

The Good, the Bad and the Ugly About Charter Bus Service Risks

(reference MDOT, *About Chartering a Bus*)

Bus travel remains the safest mode of transportation. In addition to safety, charter bus travel can offer groups the opportunity to travel together, to relax and enjoy the trip regardless of weather or traffic conditions, and to save gasoline. Your State's DOT is responsible for the safety and economic regulation of all for-hire buses. DOT-regulated buses are required to comply with stringent safety rules. To make sure they do, Inspectors continually conduct safety checks at company garages to protect the health, welfare, and safety of the traveling public. Random and occasional, unannounced safety checks are conducted at major tourism areas. These types of inspections are endorsed by the National Tour Association and the American Bus Owners Association because they tend not to interrupt the passengers travel itinerary.

But accidents do happen. And buses owned by individuals or organizations tend to be the most hazardous. These buses are more attractive to charter and tour groups on a strict budget since they usually cost less to rent. But these buses lack the safety checks required of DOT-regulated buses. Drivers of these buses may not be as skilled and experienced as commercial bus drivers. Most important, the operators of these buses in most cases do not carry adequate liability insurance to cover your group in the event of a serious mishap. So the next time your group is shopping around for a charter or tour bus service, match the bus company with the following information to get the most from your trip and the most for your dollar.

WHAT YOU SHOULD KNOW BEFORE YOU CHARTER A BUS

The State DOT issues "certificates of authority to operate" to bus owners who wish to offer charter bus service. To get a charter bus service certificate, a bus owner must provide proof of liability insurance. Also, all buses are subjected to and must pass a safety inspection, annually. It does not matter who owns the bus, whether the bus owner is a church, individual, organization, or company, if charter bus service is offered to the general public for hire (remuneration of any kind), a certificate from DOT is required. There are many bus owners who do not have authority to offer charter bus service. Usually, the reason they do not get authority is because they don't have adequate liability insurance and do not wish to incur the cost, and/or the bus will not pass a safety inspection. To operate a bus for hire upon the streets and highways of the state without a certificate from DOT or without proper liability insurance is against the law, a misdemeanor, and punishable by a fine and imprisonment. Be sure that the bus owner has liability insurance plus State no-fault and has authority to offer charter bus service. Many individuals, churches, organizations, and companies are illegally offering charter bus services without authority and without proper insurance. Some of these illegal unlicensed bus owners even advertise in the newspapers and the Yellow Pages, so beware! Do not hesitate to call DOT to find out if the bus you want is insured and authorized for charter service.

SOME OTHER HELPFUL INFORMATION

What about church buses? Many churches own buses. Churches do not need a charter service certificate if they carry only their own members or if the passengers ride the bus free. However, if the church requires a donation for use of the bus, and if the passengers are not members, then the church is using their bus for charter service and must get the license. Therefore, unless the church is letting you use the bus free, or unless all of the passengers are members of the church, you should call DOT to see if the church has a certificate and liability insurance for their bus. Many churches illegally offer their buses for charter service.

What about private buses? Many individuals own buses and illegally offer them for charter service. These people will tell you that it is a "private bus," and that they don't need a certificate. That is not true. If they charge you any money to ride the bus, then they are using the bus for charter service and must get a certificate. Again, the reason that these people do not get a certificate of authority is generally because they don't have liability insurance, and/or because the

bus won't pass a safety inspection. You can find out if the bus owner has liability insurance and a certificate by calling DOT.

What about bus rental? If you drive the bus yourself, it is called a rental instead of a charter. If the bus owner does not provide the driver, then it is not considered a charter. Bus rentals are not regulated by DOT. Since rental buses are exempt from regulation, the buses are not safety inspected. Rental buses are not required to have sufficient liability insurance.

A RISK CONSIDERATION CHECKLIST -

1. Take Your Business to a Reputable Company. Never charter a bus from someone that does not have a certificate to offer charter bus service! It is easy to find out if they have this authority. All you have to do is call your State's DOT office and ask for the Passenger Transportation group. A reputable bus company will stand behind its equipment, drivers, and advertised services. DOT can help your group find the company best suited to your transportation needs and provide you with the names of authorized companies in your area.

2. Put Safety Above Economy. Though an underinsured or unauthorized bus rental from a bus owner may be less costly, it is also the most risky. Many privately owned unauthorized bus owners do not undergo the periodic safety inspections of DOT-regulated buses, may not carry insurance for passengers, nor require qualified persons to operate the buses. Most serious to the safety of your group is the driver of an unauthorized bus that does not limit the number of hours that are driven on a trip which is also a violation of state and federal laws.

3. Be Wary of Bargains. Bus companies able to offer drastically reduced rates to charter or tour groups may be forced to cut corners on bus maintenance work, safety compliance, or comfort features. An abnormally low price may mean that the bus owner does not have proper insurance coverage or is unlicensed.

4. Consider the Needs of Your Group. The size of your group and the distance to be traveled should be considered along with your group's budget when selecting a charter bus service. An economy bus may be more suitable than a deluxe highway coach for short trips.

5. Make Sure You Put Your Agreement in Writing. Make sure you have documented in writing the services to be provided by the bus company as well as the cost of the trip. Will passengers and belongings be insured? What happens if the bus breaks down along the highway? What special comfort features will you get for your money, such as air conditioning or video systems?

6. Report Possible Mechanical Vehicle Safety Violations to DOT. Report possible mechanical vehicle safety violations to DOT. Did the vehicle have a major mechanical problem? Were the emergency exits clearly labeled for easy use? DOT wants to know and all reports are confidential.

7. Report Complaints to the Company First. Should the passenger not receive satisfactory action from the company, complaints may be filed with the Attorney General's office (consumer affairs).

8. Be a Good Passenger. Respect the company's property, the needs of the driver, and all safety regulations for the protection and comfort of all on board. Your group should understand in advance of your trip what rules must be followed regarding safety and the limitations on smoking privileges, the use of food and beverages, and video use requirements.

The following web link is provided free of charge by Federal DOT (Safety and Fitness Electronic Report, SAFER System). It provides a *Company Snapshot*, which is a concise electronic record of a company's identification, size, commodity information, and safety record, including the safety rating (if any), a roadside out-of-service inspection summary, and crash information (if available). Users can search by DOT Number, MC/MX Number or Company Name - <http://safer.fmcsa.dot.gov/CompanySnapshot.aspx>