

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 14,774

IN THE MATTER OF:

Served May 20, 2014

FLOATERS TRANSPORTATION, INC.,)
Suspension and Investigation of)
Revocation of Certificate No. 1254)

Case No. MP-2013-144

This matter is before the Commission on respondent's request for refund of a \$100 late insurance fee.

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 1254 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

The \$1.5 million primary WMATC Insurance Endorsement on file for respondent expired without replacement on November 28, 2013. As a result, Certificate No. 1254 was automatically suspended under Regulation No. 58-12, and a \$100 late insurance fee became due and payable under Regulation No. 67-03(c), as noted in Order No. 14,383, served December 2, 2013.

Respondent filed an acceptable replacement Endorsement on January 28, 2014, and tendered a \$100 online credit card payment on February 3, 2014, and the suspension of Certificate No. 1254 was lifted on February 4, 2014, in Order No. 14,545.

Respondent requests a refund of the late fee on the grounds that there was no lapse in coverage, "the insurance company was closed for the Thanksgiving holiday," and "they provided the proof on the first business day after the holiday." We find these grounds unavailing for three reasons.

First, Regulation No. 58-03 stipulates that a WMATC Insurance Endorsement shall be on file with the Commission at all times. No WMATC Endorsement was on file for respondent from 12:01 a.m. November 28, 2013, until 11:58 a.m. January 28, 2014.

Second, a carrier should anticipate that its insurance broker and insurance company will be closed for business on Thanksgiving Day, and possibly the following day as well, and plan accordingly.

Third, the Commission has no record of receiving any "proof" of insurance coverage for respondent after Certificate No. 1254 was

suspended on November 28, 2013, other than the WMATC Endorsement received two months later on January 28, 2014.

Accordingly, the request is denied.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER, HOLCOMB, AND BROWN:

A handwritten signature in black ink, appearing to read "W. S. Morrow, Jr.", written in a cursive style.

William S. Morrow, Jr.
Executive Director