

CHAPTER 20:10:02
GENERAL MOTOR CARRIER RULES

(Repealed.)

Section

- ~~20:10:02:01 ————— Repealed.~~
- ~~20:10:02:02 ————— Insurance required for motor carriers of persons.~~
- ~~20:10:02:03 ————— Insurance required for motor carriers of property.~~
- ~~20:10:02:04 ————— Cargo insurance or bond.~~
- ~~20:10:02:05 ————— Repealed.~~
- ~~20:10:02:06 ————— Records to be kept open — Changes must be filed.~~
- ~~20:10:02:07 ————— Repealed.~~
- ~~20:10:02:08 ————— Identification of vehicles required.~~
- ~~20:10:02:09 ————— Identification of leased vehicles required.~~
- ~~20:10:02:10 ————— Repealed.~~
- ~~20:10:02:11 ————— Removal of identification.~~
- ~~20:10:02:12 to 20:10:02:15 — Repealed.~~
- ~~20:10:02:16 ————— Class B carriers — Loading of livestock.~~
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- ~~20:10:02:18 ————— "Property" defined.~~
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~~20:10:02:30 Class B carriers Grain carriage.~~
~~20:10:02:31 Grounds for dismissal of applications.~~

~~20:10:02:01. Applications for authority. Repealed.~~

~~Source: SL 1975, ch 16, § 1; repealed, 12 SDR 85, effective November 24, 1985.~~

~~20:10:02:02. Insurance required for motor carriers of persons. Any class A or class B motor carrier of persons, or applicant for such authority, may secure and file with the commission liability and indemnity insurance covering its operations as such motor carrier, in lieu of the public liability bond and undertaking set forth in SDCL 49-28-16. The policy shall be not less than the following amounts for each motor vehicle employed:~~

~~(1) Seating capacity one to seven: bodily injury, \$25,000 to \$100,000 and property damage, \$10,000;~~

~~(2) Seating capacity eight to twelve: bodily injury, \$25,000 to \$150,000 and property damage, \$10,000;~~

~~—— (3) Seating capacity thirteen to twenty: bodily injury, \$25,000 to \$200,000 and property damage, \$10,000;~~

~~—— (4) Seating capacity twenty one to thirty: bodily injury, \$25,000 to \$250,000 and property damage, \$10,000;~~

~~—— (5) Seating capacity of thirty one or more: bodily injury, \$25,000 to \$350,000 and property damage, \$10,000.~~

~~—— **Source:** SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.~~

~~—— **General Authority:** SDCL 49-28-33.~~

~~—— **Law Implemented:** SDCL 49-28-18.~~

~~—— **20:10:02:03. Insurance required for motor carriers of property.** Any motor carrier of property or applicant for such authority may secure and file with the commission liability and indemnity insurance covering its operations as such motor carrier in lieu of the public liability bond and undertaking set forth in SDCL 49-28-16, and such policy shall be for each motor vehicle employed not less than the following amounts:~~

~~—— (1) For bodily injuries to or death of one person: \$25,000;~~

~~—— (2) For bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of \$25,000 for bodily injuries to or death of one person): \$100,000;~~

~~—— (3) For loss or damages in any one accident to property of others (excluding cargo): \$10,000.~~

~~—— Such liability and indemnity insurance shall in all cases carry the South Dakota endorsement for motor carrier policies of insurance for bodily injury and property damage. Such~~

~~policies shall be evidenced by certificates of insurance in the form prescribed by the commission, and must be issued on a continuous until cancelled basis.~~

~~—— **Source:** SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.~~

~~—— **General Authority:** SDCL 49-28-33.~~

~~—— **Law Implemented:** SDCL 49-28-18.~~

~~—— **20:10:02:04. Cargo insurance or bond.** A class A or class B motor carrier of property or applicant for authority to carry property shall file with this commission a corporate surety bond or cargo insurance covering the loss of or damage to property in the possession or custody of the carrier for the purpose of being transported in the minimum amount of \$5,000 for loss of or damage to property carried on any one motor vehicle and \$10,000 for loss of, damage to, or aggregate of losses or damages of or to, property occurring at any one time and place. All insurance policies shall carry the South Dakota endorsement for motor carrier policies of insurance for cargo liability. The filing may be evidenced by certificates of insurance on the form prescribed by the commission. The policy must be issued on a continuous until cancelled basis.~~

~~—— **Source:** SL 1975, ch 16, § 1; 9 SDR 55, effective November 7, 1982; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.~~

~~—— **General Authority:** SDCL 49-28-33.~~

~~—— **Law Implemented:** SDCL 49-28-18.~~

~~—— **20:10:02:05. Carrying capacity.** Repealed.~~

~~—— **Source:** SL 1975, ch 16, § 1; repealed, 12 SDR 85, effective November 24, 1985.~~

~~—— **20:10:02:06. Records to be kept open --- Changes must be filed.** Copies of tariffs, naming rates and fares to be charged, together with all the rules, regulations, and classifications~~

~~governing them, shall be kept open for public inspection by every carrier engaged in transportation of persons or property by motor vehicle at its principal office, and a copy thereof and all amendments thereto or changes therein must be filed with the commission before becoming effective.~~

~~—— **Source:** SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.~~

~~—— **General Authority:** SDCL 49-28-33.~~

~~—— **Law Implemented:** SDCL 49-28-25, 49-28-48.~~

~~—— **20:10:02:07. Improper loading.** Repealed.~~

~~—— **Source:** SL 1975, ch 16, § 1; repealed, 12 SDR 85, effective November 24, 1985.~~

~~—— **20:10:02:08. Identification of vehicles required.** Motor vehicles operated by a motor carrier on the public highways shall be plainly identified by numbers and letters not less than two inches in height in a conspicuous place on each side of the power unit as follows:~~

~~—— (1) For class A carriers, the letters and figures: "Permit, S.D. no.....A";~~

~~—— (2) For class B carriers, the letters and figures: "Permit, S.D. no.....B";~~

~~—— (3) For class C carriers, the letters and figures: "Permit, S.D. no.....C".~~

~~—— **Source:** SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.~~

~~—— **General Authority:** SDCL 49-28-33.~~

~~—— **Law Implemented:** SDCL 49-28-2.1, 49-28-8.1.~~

~~—— **20:10:02:09. Identification of leased vehicles required.** When a motor vehicle is operated by a motor carrier for hire acquiring the use of the equipment under the terms of a bona~~

~~vide lease, the requirement prescribed in § 20:10:02:08 shall apply to such leased or acquired motor equipment during the term of said lease.~~

~~—— **Source:** SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.~~

~~—— **General Authority:** SDCL 49-28-33.~~

~~—— **Law Implemented:** SDCL 49-28-2.1, 49-28-8.1.~~

~~—— **20:10:02:10. Identification of vehicles of owner operators performing for hire operations.** Repealed.~~

~~—— **Source:** SL 1975, ch 16, § 1; repealed, 12 SDR 85, effective November 24, 1985.~~

~~—— **20:10:02:11. Removal of identification.** The motor vehicle marking required by § 20:10:02:08 must be removed or entirely effaced by the owner of such vehicle before any sale, lease or transfer of ownership is made, or upon the expiration or cancellation of the insurance policy, bond or authority.~~

~~—— **Source:** SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.~~

~~—— **General Authority:** SDCL 49-28-33.~~

~~—— **Law Implemented:** SDCL 49-28-2.1, 49-28-8.1.~~

~~—— **20:10:02:12. Lighting of closed passenger vehicles.** Repealed.~~

~~—— **Source:** SL 1975, ch 16, § 1; repealed, 12 SDR 85, effective November 24, 1985.~~

~~—— **20:10:02:13. Accounting.** Repealed.~~

~~—— **Source:** SL 1975, ch 16, § 1; repealed, 12 SDR 85, effective November 24, 1985.~~

~~—— **20:10:02:14. Safety equipment required.** Repealed.~~

~~—— **Source:** SL 1975, ch 16, § 1; repealed, 12 SDR 85, effective November 24, 1985.~~

~~20:10:02:15. Intrastate operations of interstate carriers prohibited. Repealed.~~

~~Source: SL 1975, ch 16, § 1; repealed, 12 SDR 85, effective November 24, 1985.~~

~~20:10:02:16. Class B carriers -- Loading of livestock. All class B motor carriers of livestock shall observe the following requirements when loading livestock:~~

~~(1) Whenever two or more kinds of livestock (horses, cattle, hogs, calves, and sheep) are carried on a motor vehicle at the same time, each kind of livestock shall be partitioned off from the other kind or kinds, except that veal calves and sheep may be carried in the same compartment. In addition, large hogs shall be partitioned off from pigs. Bulls, horned or unruly cattle, shall be securely tied or partitioned from other cattle carried in the same vehicle;~~

~~(2) Whenever animals carried in the same vehicles do not reasonably fill all available space, partitions shall be used to confine the animals to a space where they can be comfortably carried without jostling and falling. No additional freight, spare tires, or other article not used in the handling of livestock, shall be carried in a compartment which also contains livestock. As far as practical, all racks and partitions shall be free from projections which may bruise or otherwise injure the animals carried;~~

~~(3) Whenever an upper deck is used for the transportation of livestock, the under side of the upper deck shall at all times clear all animals standing on the main floor of the vehicle. Cleated inclines or ramps shall be provided for the loading and unloading of upper decks;~~

~~(4) Floors of vehicles carrying livestock must be cleated or bedded sufficiently to prevent slipping. Such bedding shall consist of straw, fine gravel, sawdust, or other practical material.~~

~~Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.~~

~~General Authority: SDCL 49-28-33.~~

~~—— **Law Implemented:** SDCL 49-28-2.1.~~

~~—— **20:10:02:17. Class C carriers -- Written contract requirements.** The contract between a shipper and a class C carrier shall be a continuing contract, in writing, signed by the shipper and carrier and accepted for filing by the commission before operations under the contract are conducted. The contract shall include the rate or rates and charges.~~

~~—— **Source:** SL 1975, ch 16, § 1; 9 SDR 55, effective November 7, 1982; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.~~

~~—— **General Authority:** SDCL 49-28-33.~~

~~—— **Law Implemented:** SDCL 49-28-8.1, 49-28-9.1.~~

~~—— **20:10:02:18. "Property" defined.** The term "property" as used in class B permits includes:~~

~~—— (1) All property without restriction when transported between authorized points within the base area (base point plus radial area as authorized), except as provided in § 20:10:02:19;~~

~~—— (2) Livestock, agricultural products, farm machinery and farm equipment, animal or poultry feed, petroleum products in containers, and used household goods in other than van type equipment, when transported between authorized points within the base area and other points in the state;~~

~~—— (3) Dry fertilizer, in bags and bulk when transported between points, including municipalities, within the base area and other points in the state;~~

~~—— (4) All materials, supplies and equipment used in the production of agricultural commodities, when transported in single shipments to rural places or authorized municipalities of less than 500 population within the base area from other points in the state.~~

~~Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.~~

~~General Authority: SDCL 49-28-33.~~

~~Law Implemented: SDCL 49-28-4.1, 49-28-8.1.~~

~~**20:10:02:19. Class B carriers -- Property not permitted to be carried.** Class B carriers of property may not transport the following classes of property unless specifically authorized in their permit: household goods in van type equipment; heavy road construction machinery, contractors' materials, and other construction supplies or articles which, by reason of size or weight, require special equipment or handling; oilfield equipment, materials and supplies; liquid commodities in bulk requiring special equipment; less than truckload shipments of general merchandise between municipalities; cement; buildings and sections of buildings, mounted on wheeled undercarriages with hitch ball connector; and trailer houses or mobile homes on wheels.~~

~~Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.~~

~~General Authority: SDCL 49-28-33.~~

~~Law Implemented: SDCL 49-28-4.1, 49-28-8.1.~~

~~**20:10:02:20. Class A carriers -- Charter operations.** Any class A motor carrier of persons may transport special or chartered parties to and from any point regularly served by such carrier under authority in its class A permit or permits.~~

~~Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.~~

~~General Authority: SDCL 49-28-33.~~

~~Law Implemented: SDCL 49-28-8.1.~~

~~20:10:02:21. Class A and B carriers -- Bills of lading.~~ All class A and B carriers, except buses, must issue a bill of lading or freight bill containing the following information for each shipment transported:

- ~~(1) The names of the shipper and the party to whom the shipment is consigned;~~
 - ~~(2) The points of origin and destination;~~
 - ~~(3) A description of the commodity transported;~~
 - ~~(4) The weight of the property being transported, except when it is impossible to weigh;~~
- and
- ~~(5) The exact rate or rates assessed.~~

~~Source:~~ SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

~~General Authority:~~ SDCL 49-28-33.

~~Law Implemented:~~ SDCL 49-28-40.

~~20:10:02:22. Copies of bills of lading to be kept by drivers and principal office.~~ A copy of the bill of lading or freight bill must be in the possession of the driver of the transporting vehicle at all times when the shipment is being transported and shall be made available by the driver for inspection by any commissioner, the commissioner's authorized agent, or any other person authorized by law to inspect it. The carriers shall file and retain, at their principal office or place of business, copies of all bills of lading or freight bills issued for not less than two years from the date issued. The bills of lading or freight bills shall be made available, upon demand of any commissioner or other person authorized to act as agent for the commission, for inspection and copying.

~~Source:~~ SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

~~— **General Authority:** SDCL 49-28-33.~~

~~— **Law Implemented:** SDCL 49-28-40, 49-28-48.~~

~~— **20:10:02:23. All carriers -- Leasing requirements.** All carriers must comply with the following leasing requirements:~~

~~— (1) A lease of motor carrier equipment must be bona fide and not be used as a means of permitting a second or third party to operate under somebody else's permit;~~

~~— (2) The lease shall provide for the exclusive possession, control, and use of the equipment and for the complete assumption of responsibility with respect thereto by the lessee for the duration of the lease and shall completely remove the vehicle from the control and domination of the lessor for the term of the lease. The lease must be for a specific time. The lease shall specify the compensation to be paid by the lessee for the rental of the leased equipment;~~

~~— (3) Trip leases need not be filed with the commission but must be retained by the lessee and be available to any authorized person for a period of two years, and a copy must be carried in the leased vehicle at the time of operation. All permanent leases must be filed with and approved by the commission;~~

~~— (4) The actual performance under the lease, rather than the stipulations of the document itself, shall be deemed to be conclusive evidence of the character of the operation thereunder.~~

~~— **Source:** SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.~~

~~— **General Authority:** SDCL 49-28-33.~~

~~— **Law Implemented:** SDCL 49-28-42.~~

~~— **20:10:02:24. All carriers -- Restriction on leases.** A motor carrier may not lease the motor carrier's equipment to any person, firm, or corporation other than an authorized motor~~

carrier. Both doors of the leased power unit shall have affixed thereto a placard which has the following information printed upon it in a legible manner: "Vehicle leased to (name of lessee); P.U.C. number (in accordance with § 20:10:02:08)".

—— **Source:** SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

—— **General Authority:** SDCL 49-28-33.

—— **Law Implemented:** SDCL 49-28-42.

—— ~~20:10:02:25. Class B carriers -- Carriage of cement.~~ All class B motor carriers of property, for hire, operating under permits in which their authority is limited and defined in § 20:10:02:18 may have their present operating authority amended to include the transportation, for hire, of cement, in bags, in single shipments of not more than 24,000 pounds per trip, from Rapid City, South Dakota, to points, including municipalities, within the radial area described in the permit; and between points, including municipalities, within said radial area, by the submission of an application and the payment of the application fee.

—— **Source:** SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

—— **General Authority:** SDCL 49-28-33.

—— **Law Implemented:** SDCL 49-28-8.1.

—— ~~20:10:02:26. Class B carriers -- Livestock carriage.~~ A class B motor carrier authorized to transport livestock, either by specific reference to livestock in the permit or by application of § 20:10:02:18, may transport livestock to and from livestock auction markets, livestock dealers, National Farmers Organization collection points, and any point where livestock is assembled for purchase and sale, in all municipalities within the base area described in the permit.

~~Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.~~

~~General Authority: SDCL 49-28-33.~~

~~Law Implemented: SDCL 49-28-8.1.~~

~~20:10:02:27. Federal safety regulations adopted. Repealed.~~

~~Source: SL 1975, ch 16, § 1; repealed, 12 SDR 85, effective November 24, 1985.~~

~~20:10:02:28. All carriers -- Handling of loss and damage claims. Every authorized intrastate motor carrier subject to the provisions of SDCL 49-28, upon the receipt of a notice in writing of loss of, or damage to, cargo during the transportation shall:~~

~~(1) Acknowledge receipt in writing within 15 days. Acknowledgment shall either inform the claimant that the notice has been accepted for processing as a claim or point out the deficiencies which prevent it from being recorded as a claim. Upon the receipt of a properly documented claim, the carrier shall record the date of receipt on the claim;~~

~~(2) Commence an investigation to determine whether it acknowledges or denies liability for the loss or damage;~~

~~(3) Maintain a separate file on each claim for loss or damage and keep in the file all documents, acknowledgments, instruments, correspondence, memoranda, and other writings relating to the claim. A carrier may keep a single register of claims for both interstate and intrastate claims. Claim files shall be made available for inspection immediately upon request by any law enforcement officer or Public Utilities Commission personnel;~~

~~(4) Either acknowledge or deny liability for the loss or damage, in writing, outlining the reasons if denied in whole or in part, within 120 days after receipt of the original claim. If for reasons beyond the control of the carrier, the claim cannot be processed and disposed of within~~

~~120 days after the receipt thereof, the carrier shall at that time advise the claimant in writing of the status of the claim and the reasons for the delay in making final disposition thereof and shall answer all further inquiries from the claimant or the Public Utilities Commission within 15 days after such inquiry is made. Payment by the carrier shall not be withheld or postponed pending receipt of payment or acknowledgment of liability by connecting carriers except for good cause shown;~~

~~— A violation of this section is grounds for suspension of authority, revocation of authority, or other appropriate action.~~

~~— **Source:** SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.~~

~~— **General Authority:** SDCL 49-28-33.~~

~~— **Law Implemented:** SDCL 49-28-2.1, 49-28-33.~~

~~— **20:10:02:29. Household goods carriers -- Advertising must include permit number.** A motor carrier of household goods shall not advertise in any publication, including a telephone directory, unless the advertisement includes the class B motor carrier permit number issued by the commission.~~

~~— **Source:** SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.~~

~~— **General Authority:** SDCL 49-28-33.~~

~~— **Law Implemented:** SDCL 49-28-2.1, 49-28-33.~~

~~— **20:10:02:30. Class B carriers -- Grain carriage.** A class B motor carrier authorized to transport grain, either by specific reference to grain in the permit or by application of~~

~~§ 20:10:02:18, may transport grain to and from public grain warehouses in all municipalities within the base area described in the permit.~~

~~—— **Source:** SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.~~

~~—— **General Authority:** SDCL 49-28-33.~~

~~—— **Law Implemented:** SDCL 49-28-8.5.~~

~~—— **20:10:02:31. Grounds for dismissal of applications.** If a motor carrier making application for a permit pursuant to SDCL 49-28 fails or refuses to provide information required by the commission or fails to proceed to hearing on the application within a reasonable time, the commission may dismiss the application upon 30 days notice to the applicant. Following dismissal of an application, a motor carrier must submit a new application in accordance with SDCL 49-28-9.5 before a permit may be granted.~~

~~—— **Source:** 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.~~

~~—— **General Authority:** SDCL 49-28-33.~~

~~—— **Law Implemented:** SDCL 49-28-9.1.~~