

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8621

IN THE MATTER OF:

Served April 1, 2005

AMERICARE MEDICAL TRANSPORT, INC., )  
Revocation of Certificate of )  
Insurance and Investigation of )  
Suspension and Revocation of )  
Certificate No. 730 )

Case No. MP-2005-37

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 January 10, 2005, respondent filed a WMATC Insurance Endorsement for \$1.5 million in primary coverage from the National Indemnity Company (National Indemnity). On January 12, 2005, the National Indemnity 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).

Vehicle lists obtained from the two insurance companies show that the National Indemnity policy is intended to apply to a 2004 Ford and the Liberty Mutual policy to a 2003 Mercury. The insurance companies have confirmed that coverage remains in effect under 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."<sup>1</sup> Thus, until respondent cancels one of these policies, the public remains at risk. For example, if the National Indemnity policy is later cancelled, anyone injured in an accident involving the 2004 Ford is at risk of being informed that the policy has been cancelled and no coverage is available, even though coverage would be available under the Liberty Mutual WMATC Endorsement. The Commission has revoked the WMATC Insurance Endorsements of other carriers in the past under similar circumstances.<sup>2</sup>

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<sup>1</sup> In re E-Z Medical Wheels, Inc., MP-03-110, Order No. 7461 (Oct. 10, 2003).

<sup>2</sup> See Order No. 7461 (multiple vehicles, separate primary coverage policies); In re Nile Express Transport, Inc., MP-00-22, Order No. 5939 (July 21, 2000) (same).

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.

2. That respondent shall have thirty days from the date of this order to: (1) file the necessary replacement WMATC Endorsement(s) for one policy; (2) file proof that the other policy has been cancelled; and (3) file a list of revenue vehicles from the insurance company identified in the replacement endorsement(s).

3. That unless respondent complies with the requirements of this order within the time allowed, Certificate of Authority No. 730 shall be invalid and stand automatically suspended pursuant to Article XI, Section 7(g), of the Compact and Commission Regulation No. 58-02 and shall be subject to immediate revocation without further proceedings.

4. That respondent may file within fifteen days from the date of this order a request for oral hearing, indicating the grounds for the request, describing the evidence to be adduced and explaining why such evidence cannot be adduced without oral hearing.

FOR THE COMMISSION:



William S. Morrow, Jr.  
Executive Director