

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7461

IN THE MATTER OF:

Served October 10, 2003

E-Z MEDICAL WHEELS, INC.,)
Revocation of Certificate of)
Insurance and Investigation of)
Suspension and Revocation of)
Certificate No. 376)

Case No. MP-2003-110

Under Regulation No. 58-09, the Commission may, upon thirty (30) days' notice, revoke its approval of any WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) if, in the judgment of the Commission, such security does not comply with the Commission's regulations or for any reason fails to provide satisfactory or adequate protection for the public.

On September 4, 2003, respondent filed a WMATC Certificate of Insurance and Policy Endorsement (WMATC Endorsement) for \$1.5 million in primary coverage from the Progressive Casualty Insurance Company (Progressive). On September 29, 2003, the Progressive WMATC Endorsement was terminated by replacement when respondent filed a WMATC Endorsement for \$1.5 million in primary coverage from Liberty Mutual Insurance Company (Liberty Mutual). On October 6, 2003, the Commission received a declaration for business auto (declaration) from Progressive which shows that one of respondent's drivers was added to the policy - indicating that the policy is still active. Vehicle lists obtained from both Progressive and Liberty Mutual show that the majority of respondent's vehicles are listed on both policies.

"Normally, the WMATC Insurance Endorsement acts as a backstop since it provides coverage even in the event a vehicle is not identified in the policy, but the Endorsement is of little value if a claimant is not given accurate policy information."¹ Thus, until respondent cancels one of these policies, the public remains at risk.

Accordingly, respondent's WMATC Insurance Endorsement shall be revoked. Respondent shall have thirty days to file the necessary replacement WMATC Insurance Endorsement(s) for one policy and proof that the other policy has been cancelled.

THEREFORE, IT IS ORDERED:

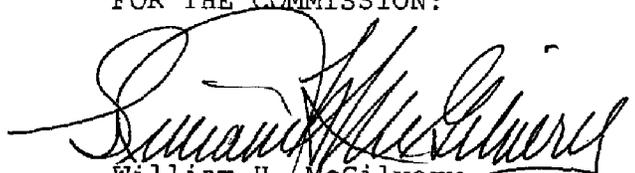
1. That respondent's \$1.5 million primary WMATC Insurance Endorsement is hereby revoked, effective thirty days from the date of this order.

¹ In re ACEP Group Inc., No. MP-02-128, Order No. 7069 (Mar. 4, 2003).

2. That respondent shall have thirty days to file the necessary replacement WMATC Insurance Endorsement(s) for one of its two motor vehicle liability policies and proof that the other policy has been cancelled.

3. That Certificate No. 376 shall be automatically suspended under Regulation No. 58-02, and subject to revocation pursuant to Article XI, Section 10(c), of the Compact, if respondent fails to timely comply with the requirements of this order.

FOR THE COMMISSION:



William H. McGilvery
Executive Director