. department of transportation, which have been adopted by this commission. Violation of any such federal regulation by any motor carrier engaged in interstate commerce in Ohio shall constitute a violation of this commission's rules.

All states have adopted some portion of the Federal Motor Carrier Safety Regulations. Ohio is one of the few that has specifically adopted 49 C.F.R. 387. This means motor carriers operating in intrastate commerce in Ohio must meet the minimum financial requirements of 387, which is at least \$750,000.

There are two important definitions to keep in mind: *motor carrier* and *motor vehicle*.

A **motor carrier**, is defined in OAC 4901:2-5-01(A) as "all motor transportation companies transporting persons or property as defined in section 4921.02 of the Revised Code, and all private motor carriers or contract carriers by motor vehicle transporting persons or property as defined in section 4923.02 of the Revised Code, and all private motor carriers as defined in section 4923.20 of the Revised Code."

OAC 4901-5-01(B) goes on to define a **motor vehicle** as any vehicle use in the transportation of passengers or property. By referencing 49 C.F.R 383.5, the OAC states that a motor vehicle does not include private motor carriers with vehicles under 26,001 pounds or designed to transport less than 16 passengers. So, any motor vehicle, even if it is a private carrier (that is, not a public carrier like FedEx up

UPS or Greyhound), with a gross vehicle weight rating (GVWR) of 26,001 pounds or more is subject to 49 C.F.R 372, as adopted in the Ohio Administrative Code. This means that the minimum required insurance coverage for a large truck with a GVWR over 26,001 pounds is \$750,000.

We often see garbage, cement and dump trucks with \$50,000 or \$100,000 coverage. This violates Ohio law. I am currently handling a clear-liability dump truck fatality in which the truck only has \$50,000 coverage. I will be filing a declaratory judgment action for the court to declare that, as a matter of law, the coverage should be modified to meet the state minimum requirement of \$750,000. Please let me know if I can help anybody else with similar insurance coverage and limit issues.