

# Hazardous Materials Bulletin

## INSURANCE REQUIREMENTS FOR TRANSPORTING HAZARDOUS MATERIALS

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Section 9 of Part 387 of Title 49 of the Code of Federal Regulations (CFR) sets the insurance requirements for vehicles transporting certain amounts of hazardous materials. Michigan has adopted Part 387 into state law via Act 181 of the Public Acts of 1963, as amended.

Further, Act 181 has a provision which states that anytime the term "interstate" is found in the federal regulations, it shall be construed to mean "intrastate" for the purposes of Michigan law. In other words, the same insurance requirements apply to intrastate transportation in Michigan as apply to interstate transportation.

Both Michigan and federal law require the carrier to maintain proof of financial responsibility on the federal form MCS-90. See the breakdown of the amount of insurance required for a particular hazardous material below.

**NOTE: The below requirements only apply to vehicles with a gross vehicle weight rating of 10,000 lbs. or more.**

For-hire and private carriers in interstate or intrastate commerce must maintain a minimum of \$5,000,000 of insurance if they transport:

1. Hazardous substances transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons;
2. Any quantity of Division 1.1, 1.2, and 1.3 Explosives;\*\*\*
3. Any quantity of Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A materials (Poison Inhalation Hazard (PIH) materials); \*\*\*
4. Division 2.1 or 2.2 materials (Flammable and Nonflammable gases) in a containment system with a capacity in excess of 3,500 water gallons; and
5. Highway route controlled quantities of Class 7 materials (Radioactive) as defined in Section 173.403.\*\*\*

**\*\*\* Note: For Numbers 2, 3, and 5 above, the \$5,000,000 requirement applies regardless of the gross vehicle weight rating.**

For-hire and private carriers in interstate or intrastate commerce must maintain a minimum of \$1,000,000 of insurance if they transport:

1. Any quantity of an oil listed in Section 172.101 of Title 49; and
2. Any quantity of a hazardous material, substance, or waste as defined in Section 171.8 and listed in Section 172.101 that is not covered under the \$5,000,000 requirement.

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Michigan State Police – Traffic Safety Division, [www.michigan.gov/motorcarrier](http://www.michigan.gov/motorcarrier)

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