

RULE 71. ELIGIBILITY

This section applies to automobiles registered or used for the transportation of members of the public.

RULE 72. PUBLIC AUTOMOBILE CLASSIFICATIONS

If an automobile has more than one use, use the highest rated classification unless 80% or more of the use is in a single lower rated activity. In that case, use the lower rated classification.

Classify public automobiles as follows:

A. Fleet and Non-Fleet Classifications

1. Fleet Classification

Any risk that has five or more self-propelled automobiles of any type that are under one ownership. For the purpose of assigning this classification, do not include:

- a. automobiles owned by allied or subsidiary interests unless the insured holds a majority financial interest
- b. mobile equipment insured on a General Liability Policy
- c. trailers

2. Non-Fleet Classification

Automobiles for risks that do not qualify for a fleet classification.

Do not change the fleet or non-fleet classification because of mid-term changes in the number of owned automobiles except at the request of the insured. The policy must be cancelled in accordance with Rule 9 – Cancellation in Section I – General Rules of this Manual and rewritten as of the effective date of the cancellation.

B. Primary Classifications

The primary classification codes assigned to public vehicles are determined based upon the automobile's use and radius class with the exception of van pools which use seating capacity in determining classification. Refer to the Public Transportation Classification Codes and Primary Rating Factors table in the Rate Section.

1. Use Class

- a. *Taxicab or Similar Passenger Carrying Service* – a metered or unmetered automobile with a seating capacity of eight or less that is operated for hire by or on behalf of the named insured or by an employee, but does not pick up, transport, or discharge passengers along a route.

(1) Owner-Operator

This classification shall apply to individual owners of single taxicabs operated by the individual owner or spouse. It shall also apply to individuals owning under a corporate name a single taxicab operated by such individual or spouse.

(2) Rented or Leased Taxi

A taxi which is not operated by the named insured or an employee of the named insured in attendance as a chauffeur, and is rented or leased to others on a long term or short term agreement, or on a time, commission, profit-sharing, or other independent contractor basis.

If such automobile is operated part of the time by the named insured or an employee of the named insured, and is rented or leased to others part of the time as stated above, it shall be classified as a Rented or Leased Taxi.

For the purpose of this classification, an employee is defined as one who is deemed to be such within the purview of the Massachusetts Worker's Compensation Law, or any other federal, state or municipal law which defines an employer-employee relationship and is applicable to the person operating the automobile.

(3) All Other

This classification shall apply in all other cases where Sections B.1.a.(1) or (2) of this Rule do not apply.

- b. *Limousine* – an unmarked luxury sedan with a seating capacity of eight or less that is operated for hire which

- (1) is hired on a prearranged hourly basis for weddings, funerals, religious ceremonies or other non-business social functions;
 - (2) is hired on an exclusive, dedicated basis for the duration of the event, not for drop-off and pick-up;
 - (3) is operated by the named insured, an employee, or an independent contractor of the named insured, in attendance as a chauffeur at the beginning and ending of the function.
- c. *Car Service* – an unmarked for hire automobile with a seating capacity of eight or less which
- (1) is hired on a prearranged basis;
 - (2) does not pick up hail fares on the street;
 - (3) does not contain a rate meter, and does not charge for services based upon miles traveled if the trip is less than 25 miles;
 - (4) operates on a scheduled business day, and is returned to the automobile's base of operation for a continuous period of at least four hours in each 24 hour period;
 - (5) is operated by the named insured, an employee, or an independent contractor of the named insured, in attendance as a chauffeur;
 - (6) operates from a base with two-way communication;
 - (7) primary payment method is by billing or credit card;
 - (8) may be under contract with a regional transit authority where transportation services are paid for by the individual requesting the services. For services contracted and paid for by a social service agency, classify the automobile in accordance with Section B.1.f.(7) of this Rule.
- d. *School Bus* – an automobile that carries students or other persons to and from school, or in any school activity including games, outings and similar school trips. There are two types of school buses for rating purposes:

1. School buses owned by political subdivisions or school districts.
2. All others including independent contractors, private schools and church owned buses.

The collision premium on a policy written on an annual term may be prorated to reflect the actual school term. However, credit shall not be given for Saturdays, Sundays or holidays or for any other periods of lay-up during the school term.

- e. *Church Bus* – an automobile used by a church to transport persons to or from services and other church related activities. This classification does not apply to public automobiles used primarily for daily school activities.
- f. Other Buses
 - (1) *Inter-City Bus* – an automobile that picks up and transports passengers on a published schedule of stops between stations located in two or more towns or cities.
 - (2) *Urban Bus* – an automobile that picks up, transports and discharges passengers at frequent local stops along a prescribed route. This classification applies only to automobiles operated principally within the limits of a city or town, and communities contiguous to such city or town, and includes scheduled express service between points on that route.
 - (3) *Airport Bus or Airport Limousine* – an automobile for hire that transports passengers between airports and other passenger stations, or motels. Automobiles used to transport passengers from their home or place of employment to or from an airport should be classified according to Sections B.1.a.– c. of this Rule, as appropriate.
 - (4) *Charter Bus* – an automobile chartered for special trips, touring, picnics, outings, games and similar uses.
 - (5) *Sightseeing Bus* – an automobile accepting individual passengers for a fare for sightseeing or guided tours, making occasional stops at certain points of interest and returning the passengers to the point of origin.

(6) *Transportation of Athletes and Entertainers* – an automobile owned by a group, firm or organization that transports its own professional athletes, musicians or other entertainers.

(a) If it is used to transport other professional athletes or entertainers, rate as a Charter Bus.

(b) An automobile owned by a group, firm or organization to transport its own non-professional athletes, musicians or entertainers, rate as Bus Not Otherwise Classified.

(7) *Social Service Agency Automobile* – an automobile used by a government entity, civic, charitable or social service organization to provide transportation to clients incidental to the social services sponsored by the organization, including special trips and outings.

This classification includes, for example, automobiles used to transport

(a) senior citizens or other clients to meal centers, medical facilities, social functions, shopping centers;

(b) handicapped persons to work or rehabilitative programs;

(c) children to day care center, Head Start programs; and

(d) Boy Scout or Girl Scout groups planned activities.

The following automobiles are eligible for this classification:

(a) Automobiles owned, or leased for one year or more, by the social service agency.

(b) Automobiles donated to the social service agency, without a driver.

(c) Automobiles hired under contract by the social service agency.

There are two types of Social Services Bus for rating purposes:

(a) Employee-Operated Automobiles

Automobiles operated by employees of the social service agency. If a social service automobile is also operated by volunteer drivers or other non-agency employees, do not classify the risk as Employee-Operated unless 80% of the use is by agency employees.

(b) All Other

Automobiles which do not meet the employee-operated automobile classification requirements.

Excess Liability Coverage may be provided to cover automobiles not owned or licensed by the agency while being used in its social service transportation activities. This coverage may be extended to cover the agency's liability only or the liability of both the agency and, on a blanket basis, the individual liability of agency employees or volunteer donors or owners of the automobiles. For automobiles hired, loaned, leased or furnished refer to Rule 28 – Hired Automobiles of Section II – Common Coverages and Rating Procedures of this Manual. For all other non-owned automobiles, refer to Rule 27 – Non-Ownership Liability of Section II – Common Coverages and Rating Procedures of this Manual.

(8) *Bus Not Otherwise Classified* – this classification includes, but is not limited to automobiles such as country club buses, cemetery buses, real estate development buses, and courtesy buses run by hotels.

g. *Van Pools* – an automobile of the station wagon, van, truck or bus type used to provide prearranged commuter transportation for employees to and from work and is not otherwise used to transport passengers for a charge.

(1) Employer Furnished Transportation

Transportation is held out by the employer as an inducement to employment, a condition of employment or is incidental to employment.

(a) Employer Owned Automobiles

Automobiles owned, or leased for one year or more by an employer and used to provide transportation only for employees of the employer.

(b) Employee Owned Automobiles

Automobiles owned, or leased for one year or more by an individual employee and used to provide transportation only for fellow employees.

(2) All Other

Automobiles which do not meet the employer owned automobile classification requirements.

h. *Transportation of Employees – Other Than Van Pools* – automobiles of any type used to transport employees other than as defined in Section B.1.g. of this Rule.

(1) Automobiles that are owned or leased for one year or more by an employer and used to transport only his own employees. The classification code applicable to these vehicles is 5851.

(a) automobiles that can be classified as private passenger types in accordance with the eligibility requirements described in Rule 61 – Eligibility of Section IV – Private Passenger Types of this Manual shall be rated in accordance with the provisions of Rule 63 – Premium Development of Section IV – Private Passenger Types of this Manual.

(b) all other automobiles that cannot be classified as private passenger types in accordance with the eligibility requirements described in Rule 61 – Eligibility of Section IV – Private Passenger Types of this Manual shall be rated as van pools.

- (2) Automobiles that are owned or leased for one year or more by a person or organization who is in the business of transporting employees of one or more employers shall be classified and rated in accordance with Rule 72 – Public Automobile Classifications and Rule 73 – Premium Development – Other than Zone Rated Automobiles for automobiles described as a Bus Not Otherwise Classified in Section B.1.f.(8) of this Rule.

2. Radius Class

Determine radius on a straight line from the street address of the automobile's motor vehicle registration. For leased automobiles, use the street address of the lessee's business to determine radius.

- a. Local – up to 50 miles – the automobile is not operated beyond a radius of 50 miles from the street address where such automobile is registered.
- b. Intermediate – 51-200 miles – the automobile is operated beyond a radius of 50 miles but not beyond a radius of 200 miles from the street address where such automobile is registered.
- c. Long distance – over 200 miles – the automobile is operated beyond a 200 mile radius from the street address where such automobile is registered. Apply zone rates for all autos other than taxis, limousines, school, church and urban buses and van pools.

C. Geographic Classification

Risks with a primary classification of Other Buses described in Section B.1.f.(1), or Sections B.1.f.(3) – (8) of this Rule are subject to zone rating if the automobile is regularly operated beyond a 200 mile radius from the street address of principal garaging where place of principal garaging is defined in this Rule.

1. Determining Zone or Zone Combination for Zone Rated Risks

Determine the zone or zone combination and code for each automobile as follows:

- a. Use the Long Distance Zone Definitions in the Rate Section to determine the appropriate zone combination as described in Sections C.1.b. and C.1.c. of this Rule.
- b. When an automobile is principally garaged in a regional zone and operates in that zone and in one or more metropolitan zones, the zone combination is the regional zone and the metropolitan zone farthest away.
- c. In all other situations, the zone combination is the zone of the automobile's registration and the zone included in the automobile's operations farthest from that point.

Examples:

- a. The automobile is registered in Worcester, Massachusetts (regional zone 49) and operates in Utica, New York (regional zone 48) and Hartford, Connecticut (metropolitan zone 12). The proper zone combination is 49 and 12.
- b. The automobile is registered in Springfield, Massachusetts (regional zone 49) and operates in Bangor, Maine (regional zone 49). The proper zone combination is 49.
- c. The automobile is registered in Boston, Massachusetts (metropolitan zone 03) and operates in New York City (metropolitan zone 26) and Utica, New York (regional zone 48). The proper zone combination is 03 and 48.

Refer to the Long Distance Zone Definitions and the Zone Rating Tables in the Rate Section.

2. Determining Principal Place of Garaging for Non-Zone Rated Risks

For risks that are not subject to zone rating, the rating territory shall be determined by the highest rated territory through or in which the public automobile operates. The highest rated territory is the territory with the highest manual premiums for compulsory and optional bodily injury liability at \$20,000 per person, \$40,000 per accident and \$5,000 property damage as shown on the Public Automobiles Liability rate pages in the Rate Section. A rating territory other than the highest rated territory may apply if the risk supplies credible documentation that 80% or more of a public

automobile's operation is outside the highest rated territory. Refer to the Territory Schedule in the Rate Section.

D. Secondary Classifications

A secondary classification is assigned to risks with a primary classification of Other Buses and described in Section B.1.f. of this Rule that do not qualify for zone rating, and to risks with a primary classification of School Bus as described in Section B.1.d. or Church Bus as described in Section B.1.e. of this Rule. The secondary classification is based on the seating capacity of the automobile.

Apply the following criteria to determine the seating capacity of the automobile:

1. Use the seating capacity specified by the manufacturer of the automobile unless a public authority rules otherwise.
2. Do not include the driver's seat when determining seating capacity.
3. If a truck, tractor or trailer is classified as a public automobile, determine the seating capacity from the size class as follows:

| <u>Size Class</u> | <u>Seating Capacity</u> |
|-------------------|-------------------------|
| Light | 1 to 8 |
| Medium | 9 to 20 |
| Heavy | 21 to 60 |
| Extra-Heavy | Over 60 |

RULE 73. PREMIUM DEVELOPMENT – OTHER THAN ZONE RATED AUTOMOBILES

This Rule shall apply to all classifications described in Rule 72 – Public Automobile Classifications except for the classifications described in Section B.1.h.(1) of Rule 72.

A. Determine the rating territory code from the Territory Schedule in the Rate Section in accordance with the provisions of Rule 72.C. – Public Automobile Classifications.

B. Determine the Combined Rating Factor

Determine the classification code and combined rating factor as follows:

1. Determine whether the risk is classified as fleet or non-fleet according to Rule 72 – Public Automobile Classifications.
2. Determine the primary rating factor from the applicable Public Transportation Classification Codes and Primary Rating Factors table in the Rate Section, based on the automobile’s use and radius class and in accordance with Rule 72 – Public Automobile Classifications. For van pools, the primary rating factor is based on seating capacity as defined in Rule 72.D. – Public Automobile Classifications.
3. Determine the secondary rating factor, if applicable, from the Public Transportation Secondary Classification Codes and Rating Factors table in the Rate Section, based on the seating capacity and in accordance with Rule 72 – Public Automobile Classifications.
4. Determine the combined rating factor by adding the secondary rating factor to the primary rating factor.

C. Premium Computation

1. Liability and Personal Injury Coverages

Use the rating territory as determined in Section A. of this Rule to determine the rate for the applicable liability coverage level from the appropriate Public Automobiles rate pages in the Rate Section. Apply the rating factor from the appropriate Public Transportation Rating Factors and Statistical Codes table in the Rate Section to the liability rate to compute the final premium.

| <u>Coverage</u> | <u>Rate Pages to be Used*</u> | | | | |
|-----------------------------|------------------------------------|---|--|---|---------|
| Compulsory BI (A-1) | Public Automobiles Liability | X | Combined Rating Factor (from Rule 73.B.) | = | Premium |
| PIP (A-2) | | | | | |
| Property Damage (PDL) | | | | | |
| Optional BI (B) | | | | | |
| Medical Payments | | | | | |
| Uninsured Motorist (U-1) | | | | | |
| Underinsured Motorist (U-2) | N/A | | | | |

*Use the following table to determine the appropriate Public Automobiles rate page to reference for each of the primary classifications described in Rule 72.B. – Public Automobile Classifications.

| Rule 72.B. – Primary Classification Section | Public Automobiles Liability Rate Page Title Rule |
|---|--|
| Rule 72.B.1.a. | Taxis – Owner Operator, Rented or Leased and All Other |
| Rule 72.B.1.b. | Limousines |
| Rule 72.B.1.c. | Car Service |
| Rule 72.B.1.e., 72.B.1.d. | Church and School Buses |
| Rule 72.B.1.f.(7), 72.B.1.f.(8), 72.B.1.h.(2) | Social Services and Bus N.O.C. |
| Rule 72.B.1.f.(1)-(6) | Other Buses |
| Rule 72.B.1.g., 72.B.1.h.(1)(b) | Van Pools |

2. Physical Damage Coverages

- a. These rating procedures apply to public automobiles that are classified as van pools in accordance with Section B.1.g. of Rule 72 or are classified as being used for transportation of employees in accordance with Section B.1.h.(1)(b) of Rule 72 – Public Automobile Classifications.

The premiums for physical damage coverage reflected in the Rate Section are on an actual cash value basis. For coverage on a stated amount or agreed value basis, refer to Rule 42.D. and E. – physical Damage Coverage Rating Procedures in Section II – Common Coverages and Rating Procedures of this Manual.

Determine the original cost new and age of the vehicle to be insured according to Rule 42.C. – Physical Damage Coverage Rating Procedures in Section II – Common Coverages and Rating Procedures of this Manual and the rating territory according to Section C.2. of Rule 72 – Public Automobile Classifications to obtain the premium at the selected deductible from the Van Pools rate pages in the Rate Section.

If a higher other than collision deductible is desired, determine the \$500 deductible rate from the Van Pools rate pages and charge the indicated percentage for the deductible desired.

To compute the final physical damage premium, multiply the collision and comprehensive rates by the combined rating factor determined in accordance with Section B. of this Rule. If collision – waiver of deductible coverage exists, add the premium associated with the applicable deductible level to the final collision premium.

| <u>Coverage</u> | <u>Rate Pages to be Used</u> | | | | | | |
|-----------------------------------|------------------------------|---|---|---|--|---|---------|
| Collision (\$500 Deductible) | Van Pools Physical Damage | X | N/A | X | Combined Rating Factor (from Rule 73.B.) | = | Premium |
| Collision – Waiver of Deductible | | | | | N/A | | |
| Comprehensive (\$500 Deductible) | | | Percentage for >\$500 Deductible Option (from Physical Damage Rate Pages) | | Combined Rating Factor (from Rule 73.B.) | | |

The premium for limited collision coverage is obtained by multiplying the percentage indicated on the Van Pools physical damage rate pages in the Rate Section by the final collision premium. Rating procedures for additional limited collision coverage options are also described on the Van Pools rate pages in the Rate Section.

- b. Refer to the Public Vehicles Rating Procedures in the Rate Section for automobiles other than Van Pools.

RULE 74. PREMIUM DEVELOPMENT – ZONE RATED AUTOMOBILES

- A. Determine the classification code and primary rating factor in accordance with Rule 72.B. – Public Automobile Classifications.

- B. Premium Computation

- 1. Liability and Personal Injury Coverages

Determine the zone or zone combination according to Rule 72.C. to determine the bodily injury (\$20,000 per person, \$40,000 per accident) and \$5,000 property damage liability premium from the Zone Rating Table in the Rate Section. Apply the indicated factors to the premium obtained from the Zone Rating Table to compute the final premium.

| <u>Coverage</u> | <u>Rate Pages to be Used</u> | | | | | | |
|-----------------------|--|---|------|---|---|---|---------|
| Compulsory BI | \$20,000/\$40,000 Bodily Injury (from the Zone Rating Table) | | 0.86 | | Primary Rating Factor** (from Rule 72.B.) | = | Premium |
| PIP | \$20,000/\$40,000 Bodily Injury (from the Zone Rating Table) | | 0.04 | | | | |
| Property Damage | \$5,000 Property Damage (from the Zone Rating Table) | X | N/A | X | | | |
| Optional BI* | \$20,000/\$40,000 Bodily Injury (from the Zone Rating Table) | | 0.10 | | | | |
| Medical Payments | Trucks, Tractors and Trailers Liability | | | | N/A | | |
| Uninsured Motorist | Public Automobiles Liability | | N/A | | | | |
| Underinsured Motorist | | | | | | | |

*Refer to Rule 40 – Increased Liability Limits in Section II – Common Coverages and Rating Procedures for determining increased limits.

**Secondary rating factors do not apply, however, report secondary statistical codes from the Secondary Classification Codes and Rating Factors table in the Rate Section.

2. Physical Damage Coverages

The premiums for physical damage coverage reflected in the Rate Section are on an actual cash value basis. For coverage on a stated amount or agreed value basis, refer to Rule 42.D. and E. – Physical Damage Coverage Rating Procedures in Section II – Common Coverages and Rating Procedures of this Manual.

Determine the original cost new and age of the automobile to be insured according to Rule 42.C. – Physical Damage Coverage Rating Procedures in Section II – Common Coverages and Rating Procedures of this Manual.

For collision coverage, use the original cost new and age to determine the base premium from the Long Distance Physical Damage Base Premiums Table in the Rate Section. The base premium for collision coverage is determined according to whether the automobile is a truck, trailer, or semi-trailer or a truck-tractor or automobile used in dumping operations. Use truck base premiums for trailers or semitrailers unless the automobile is used in dumping operations.

For comprehensive coverage, use the original cost new and age to determine the \$300 or \$500 base premium from the Long Distance Physical Damage table in the Rate Section.

If a higher deductible is desired for either comprehensive or collision, refer to the Long Distance Physical Damage premium development page in the Rate Section.

Apply the physical damage factor for the zone combination from the Zone Rating Table and the primary rating factor determined in accordance with Section A. of this Rule to the base premiums obtained from the Long Distance Physical Damage Base Premiums Table to compute the final premium.

| <u>Coverage</u> | <u>Rate Pages to be Used</u> | | | | | | |
|-----------------|---|---|---|---|--|---|---------|
| Collision | Long Distance Physical Damage Base Premiums | X | Collision Factor (from Zone Rating Table) | X | Primary Rating Factor* (from Rule 72.B.) | = | Premium |
| Comprehensive | | | Comprehensive Factor (from Zone Rating Table) | | | | |

*Secondary rating factors do not apply, however, report secondary statistical codes from the Secondary Classification Codes and Rating Factors table in the Rate Section.

RULE 75. RESERVED FOR FUTURE USE

RULE 76. TRANSPORTATION OF MIGRANT FARM WORKERS BY FARM LABOR CONTRACTORS

This rule applies only to automobiles of a farm labor contractor required to be registered in accordance with the Migrant and Seasonal Agricultural Workers Protection Act.

A. Eligible Class Codes

1. Passenger Hazard Included (Class Code 5926)
2. Passenger Hazard Excluded (Class Code 5927)

B. Premium Computation

1. Rate each automobile as an inter-city bus (Rule 72.B.1.f.(1)) and calculate the otherwise applicable non-fleet premium for each risk according to the provisions of Rule 73 – Premium Development –

Other than Zone Rated Automobiles. If an automobile subject to this rule is of a truck type, the secondary rating factor should reflect a seating capacity of 21-60 in accordance with this Rule.

2. Passenger Hazard Included

Multiply the compulsory and optional bodily injury liability, personal injury protection and property damage liability premiums determined in Section B.1. of this Rule by 0.50 to determine the final premium.

3. Passenger Hazard Excluded

Multiply the compulsory and optional bodily injury liability, personal injury protection and property damage liability premiums determined in Section B.1. of this Rule by 0.375 to determine the final premium.

RULES 77-85 RESERVED FOR FUTURE USE.