

CHAPTER 20:10:03

REGULATED MOTOR CARRIERS UNDER ICC

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- 20:10:03:36 State taxes and fees not affected.

20:10:03:01. Definitions. ~~Words used in this chapter mean:~~ Terms defined in SDCL 49-28-1 have the same meaning when used in this chapter. In addition, terms used in this chapter mean:

(1) "Driveaway operation," an operation in which any vehicle or vehicles operated singly or in lawful combination, new or used, not owned by the transporting motor carrier is the commodity being transported;

~~(2) "ICC," the interstate commerce commission;~~

~~(3) "Law," all applicable constitutional and statutory provisions and rules adopted by the commission;~~

~~(4) "Motor carrier," a motor carrier of passengers or property holding operating authority issued by the interstate commerce commission;~~

~~(5) "NARUC," the National Association of Regulatory Utility Commissioners;~~

~~(6) (2) "Participating state," shall mean the state of South Dakota; a state which participates in the Single State Registration System in compliance with 49 C.F.R. Part 367 (October 1, 2000).~~

~~(3) "Principal place of business," a single location that serves as a motor carrier's headquarters and where the motor carrier maintains or can make available its operational records; and~~

~~(7) "State commission" or "commission," the Public Utilities Commission of the state of South Dakota, whose address is 500 East Capitol, Pierre, South Dakota, 57501;~~

~~(8) "Vehicle," a self-propelled or motor-driven vehicle operated by a motor carrier under authority issued by the interstate commerce commission;~~

~~(9) (4) "Within the borders of the state," includes interstate operations to, from, within, or traversing the state of South Dakota.~~

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 49-28-36.

20:10:03:02. When registration is required of ICC regulated motor carriers. A regulated, for hire motor carrier that is required to registered register annually with the ICC one participating state by providing evidence of its federal registration and shall ~~may~~ not operate within the borders of the state ~~unless and~~ until an application has been filed with and approved by the commission for the registration of its authority issued by the ICC and it has complied with all other requirements of this chapter. ~~A motor carrier need file only that portion of its authority permitting operations within the borders of the state. It does not need to file an emergency or temporary operating authority having a duration of 90 consecutive days or less if it has registered its other authority under the provisions of this chapter.~~

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 49-28-36.

20:10:03:02.01 Selection of South Dakota as registration state. Each regulated motor carrier required to register and pay filing fees must select a single participating state as its registration state. The registration state is South Dakota for motor carriers whose principal place of business is in South Dakota or for motor carriers who maintain their principal place of business outside of a participating state and the motor carrier will operate the largest number of its motor vehicles in South Dakota during the registration year.

Source: 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-28-33.

Law Implemented: SDCL 49-28-36.

20:10:03:03. Exemption from registration for previous filings. A motor carrier which has previously filed an application for registration of its authority issued by the ICC does not have to file another application to register additional authority secured from the ICC. Repealed.

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 49-28-36.~~

20:10:03:04. Form and execution of application. An application for the single state registration under § 20:10:03:02 shall be in the form prescribed by 49 C.F.R. ~~4023.12 (October 1, 1984)~~ Part 367 Appendix A (October 1, 2000) or on forms made available by the commission. ~~The application shall be printed on a rectangular card or sheet of paper 11 inches in height and 8 1/2 inches in width.~~ The application shall be

completed and executed by an official of the motor carrier.

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 49-28-36.

20:10:03:05. Filing of initial application. A motor carrier that intends to begin operating during the registration year may register at any time, but it must do so before it begins operating. ~~An~~ The complete application for the single-state registration of operating authority shall be filed with the commission. The application with the attached must be submitted with the following items:

- (1) A copy of the ~~ICC~~ FHWA operating authority letter;
- (2) A list of process agents as required by federal Form BOC-3; and
- (3) Satisfactory proof of required insurance or qualification as a self-insurer.

A power of attorney is to be completed when the motor carrier is using a reporting service or licensing agent and the service's or agent's mailing address is to be used as the motor carrier's mailing address. The appropriate fees must be submitted to the commission with the application. The application and attached documents ~~shall be~~ are retained 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 49-28-36

20:10:03:08. Filing of ~~designation~~ designated of local process agents. A motor carrier shall file the ~~name~~ names and ~~address~~ addresses of a ~~local agent~~ process agents for service of process with the commission ~~on the uniform application for registration of interstate operating authority as set forth in forms made available~~

by the commission, or by furnishing the commission with a true copy of the designation of such ~~agent~~ agents filed with the ~~interstate commerce commission~~ FHWA.

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 49-28-36.4.

20:10:03:10. When registration and identification of vehicles required. ~~A motor carrier shall not operate a vehicle or engage in driveaway operations under authority issued by the ICC within the borders of the state unless and until the vehicle or driveaway operation has been registered with the commission in accordance with this chapter, and all other requirements of this chapter have been complied with.~~ Repealed.

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 49-28-36.~~

20:10:03:11. Process of Renewal or supplemental registration procedures outlined. ~~On or before the 31st day of January of each calendar year, but not earlier than the preceding 1st day of November, a motor carrier shall apply to the commission for an identification stamp or stamps for the registration and identification of the vehicle or vehicles which it intends to operate or driveaway operations which it intends to conduct within the borders of the state during the ensuing year. The motor carrier may apply for such number of stamps as is sufficient to cover its vehicles or driveaway operations which it anticipates will be placed in operation or conducted during the period for which the stamps are effective.~~ From September 1 until December 15 and no later than December 31 of each calendar year, a motor carrier currently registered in good standing with the

commission may apply for renewal of its single state registration. The renewal application is on a form made available by the commission and is to be completed and executed by an official of the motor carrier. The motor carrier may file one or more supplemental applications for ~~additional stamps~~ supplemental registrations if the need therefor arises or is anticipated as needed during the registration year to add states and to add vehicles. The renewal and supplemental applications must be submitted with the appropriate fees.

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 49-28-36.

20:10:03:11.01. Maintaining current information on file. A motor carrier must supplement its filings under § 20:10:03:05 to ensure current information is on file with the commission. After a carrier has submitted:

- (1) A copy of the FHWA operating authority letter;
- (2) A list of process agents as required by federal Form BOC-3; and
- (3) Satisfactory proof of required insurance or qualification as a self-insurer,

the carrier certifies these items remain effective when the motor carrier, or an official of the motor carrier, signs the renewal applications and supplemental applications.

Source:

General Authority: SDCL 49-28-33.

Law Implemented: SDCL 49-28-36.

20:10:03:12. Stamps Registrations issued by commission - Restrictions on use. If the commission determines that the motor carrier has complied with all applicable provisions of this chapter, the commission shall issue to the motor carrier ~~the~~ a registration form, Form RS-3, for the participating states

~~and the number of vehicles to be operated as indicated on the motor carriers application number of identification stamps requested. An identification stamp~~ A registration form issued under the provisions of this chapter shall be used for registering and identifying a vehicle ~~or driveaway operation operated or conducted~~ by a motor carrier under authority issued by the ~~ICC~~ FHWA and shall not be used for distinguishing between the vehicles operated by the same motor carrier. A motor carrier receiving ~~an identification stamp~~ a registration form under this chapter shall not knowingly permit its use by any other person or organization.

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 49-28-36.

20:10:03:14. Application for cab cards. ~~On or before the 31st day of January of each calendar year, but not earlier than the preceding 1st day of November, a motor carrier shall apply to the NARUC or to the commission for a sufficient supply of uniform identification cab cards for the registration and identification of the vehicle or vehicles which it intends to operate, or driveaway operations which it intends to conduct, within the borders of the state during the ensuing year. Repealed.~~

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 49-28-36.~~

20:10:03:15. Issuance of cab cards - Instructions for use. ~~The NARUC or the commission shall issue to the motor carrier the number of cab cards requested. A motor carrier receiving a cab card under this section shall not knowingly permit its use by any other person or organization. Prior to operating a vehicle,~~

~~or conducting a driveaway operation, within the borders of the state during the ensuing year, the motor carrier shall place an identification stamp on the back of a cab card in the square bearing the name of South Dakota so that the stamp cannot be removed without defacing it. The motor carrier shall thereupon complete the certificate printed on the front of the cab card so the card will identify the vehicle or driveaway operation, and shall enter the appropriate expiration date in the space provided below the certificate. The expiration date may not exceed 16 months from the date the cab card is executed and shall not be later than the expiration date of any identification stamp placed on the back thereof, and, in the case of a vehicle leased by the motor carrier, the expiration date shall not exceed the expiration date of the lease. Repealed.~~

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 49-28-36.~~

20:10:03:16. Termination date of cab cards and identification stamps. ~~The registration and identification of a vehicle or driveaway operation under this chapter and the identification stamp evidencing same and the cab card prepared therefor are void on the 1st day of February in the succeeding calendar year, unless registration is terminated prior thereto. Repealed.~~

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 49-28-36.~~

20:10:03:17. Form and execution of application for identification stamps. ~~The application for the issuance of identification stamps shall be in the form prescribed by 49 CFR 1023.33 (October 1, 1984) or on forms made available by the commission. The application shall be printed on a rectangular card or~~

sheet of paper 11 inches in height and 8 1/2 inches in width. The application shall be completed and executed by an official of the motor carrier, and shall be accompanied by a fee of five dollars for each identification stamp. The application for the issuance of stamps shall be executed by an official of the motor carrier. Repealed.

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 49-28-36.~~

20:10:03:18. Form of identification stamps. ~~The identification stamps issued under this chapter by the commission shall bear its name, the expiration date of the first day of February in the succeeding calendar year, and the geographical outline of the state of South Dakota. The stamp shall be square and shall not exceed one inch on each side. Repealed.~~

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 49-28-33.~~

20:10:03:19. Form of cab card Registration forms, Form RS-3. ~~The cab card issued under this chapter shall be in the form prescribed by 49 CFR 1023.36 (October 1, 1984) and shall bear the seal of the NARUC. The cab card shall be printed on a rectangular card 11 inches in height and 8 1/2 inches in width. Upon compliance by a motor carrier with the original, renewal, or supplemental registration requirements, the commission will issue a registration form reflecting the motor carrier has filed the required proof of insurance and paid fees in accordance with the requirements. The registration form, Form RS-3, as~~

prescribed by 49 C.F.R. § 367.5 must only contain information identifying the motor carrier and specifying the states for which fees were paid. Supplemental registration forms shall only contain information relating to the supplemental applications.

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 49-28-36.

20:10:03:20. Use of ~~cab cards~~ registration forms, Form RS-3. ~~Except for vehicles used for driveaway operations, the cab card shall be maintained in the cab of the vehicle for which it was prepared whenever the vehicle is operated under the authority of the carrier identified in the cab card. A motor carrier must maintain in each of its motor vehicles a copy of the registration form, Form RS-3, indicating it has filed the required proof of insurance and paid appropriate fees for each state in which it operates. A cab card shall not be used for any vehicle except the vehicle for which it was originally prepared. A motor carrier shall not prepare two or more cab cards which are effective for the same vehicle at the same time. In the case of a driveaway operation, the cab card shall be~~ registration form is maintained in the cab of the vehicle furnishing the motive power for the driveaway operation whenever it is operated under the authority of the motor carrier identified ~~in~~ on the ~~cab card~~ registration form.

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 49-28-36.

20:10:03:21. Inspection of the ~~cab card~~ registration form, Form RS-3. A ~~cab card~~ registration form, Form RS-3, shall, upon demand, be presented by the driver to authorized government personnel for

inspection.

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 49-28-36.

20:10:03:22. Destruction and expiration of cab-cards registration forms, Form RS-3. Each motor carrier shall destroy ~~the a cab-card~~ registration form, Form RS-3, immediately upon its expiration, midnight on December 31st of the registration year for which it was issued. ~~except as otherwise provided in § 20:10:03:23.~~

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 49-28-36.

20:10:03:23. When cab-card registration forms, Form RS-3, may be transferred. ~~A motor carrier permanently discontinuing the use of a vehicle for which a cab-card has been prepared shall nullify the cab-card at the time of such discontinuance; but if the discontinuance was the result of destruction, loss, or transfer of a vehicle owned or operated by the carrier and the carrier substitutes a newly acquired vehicle within 30 days after the date of the discontinuance, each identification stamp placed on the cab-card prepared for the discontinued vehicle, if the card is still in the possession of the carrier, may be transferred to the substitute vehicle by compliance with the following procedure:~~

(1) ~~The motor carrier shall complete and execute the certificate printed on the front of a new cab card to identify the motor carrier and the substitute vehicle and shall enter the appropriate expiration date in the space provided below the certificate;~~

(2) ~~The motor carrier shall enter the date it terminated use of the discontinued vehicle in the space~~

~~provided for an early expiration date which appears below the certificate of the cab card prepared for the vehicle; and~~

~~(3) The motor carrier shall affix the cab card prepared for the substitute vehicle to the front of the cab card prepared for the discontinued vehicle by permanently attaching the upper lefthand corners of both cards together in such a manner as to permit inspection of the contents of both cards. Thereupon, each identification stamp appearing on the back of the card prepared for the discontinued vehicle shall apply to the operation of the substitute vehicle. A motor carrier may transfer official copies of its valid registration form, Form RS-3, from vehicles taken out of service to their replacement vehicles.~~

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 49-28-36.

20:10:03:24. Effect of alteration of ~~cab cards~~ registration forms, Form RS-3 - Procedure for replacement. Any erasure, alteration, or unauthorized use of ~~a cab card~~ the registration form, Form RS-3, shall render it void. If a ~~cab card~~ registration form, Form RS-3, is lost, destroyed, mutilated, or becomes illegible, a new ~~cab card~~ registration form, Form RS-3 may be ~~prepared and new identification stamps may be issued therefor~~ issued upon application by the motor carrier ~~and upon payment of the fee prescribed for the original issuance to 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 49-28-36.

20:10:03:25. External identification. ~~A motor carrier does not have to display any external~~

~~identification upon a vehicle other than the identification required by regulations of the interstate commerce commission. This section does not apply to any external identification of vehicles required to indicate the payment of a state tax or fee imposed for revenue purposes or for any other purpose not within the purview of subsection (b) of section 202 of the Interstate Commerce Act, 49 USC 11506. Repealed.~~

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 49-28-36.~~

20:10:03:33. Interim operations pending commission approval. ~~If the commission fails to act upon a filing made under these rules within 30 days after its receipt, the motor carrier for whose benefit the filing was made may begin operations within the borders of the state in such manner as if the filing had been acted upon favorably by the commission. The motor carrier may continue such operations until the commission acts upon the filing. Repealed.~~

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 49-28-36.~~

20:10:03:34. Uniform identification cab card required. ~~Any uniform identification cab card form not supplied by the NARUC is void. Motor carriers may obtain such forms from the NARUC or the commission. The commission when supplying such forms shall charge the fee fixed by the NARUC. Repealed.~~

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 49-28-36.~~

20:10:03:35. Forms to be completed by typewriter or in ink. ~~A typewriter or indelible ink shall be used in entering information in the blank spaces appearing on forms prepared under this chapter. Repealed.~~

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 49-28-36.~~