PART 78 – USE OF NON-OWNED EQUIPMENT BY CARRIERS OF PASSENGERS

§781.0 Applicability.

The following rules and regulations are applicable to equipment operated by or for, but not owned by authorized carriers of passengers in intrastate commerce subject to article 7 of the Transportation Law.

§781.1 Definitions.

(a) Authorized carrier. An authorized carrier is a person or persons authorized to engage in the transportation of passengers pursuant to the provisions of article 7 of the Transportation Law.

(b) Bus line. A bus line is a subclassification of common carrier of passengers as defined in subdivision 3, section 2 of the Transportation Law.

(c) Employee. A person who works for and is on the payroll of an authorized carrier.

(d) Equipment. Any motor vehicle used for the transportation of passengers.

(e) Lease. A contract or arrangement in which the owner grants the use of equipment, with or without a driver, for a specified period to an authorized carrier for use in the regulated transportation of passengers.

(f) Lessee. The person acquiring the use of equipment from another.

(g) Lessor. The person granting the use of equipment to another.

(h) Owner. A person to whom title to equipment has been issued or who has the right to the use of equipment.

(i) Person. The term person means and includes an individual, firm, co-partnership, association, limited partnership, joint venture or corporation.

§781.2 Use of non-owned equipment.

Authorized carriers may utilize in authorized operations equipment they do not own under the following conditions:

(a) (1) Any lease of equipment shall be in writing and a copy or other evidence of the lease shall always be kept by the driver of the equipment. A copy of the lease will be kept by the authorized carrier for a period of two years from the date of termination of the lease.

(2) The lease shall provide for the exclusive possession, control and use of the equipment and for the complete assumption of responsibility in respect thereto by the lessee during the term of the lease.
(b) Equipment shall be covered by the insurance of the authorized carrier to the same extent as if the equipment were owned by the authorized carrier.

(c) The equipment will be subject to the same rules and regulations as would equipment owned by authorized carriers.

(d) Drivers will be subject to the same regulations as employees of authorized carriers.

(e) When leased equipment is driven by an employee of the authorized carrier, only subdivisions (b) and (c) of this section, shall apply.

(f) Leased equipment used in a bus line operation need not comply with the provisions of subdivision (a) of this section.

§781.3 Identification.

All equipment operated pursuant to this Part, except equipment operated in a bus line operation shall have affixed thereto the full name and case number of the authorized carrier in the same manner as if the equipment were owned by the authorized carrier.

§781.4 Lease of equipment and driver.

(a) An authorized carrier may not lease equipment with a driver or provide a driver to any person who is not an authorized carrier to provide a service subject to regulation under article 7 of the Transportation Law.

(b) Notwithstanding any other provision of this Part, the lease of both a driver and vehicle to any organization providing service subject to regulation under article 7 of the Transportation Law by one person will be deemed to be transportation subject to the jurisdiction of the Commissioner of Transportation.