

CHAPTER 20:10:04

EXEMPT MOTOR CARRIERS NOT UNDER ICC

Section

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20:10:04:01. 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 combinations, 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 for compensation engaged in interstate or foreign commerce when its operation is exempt from economic regulation by the Interstate Commerce Commission under the Interstate Commerce Act, as amended;~~
- ~~(5)~~(1) "NARUC," the National Association of Regulatory Utility Commissioners, whose address is 1101 Vermont Avenue NW, Suite 200, Washington D.C., 20005, and phone number is (202)898-2200; and
- ~~(6) "State commission" or "commission," the Public Utilities Commission of the state of South Dakota;~~

(7) ~~"Vehicle," a self-propelled or motor-driven vehicle operated by a motor carrier; and;~~

(8)(2) "Within the borders of the state," includes interstate 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.

20:10:04:02. Registration required of exempt, interstate, for hire motor carriers ~~exempt from ICC regulation.~~ An interstate, for hire motor carrier that is exempt from ~~ICC~~ FHWA regulation ~~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 such operation as prescribed by this chapter and it has complied with all other requirements 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.

20:10:04:03. Form and execution of application. The application for the registration under § 20:10:04:02 ~~shall be~~ is on a ~~forms~~ form made available by the commission. ~~The application shall be printed on a rectangular card or sheet of paper 11 inches high and 8 1/2 inches wide.~~ The application ~~shall be~~ is completed and executed by an official of the exempt motor carrier.

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.

20:10:04:04. Filing of application - - Registration Fee. The application for the registration of ~~such exempt motor carrier operation operations~~ shall ~~be~~ is filed ~~in duplicate~~ with the commission. The original application ~~shall be~~ is retained by the commission. New applicants are required to submit proof of insurance on Form E, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, as adopted from 49 C.F.R. § 387.301 (October 1, 2000), with the application for registration. The registration fee for a new applicant and for exempt motor carriers who have not renewed their registration is \$25. The registration fee and the fees for the number of identification stamps requested must accompany the application. The other copy of the application or an acknowledgment shall be transmitted to the motor carrier when the application is approved 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.

20:10:04:06. Filing of designation of process agent. ~~The motor carrier shall designate a local agent for service of process with the commission by showing the name and address of such agent on the uniform application for registration of interstate motor carrier operations exempt from ICC regulation on forms made available by the commission. 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 49-28-36.4.

20:10:04:07. Registration and identification required to operate. A An exempt motor carrier may not operate a vehicle ~~or engage in driveaway operations~~ within the state ~~unless and~~ until the vehicle exempt motor

carrier is registered ~~and identified~~ with the commission in accordance with this chapter and there has been a compliance with all other requirements 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.

20:10:04:08. Process of registration. ~~On or before the thirty first day of January of each calendar year, but not earlier than the preceding first day of November, each interstate motor carrier shall apply to the commission for the issuance of 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 exempt 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. The exempt motor carrier may file supplemental applications and pay the appropriate fees for additional stamps if the need arises or is anticipated.~~

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.

20:10:04:09. Stamps issued by commission -- Restrictions on use. If the commission determines that a an exempt motor carrier has complied with all applicable provisions of this chapter, the commission shall issue to the exempt motor carrier the number of identification stamps requested. An identification stamp issued under this chapter shall be used for registering and identifying a vehicle being operated by a an exempt motor carrier, and may not be used for distinguishing between the vehicles operated by the same exempt motor carrier.

A An exempt motor carrier receiving an identification stamp under this chapter may 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.

20:10:04:10. Only one stamp per vehicle. ~~Any provisions of chapter 20:10:03 notwithstanding, no motor carrier must purchase or display more than one identification stamp for any one vehicle regardless of whether the vehicle performs transportation authorized by the ICC or transportation exempt from regulation by 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.~~

20:10:04:11. Application for Obtaining cab cards. ~~On or before the thirty first day of January of each calendar year, but not earlier than the preceding first day of November, a An exempt motor carrier shall may obtain apply to the National Association of Regulatory Utility Commissioners, or to the commission, for the issuance of a sufficient supply of uniform identification cab cards for use in connection with 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 from NARUC.~~

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.

20:10:04:12. 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~~ An exempt motor carrier receiving obtaining a cab card under this chapter may not knowingly permit its use by any other person or organization. Prior to operating a vehicle within the borders of the state during the ensuing year, the exempt motor carrier shall ~~place~~ affix ~~an~~ the identification stamp on the back of a cab card in the square bearing the name of the state so that it cannot be removed without defacing it. ~~The motor carrier shall thereupon complete the certificate printed on the front of the cab card so that the card will identify the vehicle or driveaway operation. The motor carrier 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 may not be later in time than the expiration date of any identification stamp placed on the back thereof. In the case of a vehicle leased by the motor carrier, the expiration date may not exceed the expiration date of the 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 49-28-36.

20:10:04:13. ~~Termination~~ Expiration date of cab cards and stamps. ~~The registration and identification of a vehicle under this chapter, the identification stamp~~ stamps ~~evidencing same, and the cab card prepared therefor are void~~ expire at midnight on the December 31 first day of February of the registration year for which they were issued ~~in the succeeding calendar year, unless the registration is terminated earlier.~~

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.

20:10:04:14. Form and execution of application for identification stamps. ~~The application for identification stamps shall be in the form set forth in 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 cab cards 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.~~

20:10:04:15. Form of identification stamp. An identification stamp 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 as provided in § 20:10:04:13,~~ and the geographical outline of the state of South Dakota. The stamp shall be a square and may not exceed one inch on each side.

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.

20:10:04:16. Form of cab card. ~~The cab card shall be in the form prescribed by 49 C.F.R. 1023.36 (October 1, 1984).~~ 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.~~

20:10:04:17. Use of cab cards. A cab card shall be maintained in the cab of the vehicle for which it was prepared whenever the vehicle is operated ~~by the carrier identified in the cab card.~~ A cab card shall not be used for any vehicle except the vehicle for which it was originally prepared. ~~A~~ An exempt 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 maintained in the cab of the vehicle furnishing the motive power for the driveaway operation whenever such an operation is conducted by the carrier identified in the cab card.~~

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.

20:10:04:19. Destruction of cab cards. Each exempt motor carrier shall destroy a cab card immediately upon its expiration, ~~except as otherwise provided in § 20:10:04:20.~~

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.

20:10:04:20. When cab card 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 results from destruction, loss, or transfer of a vehicle owned or operated by a carrier and the carrier provides a newly acquired vehicle in substitution therefor within 30 days of the date of such discontinuance, each identification stamp placed on the cab card prepared for the discontinued vehicle, if such 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, so as to identify itself and the substitute vehicle, and shall enter the appropriate expiration date in the space provided below such certificate;~~

~~(2) The motor carrier shall indicate when it terminated use of the discontinued vehicle by entering that date in the space provided for an early expiration date which appears below the certificate of the cab card prepared for such 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 left hand 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. 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.~~

20:10:04:21. Effect of alteration of cab card identification stamps -- Procedure for replacement. If a cab card an identification stamp is lost, destroyed, mutilated, or becomes illegible, a new cab card may be prepared and a new identification stamps or numbers stamp may be issued therefor upon application by the exempt motor carrier and upon payment of the fee prescribed for the original. Any erasure, improper alteration, or unauthorized use of a cab card an identification stamp shall render it void.

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.

20:10:04:22. Liability insurance certificate or surety bond required. An exempt motor carrier shall not operate within the borders of the state unless and until there ~~shall have~~ has been filed with and accepted by the commission, a current effective certificate of insurance or surety bond evidencing bodily injury and property damage liability security as prescribed by this chapter ~~in amounts as follows:~~ for the minimum amounts of liability security required by law.

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

~~(2) For bodily injuries to or death to 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 damage in any one accident to property of others (excluding cargo): \$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 49-28-36.

20:10:04:23. Form and execution of liability insurance certificate. The certificate of insurance required by § 20:10:04:22 shall state that the insurer has issued to ~~such~~ an exempt motor carrier a policy of insurance which by endorsement provides automobile bodily injury and property damage liability insurance covering the obligations imposed upon such exempt motor carrier carriers by ~~the provisions of the law of this state.~~ The certificate shall be in the form set forth in Form E, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, as adopted from 49 C.F.R. § 387.301 (October 1, 2000), ~~as prescribed by 49 C.F.R. 1023.51 (October 1, 1984).~~ ~~The certificate shall be printed on a rectangular card 5 inches in height and 8 inches in width.~~ The certificate shall be completed and executed by such insurer.

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.

20:10:04:24. Form and execution of liability insurance endorsement. ~~The endorsement referred to in § 20:10:04:23 shall be attached to the insurance policy and shall form a part of it. The endorsement shall be in the form set forth in Form F as prescribed by 49 C.F.R. 1023.53 (October 1, 1984). The endorsement shall be printed on a rectangular card or sheet of paper 5 inches in height and 8 inches in width. The endorsement shall be completed and executed by the insurer.~~ 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.~~

20:10:04:25. Form and execution of liability surety bond. The surety bond referred to in § 20:10:04:22 shall be in the form set forth in Form G as prescribed by ~~49 C.F.R. 1023.54 (October 1, 1984)~~ 49 C.F.R. 387.301 (October 1, 2000). The bond shall be printed on a rectangular card 5 inches in height and 8 inches in width. The bond shall be completed and executed by the surety and principal.

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.

20:10:04:26. Notice of insurance cancellation. An insurance policy issued under §§ 20:10:04:22 to ~~20:10:04:25~~ 20:10:04:23, inclusive, must provide ~~that~~ the commission will be given notice of the cancellation of

an exempt motor carrier's bodily injury and property damage liability insurance by filing with the commission the form of notice set forth in Form K, Uniform Notice of Cancellation of Motor Carrier Insurance Policies, as adopted from 49 C.F.R. § 387.301 (October 1, 2000). ~~as prescribed by 49 C.F.R. 1023.71 (October 1, 1984).~~ The notice shall be ~~printed on a rectangular card 5 inches in height and 8 inches in width.~~ The notice shall be completed and executed by the insurer.

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.

20:10:04:27. Notice of bond cancellation. A surety or motor carrier under §§ 20:10:04:22 to 20:10:04:25, inclusive, shall give to the commission notice of cancellation of motor carrier bodily injury and property damage liability surety bond by filing with the commission the form of notice set forth in Form L as prescribed by ~~49 C.F.R. 1023.72 (October 1, 1984)~~ 49 C.F.R. 387.301 (October 1, 2000). The notice shall be printed on a rectangular card 5 inches in height and 8 inches in width. The notice shall be completed and executed by the surety or 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.

20:10:04:28. Requirements of forms. ~~Forms must meet the requirements of § 20:10:03:34. 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.~~

20:10:04:29. Completion of forms. ~~Forms must be completed pursuant to § 20:10:03:35.~~ 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.~~

20:10:04:30. State taxes and fees. Nothing in this chapter shall affect the collection or method of collection of taxes or fees by the state from exempt motor carriers for the operation of vehicles within the borders of 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 49-28-36.