RM01-001

RM01-001

DOCKET NO.

In the Matter of IN THE MATTER OF REVISIONS TO MOTOR CARRIER RULES

Public Utilities Commission of the State of South Dakota

DATE	MEMORANDA
8/15/01	Fiscal Note;
8/15/01	Notice of Public Hearing to Adopt Rules;
8/16/01	Admission of Service Signed by Dave Vogt;
8/16/01	Waiver of Waiting Period signed by Dave Vogt;
8/16/01	Admission of Service signed by B&M;
8/16/01	Admission of Service signed by LRC;
8/17/01	Affidavit of Mailing Notice to Interested Parties;
8/24/01	Affidavit of Publication;
10/27/01	Fiscal Note signed by B&M;
9/5/01	Affidavit of Publication;
9/13/01	Affidavit of Mailing Notice to Interested Parties;
10/2/01	Affidavit of Publication (Black Hills Herald);
10/5/01	Affidavit of Publication (Capital Journal);
10/5/01	Affidavit of Publication (Brookings Register);
11/27/01	Minutes;
11/28/01	Affidavit;
11/29/01	Approval of Rules;
12/10/01	Certificate;
12/10/01	Docket Closed.

STATE PUBLISHING CO., PIERRE, SOUTH DAKOTA—SMEAD 98 3P14130

ADMINISTRATIVE PROCEDURES ACT
FISCAL NOTE
Prepared by Submitting Agency

	CODE	NAME
DEPARTMENT	13	Department of Commerce and Regulation
DIVISION	139	Public Utilities Commission
PROGRAM	1392	Warehouse Division

PROPOSED RULES Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:35, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:06 to 20:10:04:17, inclusive and §§ 20:10:04:19 to 20:10:04:30, inclusive.
Hearing Date September 12, 2001

FISCAL NOTE SUMMARY:
List state agencies of local governmental subdivisions affected.

COST INCREASES (DECREASES)

State Agencies:	First-Year Impact	Continuous-Yearly Impact
TOTAL	0	0
Local Subdivisions:		
TOTAL	0	0
Revenue Increases (Decreases) State & Local:		
TOTAL	0	0

APPROVED James A. Burg DATE 8/15/01
Signature Department Secretary or Board or Commission Chairman

ARTICLE 20:10

PUBLIC UTILITIES

Chapter	
20:10:01	General rules of practice
20:10:02	General motor carrier rules, Repealed
20:10:03	Regulated Motor carriers ~~under ICC~~
20:10:04	Exempt Motor carriers ~~not under ICC~~
20:10:05	General telecommunications company rules
20:10:06	Telecommunications records
20:10:07	Telecommunications subscriber billing rules
20:10:08	Telecommunications credit
20:10:09	Refusal of telecommunications service
20:10:10	Disconnection of telecommunications service
20:10:11	Public warehouses
20:10:12	Grain dealers
20:10:13	Public utilities rate filing rules
20:10:14	Procedure rules for public utilities, Repealed or transferred
20:10:15	General gas and electric rules
20:10:16	Gas and electric utility records and public information rules
20:10:17	Gas and electric customer billing rules
20:10:18	Gas and electric service rules
20:10:19	Establishment of gas and electric credit
20:10:20	Refusal and disconnection of gas and electric service
20:10:21	Energy facility plans
20:10:22	Energy facility siting rules
20:10:23	Gas and electric advertising rules
20:10:24	Interexchange carrier and classification rules
20:10:25	Telecommunications facility construction notice rules, Repealed
20:10:26	Master metering variance rules
20:10:27	Telecommunications switched access filing rules
20:10:28	Telecommunications separations procedures
20:10:29	Telecommunications switched access charges
20:10:30	Assignment of N11 dialing codes
20:10:31	Assessment of fees for intrastate gas pipeline operators
20:10:32	Local exchange service competition
20:10:33	Service standards for telecommunications companies
20:10:34	Prohibition against unauthorized changing of telecommunications company and charging for unauthorized services

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.

20:10:02:17 Class C carriers—Written contract requirements.

20:10:02:18 "Property" defined.

20:10:02:19 Class B carriers—Property not permitted to be carried.

20:10:02:20 Class A carriers—Charter operations.

20:10:02:21 Class A and B carriers—Bills of lading.

20:10:02:22 Copies of bills of lading to be kept by drivers and principal office.

~~20:10:02:23 All carriers—Leasing requirements.~~

~~20:10:02:24 All carriers—Restriction on leases.~~

~~20:10:02:25 Class B carriers—Carriage of cement.~~

~~20:10:02:26 Class B carriers—Livestock carriage.~~

~~20:10:02:27 Repealed.~~

~~20:10:02:28 All carriers—Handling of loss and damage claims.~~

~~20:10:02:29 Household goods carriers—Advertising must include permit number.~~

~~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~~

~~fide 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 nails 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 floor of the upper deck shall be of such tight construction as to prevent leakage on the lower deck. Coated inclines or ramps shall be provided for the loading and unloading of upper decks;~~

~~(4) Floors of vehicles carrying livestock must be covered with bedding sufficient 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; 13 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.~~

CHAPTER 20:10:03

REGULATED MOTOR CARRIERS ~~UNDER ICC~~

Section

20:10:03:01	Definitions.
20:10:03:02	When registration is required of ~~ICC~~ regulated motor carriers.
20:10:03:02.01	Selection of South Dakota as registration state.
20:10:03:03	~~Exemption from registration for previous filings.~~ Repealed.
20:10:03:04	Form and execution of application.
20:10:03:05	Filing of initial application.
20:10:03:06 and 20:10:03:07	Repealed.
20:10:03:08	Filing of ~~designation~~ designated ~~of local~~ process agents.
20:10:03:09	Repealed.
20:10:03:10	~~When registration and identification of vehicles required.~~ Repealed.
20:10:03:11	~~Process of~~ Renewal or supplemental registration procedures ~~outlined~~.
20:10:03:11.01	Maintaining current information on file.
20:10:03:12	~~Stamps~~ Registrations issued by commission – Restrictions on use.
20:10:03:13	Repealed.
20:10:03:14	~~Application for cab cards.~~ Repealed.
20:10:03:15	~~Issuance of cab cards - Instructions for use.~~ Repealed.
20:10:03:16	~~Termination date of cab cards and identification stamps.~~ Repealed.
20:10:03:17	~~Form and execution of application for identification stamps.~~ Repealed
20:10:03:18	~~Form of identification stamps.~~ Repealed.
20:10:03:19	~~Form of cab card~~ Registration forms. Form RS-3.

20:10:03:20	Use of ~~cab cards~~ registration forms, Form RS-3.
20:10:03:21	Inspection of the ~~cab card~~ registration form, Form RS-3.
20:10:03:22	Destruction and expiration of ~~cab cards~~ registration forms, Form RS-3.
20:10:03:23	When ~~cab card~~ registration forms, Form RS-3, may be transferred.
20:10:03:24	Effect of alteration of ~~cab cards~~ registration forms, Form RS-3 - Procedure for replacement.
20:10:03:25	~~External identification.~~ Repealed.
20:10:03:26 to 20:10:03:32	Repealed.
20:10:03:33	~~Interim operations pending commission approval.~~ Repealed.
20:10:03:34	~~Uniform identification cab card required.~~ Repealed.
20:10:03:35	~~Forms to be completed by typewriter or in ink.~~ Repealed.
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. ~~1023.12 (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, 198-) 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.~~

CHAPTER 20:10:04

EXEMPT MOTOR CARRIERS ~~NOT UNDER ICC~~

Section

20:10:04:01 Definitions.

20:10:04:02 Registration required of exempt, interstate, for hire motor carriers ~~exempt from ICC regulation~~.

20:10:04:03 Form and execution of application.

20:10:04:04 Filing of application - - Registration Fee.

20:10:04:05 Repealed.

20:10:04:06 ~~Filing of designation of process agent.~~ Repealed.

20:10:04:07 Registration ~~and identification~~ required to operate.

20:10:04:08 Process of registration.

20:10:04:09 Stamps issued by commission -- Restrictions on use.

20:10:04:10 ~~Only one stamp per vehicle.~~ Repealed.

20:10:04:11 ~~Application for~~ Obtaining cab cards.

20:10:04:12 Issuance of cab cards -- Instructions for use.

20:10:04:13 ~~Termination~~ Expiration date of ~~cab cards and~~ stamps.

20:10:04:14 ~~Form and execution of application for identification stamps.~~ Repealed.

20:10:04:15 Form of identification stamp.

20:10:04:16 ~~Form of cab card.~~ Repealed.

20:10:04:17 Use of cab cards.

20:10:04:18 Inspection of the cab card.

20:10:04:19 Destruction of cab cards.

20:10:04:20 ~~When cab card may be transferred.~~ Repealed.

20:10:04:21 Effect of alteration of ~~cab card~~ identification stamps -- Procedure for replacement.

20:10:04:22 Liability insurance certificate or surety bond required.

20:10:04:23 Form and execution of liability insurance certificate.

20:10:04:24 ~~Form and execution of liability insurance endorsement.~~ Repealed.

20:10:04:25 Form and execution of liability surety bond.

20:10:04:26 Notice of insurance cancellation.

20:10:04:27 Notice of bond cancellation.

20:10:04:28 ~~Requirements of forms.~~ Repealed.

20:10:04:29 ~~Completion of forms.~~ Repealed.

20:10:04:30 State taxes and fees.

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 ~~on~~ 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~~ 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.

EXPLANATION OF RULES EFFECT

The Public Utilities Commission will hold a hearing in Room 412, 4th floor, State Capitol, Pierre, South Dakota, on September 12, 2001, at 10:00 a.m. to consider the adoption and amendment of proposed rules numbered Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:35, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:06 to 20:10:04:17, inclusive, and §§ 20:10:04:19 to 20:10:04:30, inclusive.

The effect of the proposed rules will result in the Public Utilities Commission's motor carrier administrative rules conforming with State and Federal transportation laws and policies.

The reason for repealing Chapter 20:10:02 is because the Commission no longer regulates intrastate motor carriers. The rules contained in Chapters 20:10:03 and 20:10:04 are being revised to bring the rules into conformity with changes that have been made to State and Federal transportation laws and policies. For these reasons, there are no fiscal impacts on state agencies or local governmental subdivisions.



South Dakota Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

August 15, 2001

Brookings Register
P. O. Box 177
Brookings, SD 57006-0177

To whom it may concern:

Please publish the enclosed notice in your paper as a display advertisement for one issue by August 21, 2001.

South Dakota law requires that this notice be published as a display advertisement. Your failure to return your Affidavit of Publication containing the words "display advertisement" with your invoice will nullify your claim for publication fees

Sincerely yours,

Rolayne Ailts Wiest
Commission Counsel

RAW:dk
Enc.

Capitol Office
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FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
1-800-332-1782

TTY Through
Relay South Dakota
1-800-877-1113

Internet Website
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Gregory A. Rislov
Keith Senger
Rolayne Ailts Wiest



South Dakota
Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

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Dave Jacobson
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Jennifer Kirk
Bob Knadle
Delaine Kolbo
Charlene Lund
Gregory A. Rislov
Keith Senger
Rolayne Ailts Wiest

August 15, 2001

Black Hills Pioneer
P. O. Box 7
Spearfish, SD 57783-0007

To whom it may concern:

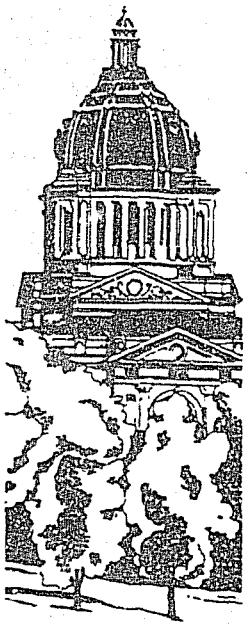
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Sincerely yours,

Rolayne Ailts Wiest
Commission Counsel

RAW:dk
Enc.



South Dakota Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

August 15, 2001

Capital Journal
P. O. Box 878
Pierre, SD 57501-0878

To whom it may concern:

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South Dakota law requires that this notice be published as a display advertisement Your failure to return your Affidavit of Publication containing the words "display advertisement" with your invoice will nullify your claim for publication fees.

Sincerely yours,

Rolayne Ailts Wiest
Commission Counsel

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Heather K. Forney
Kelly D. Frazier
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Jennifer Kirk
Bob Knadle
Delaine Kolbo
Charlene Lund
Gregory A. Rislov
Keith Senger
Rolayne Ailts Wiest

Public Utilities Commission
Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 412, 4th floor, State Capitol, Pierre, South Dakota, on September 12, 2001, at 10:00 a.m., to consider the adoption and amendment of proposed rules numbered

Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:35, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:06 to 20:10:04:17, inclusive, and §§ 20:10:04:19 to 20:10:04:30, inclusive

The effect of the proposed rules will result in the Public Utilities Commission's motor carrier administrative rules conforming with State and Federal transportation laws and policies.

The reason for repealing Chapter 20:10:02 is because the Commission no longer regulates intrastate motor carriers. The rules contained in Chapters 20:10:03 and 20:10:04 are being revised to bring the rules into conformity with changes that have been made to State and Federal transportation laws and policies.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the South Dakota Public Utilities Commission, State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission by September 24, 2001, to be considered.

After the hearing, the commission will consider all written and oral comments it receives on the proposed rules. The commission may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities Commission at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is 605-773-3201.

Copies of the proposed rules may be obtained without charge from the

South Dakota Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

The proposed rules may also be found on the Public Utilities Commission's home page at the following address: http://www.state.sd.us/puc.

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

(1) Public Utilities Commission's proposed revised rules: Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:35, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:06 to 20:10:04:17, inclusive, and §§ 20:10:04:19 to 20:10:04:30, inclusive, and

(2) all materials incorporated by reference

is hereby admitted at Pierre, South Dakota, this 16th day of August, 2001

Secretary of Department of Commerce and Regulation

ARTICLE 20:10

PUBLIC UTILITIES

Chapter	
20:10:01	General rules of practice
20:10:02	General motor carrier rules. Repealed
20:10:03	Regulated Motor carriers ~~under ICC~~
20:10:04	Exempt Motor carriers ~~not under ICC~~
20:10:05	General telecommunications company rules
20:10:06	Telecommunications records
20:10:07	Telecommunications subscriber billing rules
20:10:08	Telecommunications credit
20:10:09	Refusal of telecommunications service
20:10:10	Disconnection of telecommunications service
20:10:11	Public warehouses
20 10:12	Grain dealers
20:10:13	Public utilities rate filing rules
20:10:14	Procedure rules for public utilities. Repealed or transferred
20:10:15	General gas and electric rules
20:10:16	Gas and electric utility records and public information rules
20:10:17	Gas and electric customer billing rules
20:10:18	Gas and electric service rules
20:10:19	Establishment of gas and electric credit
20:10:20	Refusal and disconnection of gas and electric service
20:10:21	Energy facility plans
20:10:22	Energy facility siting rules
20:10:23	Gas and electric advertising rules
20:10:24	Interexchange carrier and classification rules
20:10:25	Telecommunications facility construction notice rules. Repealed
20:10:26	Master metering variance rules
20:10:27	Telecommunications switched access filing rules
20.10:28	Telecommunications separations procedures
20:10:29	Telecommunications switched access charges
20:10:30	Assignment of N11 dialing codes
20:10:31	Assessment of fees for intrastate gas pipeline operators
20:10:32	Local exchange service competition
20:10:33	Service standards for telecommunications companies
20:10:34	Prohibition against unauthorized changing of telecommunications company and charging for unauthorized services

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.

20:10:02:17 Class C carriers -- Written contract requirements.

20:10:02:18 "Property" defined.

20:10:02:19 Class B carriers -- Property not permitted to be carried.

20:10:02:20 Class A carriers -- Charter operations.

20:10:02:21 Class A and B carriers -- Bills of lading.

20:10:02:22 Copies of bills of lading to be kept by drivers and principal office.

20:10:02:23 All carriers—Leasing requirements.

20:10:02:24 All carriers—Restriction on leases.

20:10:02:25 Class B carriers—Carriage of cement.

20:10:02:26 Class B carriers—Livestock carriage.

20:10:02:27 Repealed.

20:10:02:28 All carriers—Handling of loss and damage claims.

20:10:02:29 Household goods carriers—Advertising must include permit number.

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

~~fide 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 49-28-10, 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.~~

CHAPTER 20:10:03

REGULATED MOTOR CARRIERS ~~UNDER ICC~~

Section

20:10:03:01	Definitions.
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20:10:03:04	Form and execution of application.
20:10:03:05	Filing of initial application.
20:10:03:06 and 20:10:03:07	Repealed.
20:10:03:08	Filing of ~~designation~~ designated ~~of local~~ process agents.
20:10:03:09	Repealed.
20:10:03:10	~~When registration and identification of vehicles required.~~ Repealed.
20:10:03:11	~~Process of~~ Renewal or supplemental registration procedures ~~outlined~~.
20:10:03:11.01	Maintaining current information on file.
20:10:03:12	~~Stamps~~ Registrations issued by commission – Restrictions on use.
20:10:03:13	Repealed.
20:10:03:14	~~Application for cab cards.~~ Repealed.
20:10:03:15	~~Issuance of cab cards – Instructions for use.~~ Repealed.
20:10:03:16	~~Termination date of cab cards and identification stamps.~~ Repealed.
20:10:03:17	~~Form and execution of application for identification stamps.~~ Repealed.
20:10:03:18	~~Form of identification stamps.~~ Repealed.
20:10:03:19	~~Form of cab card~~ Registration forms. Form RS-3.

20:10:03:20	Use of ~~cab cards~~ registration forms, Form RS-3.
20:10:03:21	Inspection of the ~~cab card~~ registration form, Form RS-3
20:10:03:22	Destruction and expiration of ~~cab cards~~ registration forms, Form RS-3
20:10:03:23	When ~~cab card~~ registration forms, Form RS-3, may be transferred.
20:10:03:24	Effect of alteration of ~~cab cards~~ registration forms, Form RS-3 - Procedure for replacement.
20:10:03:25	~~External identification.~~ Repealed.
20:10:03:26 to 20:10:03:32	Repealed.
20:10:03:33	~~Interim operations pending commission approval.~~ Repealed
20:10:03:34	~~Uniform identification cab card required.~~ Repealed.
20:10:03:35	~~Forms to be completed by typewriter or in ink.~~ Repealed.
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. ~~1023.12 (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.~~

CHAPTER 20:10:04

EXEMPT MOTOR CARRIERS ~~NOT UNDER ICC~~

Section

20:10:04:01 Definitions.

20:10:04:02 Registration required of exempt, interstate, for hire motor carriers ~~exempt from ICC regulation~~

20:10:04:03 Form and execution of application.

20:10:04:04 Filing of application - - Registration Fee.

20:10:04:05 Repealed.

20:10:04:06 ~~Filing of designation of process agent.~~ Repealed.

20:10:04:07 Registration ~~and identification~~ required to operate.

20:10:04:08 Process of registration.

20:10:04:09 Stamps issued by commission -- Restrictions on use.

20:10:04:10 ~~Only one stamp per vehicle.~~ Repealed.

20:10:04:11 ~~Application for~~ Obtaining cab cards.

20:10:04:12 Issuance of cab cards -- Instructions for use.

20:10:04:13 ~~Termination~~ Expiration date of ~~cab cards and~~ stamps.

20:10:04:14 ~~Form and execution of application for identification stamps.~~ Repealed.

20:10:04:15 Form of identification stamp.

20:10:04:16 ~~Form of cab card.~~ Repealed.

20:10:04:17 Use of cab cards.

20:10:04:18 Inspection of the cab card.

20:10:04:19 Destruction of cab cards.

20:10:04:20 ~~When cab card may be transferred.~~ Repealed.

20:10:04:21 Effect of alteration of ~~cab card~~ identification stamps -- Procedure for replacement.

20:10:04:22 Liability insurance certificate or surety bond required.

20:10:04:23 Form and execution of liability insurance certificate.

20:10:04:24 ~~Form and execution of liability insurance endorsement.~~ Repealed.

20:10:04:25 Form and execution of liability surety bond.

20:10:04:26 Notice of insurance cancellation.

20:10:04:27 Notice of bond cancellation.

20:10:04:28 ~~Requirements of forms.~~ Repealed.

20:10:04:29 ~~Completion of forms.~~ Repealed.

20:10:04:30 State taxes and fees.

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 on 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 12 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~~ 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.

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

WAIVER OF WAITING PERIOD

Pursuant to SDCL subdivision 1-26-4(2), I, David Volk, Secretary of Department of Commerce and Regulation, waive the fifteen-day waiting period before proceeding with the promulgation of the Public Utilities Commission's proposed revised rules: Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:35, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:06 to 20:10:04:17, inclusive, and §§ 20:10:04:19 to 20:10:04:30, inclusive.

Dated this 14th day of August, 2001.

Secretary of Department of Commerce and Regulation

ARTICLE 20:10

PUBLIC UTILITIES

Chapter	
20:10:01	General rules of practice
20:10:02	General motor carrier rules, Repealed
20:10:03	Regulated Motor carriers ~~under ICC~~
20:10:04	Exempt Motor carriers ~~not under ICC~~
20:10:05	General telecommunications company rules
20:10:06	Telecommunications records
20:10:07	Telecommunications subscriber billing rules
20:10:08	Telecommunications credit
20:10:09	Refusal of telecommunications service
20:10:10	Disconnection of telecommunications service
20:10:11	Public warehouses
20:10:12	Grain dealers
20:10:13	Public utilities rate filing rules
20:10:14	Procedure rules for public utilities, Repealed or transferred
20:10:15	General gas and electric rules
20:10:16	Gas and electric utility records and public information rules
20:10:17	Gas and electric customer billing rules
20:10:18	Gas and electric service rules
20:10:19	Establishment of gas and electric credit
20:10:20	Refusal and disconnection of gas and electric service
20:10:21	Energy facility plans
20:10:22	Energy facility siting rules
20:10:23	Gas and electric advertising rules
20:10:24	Interexchange carrier and classification rules
20:10:25	Telecommunications facility construction notice rules, Repealed
20:10:26	Master metering variance rules
20:10:27	Telecommunications switched access filing rules
20:10:28	Telecommunications separations procedures
20:10:29	Telecommunications switched access charges
20:10:30	Assignment of N11 dialing codes
20:10:31	Assessment of fees for intrastate gas pipeline operators
20:10:32	Local exchange service competition
20:10:33	Service standards for telecommunications companies
20:10:34	Prohibition against unauthorized changing of telecommunications company and charging for unauthorized services

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.

20:10:02:17 Class C carriers -- Written contract requirements.

20:10:02:18 "Property" defined.

20:10:02:19 Class B carriers -- Property not permitted to be carried.

20:10:02:20 Class A carriers -- Charter operations.

20:10:02:21 Class A and B carriers -- Bills of lading.

20:10:02:22 Copies of bills of lading to be kept by drivers and principal office.

20:10:02:23 All carriers—Leasing requirements.

20:10:02:24 All carriers—Restriction on leases.

20:10:02:25 Class B carriers—Carriage of cement.

20:10:02:26 Class B carriers—Livestock carriage.

20:10:02:27 Repealed.

20:10:02:28 All carriers—Handling of loss and damage claims.

20:10:02:29 Household goods carriers—Advertising must include permit number.

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

~~the lease, the requirement prescribed in § 20:10:02:08 shall apply to such leased or acquired motor equipment during the term of such 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 motor 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 identification required by § 20:10:02:08 must be removed or entirely effaced by the owner of such motor vehicle when the 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.~~

CHAPTER 20:10:03

REGULATED MOTOR CARRIERS ~~UNDER ICC~~

Section

20:10:03:01	Definitions.
20:10:03:02	When registration is required of ~~ICC~~ regulated motor carriers.
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20:10:03:04	Form and execution of application.
20:10:03:05	Filing of initial application.
20:10:03:06 and 20:10:03:07	Repealed.
20:10:03:08	Filing of ~~designation~~ designated ~~of local~~ process agents.
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20:10:03:10	~~When registration and identification of vehicles required.~~ Repealed.
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20:10:03:11.01	Maintaining current information on file.
20:10:03:12	~~Stamps~~ Registrations issued by commission – Restrictions on use.
20:10:03:13	Repealed.
20:10:03:14	~~Application for cab cards.~~ Repealed.
20:10:03:15	~~Issuance of cab cards - Instructions for use.~~ Repealed.
20:10:03:16	~~Termination date of cab cards and identification stamps.~~ Repealed.
20:10:03:17	~~Form and execution of application for identification stamps.~~ Repealed.
20:10:03:18	~~Form of identification stamps.~~ Repealed.
20:10:03:19	~~Form of cab card~~ Registration forms. Form RS-3.

20:10:03:20 Use of ~~cab cards~~ registration forms, Form RS-3.

20:10:03:21 Inspection of the ~~cab card~~ registration form, Form RS-3.

20:10:03:22 Destruction and expiration of ~~cab cards~~ registration forms, Form RS-3.

20:10:03:23 When ~~cab card~~ registration forms, Form RS-3, may be transferred.

20:10:03:24 Effect of alteration of ~~cab cards~~ registration forms, Form RS-3 - Procedure for replacement.

20:10:03:25 ~~External identification.~~ Repealed.

20:10:03:26 to 20:10:03:32 Repealed.

20:10:03:33 ~~Interim operations pending commission approval.~~ Repealed.

20:10:03:34 ~~Uniform identification cab card required.~~ Repealed.

20:10:03:35 ~~Forms to be completed by typewriter or in ink.~~ Repealed.

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. ~~1023.12 (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, 1985) 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.~~

CHAPTER 20:10:04

EXEMPT MOTOR CARRIERS ~~NOT UNDER ICC~~

Section

20:10:04:01 Definitions.

20:10:04:02 Registration required of exempt, interstate, for hire motor carriers ~~exempt from ICC regulation~~

20:10:04:03 Form and execution of application.

20:10:04:04 Filing of application - - Registration Fee.

20:10:04:05 Repealed.

20:10:04:06 ~~Filing of designation of process agent.~~ Repealed.

20:10:04:07 Registration ~~and identification~~ required to operate.

20:10:04:08 Process of registration.

20:10:04:09 Stamps issued by commission -- Restrictions on use.

20:10:04:10 ~~Only one stamp per vehicle.~~ Repealed.

20:10:04:11 ~~Application for~~ Obtaining cab cards.

20:10:04:12 Issuance of cab cards -- Instructions for use.

20:10:04:13 ~~Termination~~ Expiration date of ~~cab cards and~~ stamps.

20:10:04:14 ~~Form and execution of application for identification stamps.~~ Repealed.

20:10:04:15 Form of identification stamp.

20:10:04:16 ~~Form of cab card.~~ Repealed.

20:10:04:17 Use of cab cards.

20:10:04:18 Inspection of the cab card.

20:10:04:19 Destruction of cab cards.

20:10:04:20 ~~When cab card may be transferred.~~ Repealed.

20:10:04:21 Effect of alteration of ~~cab card~~ identification stamps -- Procedure for replacement.

20:10:04:22 Liability insurance certificate or surety bond required.

20:10:04:23 Form and execution of liability insurance certificate.

20:10:04:24 ~~Form and execution of liability insurance endorsement.~~ Repealed.

20:10:04:25 Form and execution of liability surety bond.

20:10:04:26 Notice of insurance cancellation.

20:10:04:27 Notice of bond cancellation.

20:10:04:28 ~~Requirements of forms.~~ Repealed.

20:10:04:29 ~~Completion of forms.~~ Repealed.

20:10:04:30 State taxes and fees.

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 ~~on~~ 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~~ 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.

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

(1) Public Utilities Commission's proposed revised rules. Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:35, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:06 to 20:10:04:17, inclusive, and §§ 20:10:04:19 to 20:10:04:30, inclusive,

(2) the notice of hearing, and

(3) the fiscal note

is hereby admitted at Pierre, South Dakota, this 16th day of August, 2001.

Cindy Rayson
Bureau of Finance and Management

ARTICLE 20:10

PUBLIC UTILITIES

Chapter	
20:10:01	General rules of practice.
20:10:02	General motor carrier rules, Repealed.
20:10:03	Regulated Motor carriers ~~under ICC~~.
20:10:04	Exempt Motor carriers ~~not under ICC~~.
20:10:05	General telecommunications company rules.
20:10:06	Telecommunications records.
20:10:07	Telecommunications subscriber billing rules.
20:10:08	Telecommunications credit.
20:10:09	Refusal of telecommunications service.
20:10:10	Disconnection of telecommunications service.
20:10:11	Public warehouses.
20:10:12	Grain dealers.
20:10:13	Public utilities rate filing rules.
20:10:14	Procedure rules for public utilities, Repealed or transferred.
20:10:15	General gas and electric rules.
20:10:16	Gas and electric utility records and public information rules.
20:10:17	Gas and electric customer billing rules.
20:10:18	Gas and electric service rules.
20:10:19	Establishment of gas and electric credit.
20:10:20	Refusal and disconnection of gas and electric service.
20:10:21	Energy facility plans.
20:10:22	Energy facility siting rules.
20:10:23	Gas and electric advertising rules.
20:10:24	Interexchange carrier and classification rules.
20:10:25	Telecommunications facility construction notice rules, Repealed.
20:10:26	Master metering variance rules.
20:10:27	Telecommunications switched access filing rules.
20:10:28	Telecommunications separations procedures.
20:10:29	Telecommunications switched access charges.
20:10:30	Assignment of N11 dialing codes.
20.10:31	Assessment of fees for intrastate gas pipeline operators.
20:10:32	Local exchange service competition.
20:10:33	Service standards for telecommunications companies.
20:10:34	Prohibition against unauthorized changing of telecommunications company and charging for unauthorized services.

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.

20:10:02:17 Class C carriers -- Written contract requirements.

20:10:02:18 "Property" defined.

20:10:02:19 Class B carriers -- Property not permitted to be carried.

20:10:02:20 Class A carriers -- Charter operations.

20:10:02:21 Class A and B carriers -- Bills of lading.

20:10:02:22 Copies of bills of lading to be kept by drivers and principal office.

20:10:02:23 All carriers—Leasing requirements.

20:10:02:24 All carriers—Restriction on leases.

20:10:02:25 Class B carriers—Carriage of cement.

20:10:02:26 Class B carriers—Livestock carriage.

20:10:02:27 Repealed.

20:10:02:28 All carriers—Handling of loss and damage claims.

20:10:02:29 Household goods carriers—Advertising must include permit number.

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

~~fide 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, 49-28-45.~~

~~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.~~

CHAPTER 20:10:03

REGULATED MOTOR CARRIERS ~~UNDER ICC~~

Section

20:10:03:01	Definitions.
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20:10:03:08	Filing of ~~designation~~ designated ~~of local~~ process agents.
20:10:03:09	Repealed.
20:10:03:10	~~When registration and identification of vehicles required.~~ Repealed.
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20:10:03:11.01	Maintaining current information on file.
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20:10:03:14	~~Application for cab cards.~~ Repealed.
20:10:03:15	~~Issuance of cab cards - Instructions for use.~~ Repealed.
20:10:03:16	~~Termination date of cab cards and identification stamps.~~ Repealed.
20:10:03:17	~~Form and execution of application for identification stamps.~~ Repealed.
20:10:03:18	~~Form of identification stamps.~~ Repealed.
20:10:03:19	~~Form of cab card~~ Registration forms, Form RS-3.

20:10:03:20	Use of ~~cab cards~~ registration forms, Form RS-3.
20:10:03:21	Inspection of the ~~cab card~~ registration form, Form RS-3.
20:10:03:22	Destruction and expiration of ~~cab cards~~ registration forms, Form RS-3.
20:10:03:23	When ~~cab card~~ registration forms, Form RS-3, may be transferred.
20:10:03:24	Effect of alteration of ~~cab cards~~ registration forms, Form RS-3 - Procedure for replacement.
20:10:03:25	~~External identification.~~ Repealed.
20:10:03:26 to 20:10:03:32	Repealed.
20:10:03:33	~~Interim operations pending commission approval.~~ Repealed.
20:10:03:34	~~Uniform identification cab card required.~~ Repealed.
20:10:03:35	~~Forms to be completed by typewriter or in ink.~~ Repealed.
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. ~~1023.12 (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.~~

CHAPTER 20:10:04

EXEMPT MOTOR CARRIERS ~~NOT UNDER ICC~~

Section

20:10:04:01 Definitions.

20:10:04:02 Registration required of exempt, interstate, for hire motor carriers ~~exempt from ICC regulation~~.

20:10:04:03 Form and execution of application.

20:10:04:04 Filing of application - - Registration Fee.

20:10:04:05 Repealed.

20:10:04:06 ~~Filing of designation of process agent.~~ Repealed.

20:10:04:07 Registration ~~and identification~~ required to operate.

20:10:04:08 Process of registration.

20:10:04:09 Stamps issued by commission -- Restrictions on use.

20:10:04:10 ~~Only one stamp per vehicle.~~ Repealed.

20:10:04:11 ~~Application for~~ Obtaining cab cards.

20:10:04:12 Issuance of cab cards -- Instructions for use.

20:10:04:13 ~~Termination~~ Expiration date of ~~cab cards and~~ stamps.

20:10:04:14 ~~Form and execution of application for identification stamps.~~ Repealed.

20:10:04:15 Form of identification stamp.

20:10:04:16 ~~Form of cab card.~~ Repealed.

20:10:04:17 Use of cab cards.

20:10:04:18 Inspection of the cab card.

20:10:04:19 Destruction of cab cards.

20:10:04:20 ~~When cab card may be transferred.~~ Repealed.

20:10:04:21 Effect of alteration of ~~cab card~~ identification stamps -- Procedure for replacement.

20:10:04:22 Liability insurance certificate or surety bond required.

20:10:04:23 Form and execution of liability insurance certificate.

20:10:04:24 ~~Form and execution of liability insurance endorsement.~~ Repealed.

20:10:04:25 Form and execution of liability surety bond.

20:10:04:26 Notice of insurance cancellation.

20:10:04:27 Notice of bond cancellation.

20:10:04:28 ~~Requirements of forms.~~ Repealed.

20:10:04:29 ~~Completion of forms.~~ Repealed.

20:10:04:30 State taxes and fees.

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~~ 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.

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

(1) Public Utilities Commission's proposed revised rules: Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:35, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:06 to 20:10:04:17, inclusive, and §§ 20:10:04:19 to 20:10:04:30, inclusive,

(2) the notice of hearing,

(3) the fiscal note, and

(4) all materials incorporated by reference

is hereby admitted at Pierre, South Dakota, this 16th day of August, 2001.

Teri Retrum

Legislative Research Council

ARTICLE 20:10

PUBLIC UTILITIES

Chapter	
20:10:01	General rules of practice.
20:10:02	General motor carrier rules. Repealed.
20:10:03	Regulated Motor carriers ~~under ICC~~.
20:10:04	Exempt Motor carriers ~~not under ICC~~.
20:10:05	General telecommunications company rules.
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20:10:15	General gas and electric rules.
20:10:16	Gas and electric utility records and public information rules.
20:10:17	Gas and electric customer billing rules.
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20:10:20	Refusal and disconnection of gas and electric service.
20:10:21	Energy facility plans.
20:10:22	Energy facility siting rules.
20:10:23	Gas and electric advertising rules.
20:10:24	Interexchange carrier and classification rules.
20:10:25	Telecommunications facility construction notice rules, Repealed.
20:10:26	Master metering variance rules.
20:10:27	Telecommunications switched access filing rules.
20:10:28	Telecommunications separations procedures.
20:10:29	Telecommunications switched access charges.
20:10:30	Assignment of N11 dialing codes.
20:10:31	Assessment of fees for intrastate gas pipeline operators.
20:10:32	Local exchange service competition.
20:10:33	Service standards for telecommunications companies.
20:10:34	Prohibition against unauthorized changing of telecommunications company and charging for unauthorized services.

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.~~

~~20:10:02:17 Class C carriers -- Written contract requirements.~~

~~20:10:02:18 "Property" defined.~~

~~20:10:02:19 Class B carriers -- Property not permitted to be carried.~~

~~20:10:02:20 Class A carriers -- Charter operations.~~

~~20:10:02:21 Class A and B carriers -- Bills of lading.~~

~~20:10:02:22 Copies of bills of lading to be kept by drivers and principal office.~~

20:10:02:23 All carriers—Leasing requirements.

20:10:02:24 All carriers—Restriction on leases.

20:10:02:25 Class B carriers—Carriage of cement.

20:10:02:26 Class B carriers—Livestock carriage.

20:10:02:27 Repealed.

20:10:02:28 All carriers—Handling of loss and damage claims.

20:10:02:29 Household goods carriers—Advertising must include permit number.

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

~~fide 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.~~

CHAPTER 20:10:03

REGULATED MOTOR CARRIERS ~~UNDER ICC~~

Section

20:10:03:01	Definitions.
20:10:03:02	When registration is required of ~~ICC~~ regulated motor carriers.
20:10:03:02.01	Selection of South Dakota as registration state.
20:10:03:03	~~Exemption from registration for previous filings.~~ Repealed.
20:10:03:04	Form and execution of application.
20:10:03:05	Filing of initial application.
20:10:03:06 and 20:10:03:07	Repealed.
20:10:03:08	Filing of ~~designation~~ designated ~~of local~~ process agents.
20:10:03:09	Repealed.
20:10:03:10	~~When registration and identification of vehicles required.~~ Repealed.
20:10:03:11	~~Process of~~ Renewal or supplemental registration procedures ~~outlined~~.
20:10:03:11.01	Maintaining current information on file.
20:10:03:12	~~Stamps~~ Registrations issued by commission – Restrictions on use.
20:10:03:13	Repealed.
20:10:03:14	~~Application for cab cards.~~ Repealed.
20:10:03:15	~~Issuance of cab cards – Instructions for use.~~ Repealed.
20:10:03:16	~~Termination date of cab cards and identification stamps.~~ Repealed.
20:10:03:17	~~Form and execution of application for identification stamps.~~ Repealed.
20:10:03:18	~~Form of identification stamps.~~ Repealed.
20:10:03:19	~~Form of cab card~~ Registration forms. Form RS-3.

20:10:03:20	Use of ~~cab cards~~ registration forms, Form RS-3.
20:10:03:21	Inspection of the ~~cab card~~ registration form, Form RS-3.
20:10:03:22	Destruction and expiration of ~~cab cards~~ registration forms, Form RS-3.
20:10:03:23	When ~~cab card~~ registration forms, Form RS-3, may be transferred.
20:10:03:24	Effect of alteration of ~~cab cards~~ registration forms, Form RS-3 - Procedure for replacement.
20:10:03:25	~~External identification.~~ Repealed.
20:10:03:26 to 20:10:03:32	Repealed.
20:10:03:33	~~Interim operations pending commission approval.~~ Repealed.
20:10:03:34	~~Uniform identification cab card required.~~ Repealed.
20:10:03:35	~~Forms to be completed by typewriter or in ink.~~ Repealed.
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. ~~1023.12 (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.~~

CHAPTER 20:10:04

EXEMPT MOTOR CARRIERS ~~NOT UNDER ICC~~

Section

20:10:04:01 Definitions.

20:10:04:02 Registration required of exempt, interstate, for hire motor carriers ~~exempt from ICC regulation~~.

20:10:04:03 Form and execution of application.

20:10:04:04 Filing of application - - Registration Fee.

20:10:04:05 Repealed.

20:10:04:06 ~~Filing of designation of process agent.~~ Repealed.

20:10:04:07 Registration ~~and identification~~ required to operate.

20:10:04:08 Process of registration.

20:10:04:09 Stamps issued by commission -- Restrictions on use.

20:10:04:10 ~~Only one stamp per vehicle.~~ Repealed.

20:10:04:11 ~~Application for~~ Obtaining cab cards.

20:10:04:12 Issuance of cab cards -- Instructions for use.

20:10:04:13 ~~Termination~~ Expiration date of ~~cab cards and~~ stamps.

20:10:04:14 ~~Form and execution of application for identification stamps.~~ Repealed.

20:10:04:15 Form of identification stamp.

20:10:04:16 ~~Form of cab card.~~ Repealed.

20:10:04:17 Use of cab cards.

20:10:04:18 Inspection of the cab card.

20:10:04:19 Destruction of cab cards.

20:10:04:20 ~~When cab card may be transferred.~~ Repealed.

20:10:04:21 Effect of alteration of ~~cab card~~ identification stamps -- Procedure for replacement.

20:10:04:22 Liability insurance certificate or surety bond required.

20:10:04:23 Form and execution of liability insurance certificate.

20:10:04:24 ~~Form and execution of liability insurance endorsement.~~ Repealed.

20:10:04:25 Form and execution of liability surety bond.

20:10:04:26 Notice of insurance cancellation.

20:10:04:27 Notice of bond cancellation.

20:10:04:28 ~~Requirements of forms.~~ Repealed.

20:10:04:29 ~~Completion of forms.~~ Repealed.

20:10:04:30 State taxes and fees.

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 15 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~~ 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.

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

AFFIDAVIT OF MAILING NOTICE
TO INTERESTED PARTIES

I, Delaine Kolbo, under oath, do swear, that on August 17, 2001, I mailed a copy of the notice attached to this affidavit to the following entities. I further swear that this is a true and correct list of all entities who have requested advance notice of rulemaking proceedings by the Public Utilities Commission.

South Dakota Trucking Association
3801 South Kiwanis Avenue
Sioux Falls, SD 57105

South Dakota Highway Patrol
500 East Capitol
Pierre, SD 57501

Delaine Kolbo

Subscribed and sworn to
before me this 17th day
of August, 2001.

Mary R Giddings
Notary Public - South Dakota

(SEAL)

My Commission Expires
January 9, 2007

My Commission Expires
2006

Public Utilities Commission
Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 412, 4th floor, State Capitol, Pierre, South Dakota, on September 12, 2001, at 10:00 a..m., to consider the adoption and amendment of proposed rules numbered

Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:35, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:06 to 20:10:04:17, inclusive, and §§ 20:10:04:19 to 20:10:04:30, inclusive

The effect of the proposed rules will result in the Public Utilities Commission's motor carrier administrative rules conforming with State and Federal transportation laws and policies.

The reason for repealing Chapter 20:10:02 is because the Commission no longer regulates intrastate motor carriers. The rules contained in Chapters 20:10:03 and 20:10:04 are being revised to bring the rules into conformity with changes that have been made to State and Federal transportation laws and policies.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the South Dakota Public Utilities Commission, State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission by September 24, 2001, to be considered.

After the hearing, the commission will consider all written and oral comments it receives on the proposed rules. The commission may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities Commission at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is 605-773-3201.

Copies of the proposed rules may be obtained without charge from the

South Dakota Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

The proposed rules may also be found on the Public Utilities Commission's home page at the following address: http://www.state.sd.us/puc.

RECEIVED
AUG 24 2001
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Capi

AFFIDAVIT O

State of South Dakota, County of Hughes

Carolyn Deal

oath, says: That he/she is the publisher or an
daily newspaper published in the City of Pie
Dakota; that he/she has full and personal know
is a legal newspaper as defined in SDCL 17-2-
has been published within the said County of
year next prior to the first publication of the att
tisement headed Public Utilitie
Public Hearing to Ado
a printed copy of which, taken from the paper
to attached and made a part of this affidavit, w
successive week(s) to wit:

August 21 20 01
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PUBLIC UTILITIES COMMISSION
NOTICE OF PUBLIC HEARING TO ADOPT RULES

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That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are: $ 79.04.

Signed: Carolyn M. Deal

subscribed and sworn to before me this 23 day of August 2001

Mary L Baker

Notary Public in and for the County of Hughes, South Dakota.
My Commission expires 2-19, 2003.

BFM 50 11

#02017

ADMINISTRATIVE PROCEDURES ACT
FISCAL NOTE
Prepared by Submitting Agency

	CODE	NAME
DEPARTMENT	13	Commerce and Regulation
DIVISION	139	Public Utilities Commission
DIVISION	1392	Warehouse Division

PROPOSED RULE 20:10:02;20:10:03:(01 to 05,08,10 to 12,14 to 25,33 to 35);20:10:04:(01 to 04); 20:10:04:(06 to 17,19 to 30)
Hearing Date: September 12, 2001

FISCAL NOTE SUMMARY:
List state agencies of local governmental subdivisions affected.

COST INCREASES (DECREASES)

State Agencies:	First-Year Impact	Continuous-Yearly Impact
	0	0
TOTAL	0	0
Local Subdivisions:		
	0	0
TOTAL	0	0
Revenue Increases (Decreases) State & Local:		
	0	0
TOTAL	0	0

APPROVED Curtis A. Iverson DATE 08/24/2001
Signature Department Secretary or Board or Commission Chairman

ATTACH: Copy of proposed rules; separate sections for: 1) explanation of rules effect, i.e. what procedures, schedules, activities, etc. will change with its adoption 2) statistics used, and their source, 3) assumptions that were made to arrive at fiscal impact, 4) computations that were made.

RECEIVED
AUG 27 2001
SOUTH DAKOTA PUBLIC



DEPARTMENT OF EXECUTIVE MANAGEMENT
BUREAU OF FINANCE AND MANAGEMENT
500 East Capitol, Pierre, SD 57501
(605) 773-3411
FAX: (605) 773-4711

August 24, 2001

The Bureau of Finance and Management has reviewed the attached proposed rules from the Department of Commerce and Regulation, Public Utilities Commission and concurs with the assumptions and fiscal impact calculations within the attached package.

CP/jsd

CP
8-24-01

02017
Chris

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

(1) Public Utilities Commission's proposed revised rules: Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:35, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:06 to 20:10:04:17, inclusive, and §§ 20:10:04:19 to 20:10:04:30, inclusive,

(2) the notice of hearing, and

(3) the fiscal note

is hereby admitted at Pierre, South Dakota, this 16th day of August, 2001.

Cindy Rayson
Bureau of Finance and Management

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

WAIVER OF WAITING PERIOD

Pursuant to SDCL subdivision 1-26-4(2), I, David Volk, Secretary of Department of Commerce and Regulation, waive the fifteen-day waiting period before proceeding with the promulgation of the Public Utilities Commission's proposed revised rules. Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:35, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:06 to 20:10:04:17, inclusive, and §§ 20:10:04:19 to 20:10:04:30, inclusive.

Dated this 16th day of August, 2001.

Secretary of Department of Commerce and Regulation

Public Utilities Commission
Notice of Public Hearing to Adopt Rules

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The effect of the proposed rules will result in the Public Utilities Commission's motor carrier administrative rules conforming with State and Federal transportation laws and policies.

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After the hearing, the commission will consider all written and oral comments it receives on the proposed rules. The commission may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities Commission at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is 605-773-3201.

Copies of the proposed rules may be obtained without charge from the

South Dakota Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

The proposed rules may also be found on the Public Utilities Commission's home

ADMINISTRATIVE PROCEDURES ACT
FISCAL NOTE
Prepared by Submitting Agency

	CODE	NAME
DEPARTMENT	13	Department of Commerce and Regulation
DIVISION	139	Public Utilities Commission
PROGRAM	1392	Warehouse Division

PROPOSED RULES Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:35, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:06 to 20:10:04:17, inclusive, and §§ 20:10:04:19 to 20:10:04:30, inclusive.
Hearing Date September 12, 2001

FISCAL NOTE SUMMARY:
List state agencies of local governmental subdivisions affected.

COST INCREASES (DECREASES)

State Agencies:	First Year Impact	Continuous Yearly Impact
TOTAL	0	0
Local Subdivisions:		
TOTAL	0	0
Revenue Increases (Decreases) State & Local:		
TOTAL	0	0

APPROVED James A. Burg DATE 8/15/01
Director, Department Secretary or Board or Commission Chairman

EXPLANATION OF RULES EFFECT

The Public Utilities Commission will hold a hearing in Room 412, 4th floor, State Capitol, Pierre, South Dakota, on September 12, 2001, at 10:00 a.m. to consider the adoption and amendment of proposed rules numbered Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:35, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:06 to 20:10:04:17, inclusive, and §§ 20:10:04:19 to 20:10:04:30, inclusive.

The effect of the proposed rules will result in the Public Utilities Commission's motor carrier administrative rules conforming with State and Federal transportation laws and policies.

The reason for repealing Chapter 20:10:02 is because the Commission no longer regulates intrastate motor carriers. The rules contained in Chapters 20:10:03 and 20:10:04 are being revised to bring the rules into conformity with changes that have been made to State and Federal transportation laws and policies. For these reasons, there are no fiscal impacts on state agencies or local governmental subdivisions.

ARTICLE 20:10

PUBLIC UTILITIES

Chapter

20:10:01 General rules of practice.
20:10:02 General motor carrier rules, Repealed.
20:10:03 Regulated Motor carriers ~~under ICC~~.
20:10:04 Exempt Motor carriers ~~not under ICC~~.
20:10:05 General telecommunications company rules.
20:10:06 Telecommunications records.
20:10:07 Telecommunications subscriber billing rules.
20:10:08 Telecommunications credit.
20:10:09 Refusal of telecommunications service.
20:10:10 Disconnection of telecommunications service.
20:10:11 Public warehouses.
20:10:12 Grain dealers.
20:10:13 Public utilities rate filing rules.
20:10:14 Procedure rules for public utilities, Repealed or transferred.
20:10:15 General gas and electric rules.
20:10:16 Gas and electric utility records and public information rules.
20:10:17 Gas and electric customer billing rules.
20:10:18 Gas and electric service rules.
20:10:19 Establishment of gas and electric credit.
20:10:20 Refusal and disconnection of gas and electric service.
20:10:21 Energy facility plans.
20:10:22 Energy facility siting rules.
20:10:23 Gas and electric advertising rules.
20:10:24 Interexchange carrier and classification rules.
20:10:25 Telecommunications facility construction notice rules, Repealed.
20:10:26 Master metering variance rules.
20:10:27 Telecommunications switched access filing rules.
20:10:28 Telecommunications separations procedures.
20:10:29 Telecommunications switched access charges.
20:10:30 Assignment of N11 dialing codes.
20:10:31 Assessment of fees for intrastate gas pipeline operators.
20:10:32 Local exchange service competition.
20:10:33 Service standards for telecommunications companies.
20:10:34 Prohibition against unauthorized changing of telecommunications company and charging for unauthorized services.

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.

20:10:02:17 Class C carriers -- Written contract requirements.

20:10:02:18 "Property" defined.

20:10:02:19 Class B carriers -- Property not permitted to be carried.

20:10:02:20 Class A carriers -- Charter operations.

20:10:02:21 Class A and B carriers -- Bills of lading.

20:10:02:22 Copies of bills of lading to be kept by drivers and principal office.

20:10:02:23 All carriers -- Leasing requirements.

20:10:02:24 All carriers -- Restriction on leases.

20:10:02:25 Class B carriers -- Carriage of cement.

20:10:02:26 Class B carriers -- Livestock carriage.

20:10:02:27 Repealed.

20:10:02:28 All carriers -- Handling of loss and damage claims.

20:10:02:29 Household goods carriers -- Advertising must include permit number.

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 $250,000 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

~~fide 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.~~

CHAPTER 20:10:03

REGULATED MOTOR CARRIERS ~~UNDER ICC~~

Section

20:10:03:01	Definitions.
20:10:03:02	When registration is required of ~~ICC~~ regulated motor carriers.
20:10:03:02.01	Selection of South Dakota as registration state.
20:10:03:03	~~Exemption from registration for previous filings.~~ Repealed.
20:10:03:04	Form and execution of application.
20:10:03:05	Filing of initial application.
20:10:03:06 and 20:10:03:07	Repealed.
20:10:03:08	Filing of ~~designation~~ designated ~~of local~~ process agents.
20:10:03:09	Repealed.
20:10:03:10	~~When registration and identification of vehicles required.~~ Repealed.
20:10:03:11	~~Process of~~ Renewal or supplemental registration procedures ~~outlined~~.
20:10:03:11.01	Maintaining current information on file.
20:10:03:12	~~Stamps~~ Registrations issued by commission – Restrictions on use.
20:10:03:13	Repealed.
20:10:03:14	~~Application for cab cards.~~ Repealed.
20:10:03:15	~~Issuance of cab cards - Instructions for use.~~ Repealed.
20:10:03:16	~~Termination date of cab cards and identification stamps.~~ Repealed.
20:10:03:17	~~Form and execution of application for identification stamps.~~ Repealed.
20:10:03:18	~~Form of identification stamps.~~ Repealed.
20:10:03:19	~~Form of cab card~~ Registration forms. Form RS-3.

20:10:03:20 Use of ~~cab cards~~ registration forms, Form RS-3.

20:10:03:21 Inspection of the ~~cab card~~ registration form, Form RS-3.

20:10:03:22 Destruction and expiration of ~~cab cards~~ registration forms, Form RS-3.

20:10:03:23 When ~~cab card~~ registration forms, Form RS-3, may be transferred.

20:10:03:24 Effect of alteration of ~~cab cards~~ registration forms, Form RS-3 - Procedure for replacement.

20:10:03:25 ~~External identification.~~ Repealed.

20:10:03:26 to 20:10:03:32 Repealed.

20:10:03:33 ~~Interim operations pending commission approval.~~ Repealed.

20:10:03:34 ~~Uniform identification cab card required.~~ Repealed.

20:10:03:35 ~~Forms to be completed by typewriter or in ink.~~ Repealed.

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. ~~1023.12 (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.~~

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

(1) Public Utilities Commission's proposed revised rules: Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:35, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:06 to 20:10:04:17, inclusive, and §§ 20:10:04:19 to 20:10:04:30, inclusive, and

(2) all materials incorporated by reference

is hereby admitted at Pierre, South Dakota, this 16th day of August, 2001.

Secretary of Department of Commerce and Regulation

CHAPTER 20:10:04

EXEMPT MOTOR CARRIERS ~~NOT UNDER ICC~~

Section

20:10:04:01 Definitions.

20:10:04:02 Registration required of exempt, interstate, for hire motor carriers ~~exempt from ICC regulation~~.

20:10:04:03 Form and execution of application.

20:10:04:04 Filing of application - - Registration Fee.

20:10:04:05 Repealed.

20:10:04:06 ~~Filing of designation of process agent.~~ Repealed.

20:10:04:07 Registration ~~and identification~~ required to operate.

20:10:04:08 Process of registration.

20:10:04:09 Stamps issued by commission -- Restrictions on use.

20:10:04:10 ~~Only one stamp per vehicle.~~ Repealed.

20:10:04:11 ~~Application for~~ Obtaining cab cards.

20:10:04:12 Issuance of cab cards -- Instructions for use.

20:10:04:13 ~~Termination~~ Expiration date of ~~cab cards and~~ stamps.

20:10:04:14 ~~Form and execution of application for identification stamps.~~ Repealed.

20:10:04:15 Form of identification stamp.

20:10:04:16 ~~Form of cab card.~~ Repealed.

20:10:04:17 Use of cab cards.

20:10:04:18 Inspection of the cab card.

20:10:04:19 Destruction of cab cards.

20:10:04:20 ~~When cab card may be transferred.~~ Repealed.

20:10:04:21 Effect of alteration of ~~cab card~~ identification stamps -- Procedure for replacement.

20:10:04:22 Liability insurance certificate or surety bond required.

20:10:04:23 Form and execution of liability insurance certificate.

20:10:04:24 ~~Form and execution of liability insurance endorsement.~~ Repealed.

20:10:04:25 Form and execution of liability surety bond.

20:10:04:26 Notice of insurance cancellation.

20:10:04:27 Notice of bond cancellation.

20:10:04:28 ~~Requirements of forms.~~ Repealed.

20:10:04:29 ~~Completion of forms.~~ Repealed.

20:10:04:30 State taxes and fees.

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 o 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 n operate within the borders of the state ~~unless and~~ until an application has been filed with, and approved by, th commission for the registration of such operation as prescribed by this chapter and it has complied with all othe requirements of this chapter.

Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 15 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 app'ication ~~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 ~~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 ~~on~~ 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 15 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 immediate 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~~ 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.

South Dakota Legislative Research Council

Sen. Arnold M. Brown, Chair
Rep. Michael Derby, Vice Chair

James Fry, Director
Doug Decker, Code Counsel

RECEIVED
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

August 27, 2001

James Burg, Commissioner
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

Dear Commissioner Burg:

The Public Utilities Commission has proposed adoption, repeal, and amendment of rules in chapters 20:10:02, 20:10:03, and 20:10:04 regarding motor carriers. We have reviewed the proposed rules, scheduled for hearing on September 12, 2001, and approve the rules for legality, with the following exceptions:

Chapter 20:10:03 -- Rules in this chapter frequently refer to appropriate fees. Please identify the fee, list the fee as a cross-reference, or define the term, appropriate fees, in the definitions.

20:10:03:11-- This rule states that a motor carrier must renew the single state registration between September 1 and December 15. However, this rule also permits the carrier to wait until December 31 to renew the registration. A single deadline should be established.

20:10:04:04 -- The registration fee is provided in SDCL 49-28-36.1 and should not be restated in this rule. Please delete the sentence pertaining to the amount of the registration fee.

Form and Style -- Do not insert underscored material between material that has been overstriken. It makes it more difficult to proof and codify.

This letter is based on a preliminary review of your rules. Attached are your rules edited for form and style pursuant to SDCL 1-26-6.5 and directions for submitting the final draft of the rules. If you have any questions, please don't hesitate to call me or the staff member who has reviewed your rules.

Sincerely yours,

Doug Decker
Code Counsel

State Capitol, 500 East Capitol, Pierre, SD 57501-5070
(605)773-3251 • TTY (605)773-3305 • Fax (605)773-4576

PROPOSED RULES: Public Utilities Commission—Motor Carriers

HEARING DATE: September 12, 2001

RULES REVIEW MEETING SCHEDULE: October 8, and November 28

A copy of the final draft of the rules, together with the minutes of the public hearing, must be served on each member of the interim Rules Review Committee prior to the date that you appear before the committee. Regular mail may be used.

The Legislative Research Council requests that you submit the final draft of the rules for approval by this office at least ten days before the rules are filed with the Secretary of State. If you think substantive change may be needed in the final draft, you may send it to us before you send it to the committee.

When the final draft of the adopted rules is brought to this office for signature for legality and for form and style, please include the following items:

(1) The edited copy of the first draft;

(2) One legible copy of the final draft, to be left here. The final draft should be double spaced, contain only rules being amended, repealed, or adopted, and show changes from current printed rules by means of overstrikes and underscores;

(3) The original form #11 which contains the signature of the officer empowered to adopt the rules or the signatures of a majority of the members of a board or commission which has the rule-making authority;

(4) Copies of the following:
(a) The minutes of the public hearing;
(b) The affidavit of mailing to Rules Committee members, if already done.

Each agency must complete and sign all documents before filing the certificate of compliance with Chapter 1-26 and the final draft of the rules with the Secretary of State's Office. Although it is not required by statute, the Secretary of State's Office would like to have a copy of the approval signature sheet with the filing of the final draft and the certificate.

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

(1) Public Utilities Commission's proposed revised rules: Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:35, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:06 to 20:10:04:17, inclusive, and §§ 20:10:04:19 to 20:10:04:30, inclusive,

(2) the notice of hearing,

(3) the fiscal note, and

(4) all materials incorporated by reference

is hereby admitted at Pierre, South Dakota, this 16th day of August, 2001.

Teri Retterath
Legislative Research Council

Public Utilities Commission
Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 412, 4th floor, State Capitol, Pierre, South Dakota, on September 12, 2001, at 10:00 a.m., to consider the adoption and amendment of proposed rules numbered

Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:35, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:06 to 20:10:04:17, inclusive, and §§ 20:10:04:19 to 20:10:04:30, inclusive

The effect of the proposed rules will result in the Public Utilities Commission's motor carrier administrative rules conforming with State and Federal transportation laws and policies.

The reason for repealing Chapter 20:10:02 is because the Commission no longer regulates intrastate motor carriers. The rules contained in Chapters 20:10:03 and 20:10:04 are being revised to bring the rules into conformity with changes that have been made to State and Federal transportation laws and policies.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the South Dakota Public Utilities Commission, State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission by September 24, 2001, to be considered.

After the hearing, the commission will consider all written and oral comments it receives on the proposed rules. The commission may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities Commission at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is 605-773-3201.

Copies of the proposed rules may be obtained without charge from the

South Dakota Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

The proposed rules may also be found on the Public Utilities Commission's home page at the following address: http://www.state.sd.us/puc.

ADMINISTRATIVE PROCEDURES ACT
FISCAL NOTE
Prepared by Submitting Agency

	CODE	NAME
DEPARTMENT	13	Department of Commerce and Regulation
DIVISION	139	Public Utilities Commission
PROGRAM	1392	Warehouse Division

PROPOSED RULES Chapter 20 10 02, §§ 20 10 03 01 to 20 10 03 05, inclusive § 20 10 03 08, §§ 20 10 03 10 to 20 10 03 12, inclusive §§ 20 10 03 14 to 20 10 03 25, inclusive §§ 20 10 03 33 to 20 10 03 35, inclusive §§ 20 10 04 01 to 20 10 04 04, inclusive §§ 20 10 04 06 to 20 10 04 17, inclusive and §§ 20 10 04 19 to 20 10 04 30, inclusive

Hearing Date September 10, 2001

FISCAL NOTE SUMMARY

List State agencies or local governmental subdivisions affected:

COST INCREASES DECREASES

State Agencies	First Year Impact	Continuous Yearly Impact
TOTAL		
Local Subdivisions		
TOTAL		
Revenue Increases (Decreases) State & Local:		
TOTAL	0	

APPROVED James A. Berg
Signature Department Secretary or Board or Commission Chairman

DATE 8/15/01

ARTICLE 20-10

PUBLIC UTILITIES

Chapter

20:10:01 General rules of practice
20:10:02 General motor carrier rules. Repealed
20:10:03 Regulated Motor carriers ~~under 10C~~
20:10:04 Exempt Motor carriers ~~not under 10C~~
20:10:05 General telecommunications company rules
20:10:06 Telecommunications records
20:10:07 Telecommunications subscriber billing rules
20:10:08 Telecommunications credit
20:10:09 Refusal of telecommunications service
20:10:10 Disconnection of telecommunications service
20:10:11 Public warehouses
20:10:12 Grain dealers
20:10:13 Public utilities rate filing rules
20:10:14 Procedure rules for public utilities. Repealed or transferred
20:10:15 General gas and electric rules
20:10:16 Gas and electric utility records and public information rules
20:10:17 Gas and electric customer billing rules
20:10:18 Gas and electric service rules
20:10:19 Establishment of gas and electric credit
20:10:20 Refusal and disconnection of gas and electric service
20:10:21 Energy facility plans
20:10:22 Energy facility siting rules
20:10:23 Gas and electric advertising rules
20:10:24 Interexchange carrier and classification rules
20:10:25 Telecommunications facility construction notice rules. Repealed
20:10:26 Master metering variance rules
20:10:27 Telecommunications switched access filing rules
20:10:28 Telecommunications separations procedures
20:10:29 Telecommunications switched access charges
20:10:30 Assignment of N11 dialing codes
20:10:31 Assessment of fees for intrastate gas pipeline operators
20:10:32 Local exchange service competition
20:10:33 Service standards for telecommunications companies
20:10:34 Prohibition against unauthorized changing of telecommunications company and charging for unauthorized services

Form & Style

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 -- Leading of livestock.

20:10:02:17 Class C carriers -- Written contract requirements.

20:10:02:18 "Property" defined.

20:10:02:19 Class B carriers -- Property not permitted to be carried.

20:10:02:20 Class A carriers -- Charter operations.

20:10:02:21 Class A and B carriers -- Bills of lading.

20:10:02:22 Copies of bills of lading to be kept by drivers and principal office.

20:10:02:23 All carriers. Licensing requirements.

20:10:02:24 All carriers. Restriction on leases.

20:10:02:25 Class B carriers. Carriage of cargo.

20:10:02:26 Class B carriers. Livestock carriage.

20:10:02:27 Repealed.

20:10:02:28 All carriers. Handling of loss and damage claims.

20:10:02:29 Household goods carriers. Advertising must include permit number.

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 55, 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 the operations of 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 1985, ch 16, § 1; 12 SDR 65, effective September 24, 1985; 13 SDR 151; 13 SDR 155, effective July 1, 1987.~~

~~General Authority: SDCL 49-28-11.~~

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

~~20:10:02:03. Insurance required for motor carriers of property. Any motor carrier or 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 49-28-18, 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, including cargo, $10,000.~~

~~Such liability and indemnity insurance shall on all cargo carry the cargo liability endorsement for motor carrier policies of insurance for bodily injury and property damage. Such~~

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

~~Source: SL 1975, ch 16, § 1; 12 SDR 55, effective November 24, 1985; 12 SDR 151; 12 SDR 155, effective July 1, 1986.~~

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

~~Law Implemented: SDCL 49-28-15.~~

~~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 the commission a cargo insurance policy 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 property or insurance for cargo liability. The filing may be evidenced by certificates of insurance on the forms 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 2, 1982; 12 SDR 55, effective November 24, 1985; 12 SDR 151; 12 SDR 155, effective July 1, 1986.~~

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

~~Law Implemented: SDCL 49-28-15.~~

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

~~Source: SL 1975, ch 16, § 1, repealed; 12 SDR 55, effective November 24, 1985.~~

~~20:10:02:06. Records to be kept open -- Changes must be filed. Changes of trade name, name rules and fares to be charged, together with all the rules, regulations, and charges upon~~

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

Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 13 SDR 154; 13 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-28-3.1.

Law Implemented: SDCL 49-28-3.1, 49-28-18.

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; 13 SDR 154; 13 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-28-3.1.

Law Implemented: SDCL 49-28-3.1, 49-28-6.1.

20:10:02:09. Identification of leased vehicles required. When a motor vehicle is operated by a motor carrier (c) hire requiring the use of the equipment under the terms of a lease,

~~fide lease, the requirement prescribed in § 20:10:02:08 shall apply to such lessee or acquirer of 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 49-28-3.1.~~

~~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 emblems 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 49-28-3.1.~~

~~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 1976, ch 16, § 1; repealed, 12 SDR 83, effective November 1, 1985.~~

~~20:10:02:16. Class B carriers -- Loading of livestock. All class B motor carriers of livestock shall observe the following requirements when hauling 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 confined in the same compartment. In addition, large hogs shall be partitioned off from pigs. Cattle, horses, or mature cattle shall be securely tied or partitioned from other cattle carried in the same vehicle.~~

~~(2) Whenever animals carried in the same vehicle are not reasonably full of available space, partitions shall be used to confine the animals in a space where they can be reasonably carried without jostling and falling. No additional freight, except hay, or other articles 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 injure or otherwise injure the animals carried.~~

~~(3) Whenever an upper deck is used for the transportation of livestock, the tender 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 covered or bedded sufficiently to prevent slipping. Such bedding shall consist of straw, hay, gravel, sawdust, or other practicable material.~~

~~Source: SL 1975, ch 16, § 1; 12 SDR 83, effective November 24, 1985; 13 SDR 155, effective July 1, 1986.~~

~~General Authority: SDCL 49-28-15.~~

Law Implemented: SDCL 49-34-2.1.

20:10:02:17. Class C carriers -- Written contract requirements. The minimum 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 charg es.

Source: SL 1935, ch 176, § 1; 9 SDB 55, effective November 2, 1982; 11 SDR 63, effective November 24, 1983; 12 SDR 151, 12 SDR 153, effective July 1, 1986.

General Authority: SDCL 49-34-33.

Law Implemented: SDCL 49-34-5.1, 49-34-9.1.

20:10:02:18. "Property" defined. The term "property" as used in chapter 49-34 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, livestock or poultry feed, petroleum products in containers, and used household goods or other than used farm 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 and between 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 unincorporated places of less than 500 population within the base area from other points in the state.

Source: SL 1975, ch 16, § 1; 12 SDR 65, effective November 24, 1985; 12 SDR 151; 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-28-33.

Law Implemented: SDCL 49-28-1.1, 49-28-5.1.

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 on their permit: household goods in van type equipment; heavy metal constructions; contractors' materials and other construction supplies on vehicles without low mounted decks 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 connection and trailer hookup or mobile homes on wheels.

Source: SL 1975, ch 16, § 1; 12 SDR 65, effective November 24, 1985; 12 SDR 151; 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-28-33.

Law Implemented: SDCL 49-28-1.1, 49-28-5.1.

20:10:02:20. Class A carriers -- Charter operations. Any class A motor carrier or persons may transport special or chartered parties to and from any point not prohibited by such carrier under authority in its class A permit or permits.

Source: SL 1975, ch 16, § 1; 12 SDR 65, effective November 24, 1985; 12 SDR 151; 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-28-33.

Law Implemented: SDCL 49-28-5.1.

~~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 to 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 operations 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 on 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; 13 SDR 151; 13 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 carrier 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 accumulated 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.~~

~~CHAPTER 20:10:03~~

REGULATED MOTOR CARRIERS ~~UNDER ICC~~

Section

20:10:03:01	Definitions.
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20:10:03:04	Form and execution of application.
20:10:03:05	Filing of initial application.
20:10:03:06 and 20:10:03:07	Repealed.
20:10:03:08	Filing of ~~designation~~ designated ~~of local~~ process agents.
20:10:03:09	Repealed.
20:10:03:10	~~When registration and identification of vehicles required.~~ Repealed.
20:10:03:11	~~Process of~~ Renewal or supplemental registration procedures ~~outlined~~.
20:10:03:11.01	Maintaining current information on file.
20:10:03:12	~~Stamps~~ Registrations issued by commission – Restrictions on use.
20:10:03:13	Repealed.
20:10:03:14	~~Application for cab cards.~~ Repealed.
20:10:03:15	~~Issuance of cab cards - Instructions for use.~~ Repealed.
20:10:03:16	~~Termination date of cab cards and identification stamps.~~ Repealed.
20:10:03:17	~~Form and execution of application for identification stamps.~~ Repealed.
20:10:03:18	~~Form of identification stamps.~~ Repealed.
20:10:03:19	~~Form of cab card~~ Registration forms. Form RS-3.

20:10:03:20	Use of ~~cab cards~~ registration forms, Form RS-3.
20:10:03:21	Inspection of the ~~cab card~~ registration form, Form RS-3.
20:10:03:22	Destruction and expiration of ~~cab cards~~ registration forms, Form RS-3.
20:10:03:23	When ~~cab card~~ registration forms, Form RS-3, may be transferred.
20:10:03:24	Effect of alteration of ~~cab cards~~ registration forms, Form RS-3 - Procedure for replacement.
20:10:03:25	~~External identification.~~ Repealed.
20:10:03:26 to 20:10:03:32	Repealed.
20:10:03:33	~~Interim operations pending commission approval.~~ Repealed.
20:10:03:34	~~Uniform identification cab card required.~~ Repealed.
20:10:03:35	~~Forms to be completed by typewriter or in ink.~~ Repealed.
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;~~

appropriate fees - what are ~~they~~ the appropriate fees? A cross-reference may be used

~~(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~~ each requirement 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. ~~1023.12 (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

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. ~~1023.12 (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,

what items ?

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~~ may 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~~ 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.

20:10:03:14. 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 MABUC. 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

What requirements?

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.~~ the registration

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 substituted 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 substituted 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 current registration date which appears below the certificate on 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 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.~~ A motor carrier may transfer official copies of its valid registration form, Form RS-3, from vehicles taken out of service to their a 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 40-28-33.~~

~~Law Implemented: SDCL 40-28-36.~~

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; 1° SDR 151, 12 SDR 155, effective July 1, 1986.

~~General Authority: SDCL 40-28-33.~~

~~Law Implemented: SDCL 40-28-36.~~

Form & Style

CHAPTER 20:10:04

EXEMPT MOTOR CARRIERS ~~NOT UNDER ICC~~

Section

20:10:04:01 Definitions

20:10:04:02 Registration required of exempt, interstate, for hire motor carriers ~~exempt from ICC regulation~~.

20:10:04:03 Form and execution of application

20:10:04:04 Filing of application -- Registration Fee

20:10:04:05 Repealed

20:10:04:06 ~~Filing of designation of process agent.~~ Repealed.

20:10:04:07 Registration ~~and identification~~ required to operate.

20:10:04:08 Process of registration.

20:10:04:09 Stamps issued by commission -- Restrictions on use.

20:10:04:10 ~~Only one stamp per vehicle.~~ Repealed.

20:10:04:11 ~~Application for~~ Obtaining cab cards.

20:10:04:12 Issuance of cab cards -- Instructions for use.

20:10:04:13 ~~Termination~~ Expiration date of ~~cab cards and~~ stamps.

20:10:04:14 ~~Form and execution of application for identification stamps.~~ Repealed.

20:10:04:15 Form of identification stamp.

20:10:04:16 ~~Loss of fee and~~ Repealed.

20:10:04:17 Use of cab cards.

20:10:04:18 Inspection of the cab card.

20:10:04:19 Destruction of cab cards.

20:10:04:20 ~~Chapter obsolete upon termination.~~ Repealed.

20:10:04:21 Effect of alteration of ~~cab card~~ identification stamps -- Procedure for replacement.

20:10:04:22 Liability insurance certificate or surety bond required.

20:10:04:23 Form and execution of liability insurance certificate.

20:10:04:24 ~~Form and execution of liability insurance endorsement.~~ Repealed

20:10:04:25 Form and execution of liability surety bond

20:10:04:26 Notice of insurance cancellation

20:10:04:27 Notice of bond cancellation.

20:10:04:28 ~~Requirements of forms.~~ Repealed

20:10:04:29 ~~Completion of forms.~~ Repealed.

20:10:04:30 State taxes and fees.

Please do not fragment your overstrikes. It makes it more difficult to review and to later load on the system.

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.~~

~~(3) "Vehicle," a self-propelled or motor-driven vehicle operated by a motor carrier; and~~

~~(4)~~(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 ~~each~~ exempt motor carrier ~~operation~~ operations ~~shall be~~ is filed ~~in duplicate~~ with the commission. The original ~~application shall be~~ is retained by the commission. ~~Each~~ New applicant ~~for~~ is 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 ~~to 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 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~~ any vehicles 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.

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~~ applicable 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 on 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 driveway 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 as 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. 1023.26 (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~~ may not be used for any vehicle except the vehicle for which it was originally prepared. ~~A~~ An exempt motor carrier ~~shall~~ may 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

a) exempt motor vehicle 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. 1023.72 (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.

Affidavit of Publication

STATE OF SOUTH DAKOTA)
COUNTY OF LAWRENCE)

Stewart Huntington of said County and State being first duly sworn, on his oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Stewart Huntington, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and That I, Stewart Huntington, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

3X5 display advertisement
Notice of Public Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 20th day of Aug 2001, and the last publication on the _____ day of _____, _____, that the full amount of fees charged for publishing same, to-wit: The sum of $ 122.25, insures soley to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Stewart Huntington

Subscribed and sworn to before me this 20th day of Aug 2001.

Notary Public, Lawrence County, South Dakota
My commission expires 10-24-2004

SOUTH DAKOTA NOTARY PUBLIC SEAL

Public Utilities
Notice of Public Hea

A public hearing will be held in Room 412, at September 12, 2001, at 10:00 a.m., to consider numbered

Chapter 20:10:02, §§ 20:10:03:01 to 20:10:0 20:10:03:12, inclusive; §§ 20:10:03:14 to 20- inclusive; §§ 20:10:04:01 to 20:10:04:04, incl and §§ 20:10:04:19 to 20:10:04:30 inclusive.

The effect of the proposed rules will result in the istrative rules conforming with State and Federal tr

The reason for repealing Chapter 20:10:02 i intrastate motor carriers. The rules contained in ch bring the rules into conformity with changes that h laws and policies.

Persons interested in presenting data, opinions may do so by appearing in person at the hearin Utilities Commission, State Capitol Building, 500 5070. Material sent by mail must reach the Public considered.

After the hearing, the commission will consider proposed rules. The commission may modify or amen matters that are described in this notice.

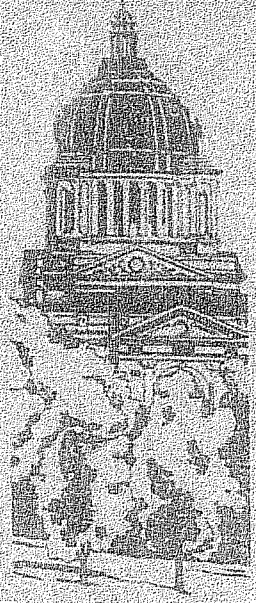
Notice is further given to individuals with disab accessible place. Please notify the Public Utilities ing if you have special needs for which special ar for making special arrangements is 605-773-3201

Copies of the proposed rules may be obtained v Commission, State Capitol Building, 500 East Ca

The proposed rules may also be found on th following address: http://www.state.sd.us/puc

CONTINUATION

#3



South Dakota Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
1-800-332-1782

TTY Through
Relay South Dakota
1-800-877-1113

Internet Website
www.state.sd.us/puc

Jim Burg
Chairman
Pam Nelson
Vice Chairman

Debra Bothern
Executive Director

Harlan Best
Nancy C. Eschenbach
Sue Cichos
Karen E. Cremer
Christopher W. Domeier
Jeff Eneman
Michele M. Farris
Marlene Fechtner
Heather K. Forney
Keith G. Senger
Mary Throlson
Lon Tiedy
Mary Healy
Lisa Hull
Dave Jacobson
Amy Koenen
Brandon Kirk
Bob Knadle
Delaine Kolbo
Darlene Lund
Gregory A. Rislov
Keith Senger
Bridget Mehlhaff Weber

Please Notice:

The Rules Hearing which was scheduled for September 12, 2001, at 10:00am in Room 412 of the State Capitol has been CANCELLED. The hearing is being tentatively rescheduled for October 11, 2001.

Sue Cichos
Deputy Executive Director
sue.cichos@state.sd.us
September 11, 2001

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

AFFIDAVIT OF MAILING NOTICE
TO INTERESTED PARTIES

I, Delaine Kolbo, under oath, do swear, that on September 13, 2001, I mailed a copy of the notice attached to this affidavit to the following entities. I further swear that this is a true and correct list of all entities who have requested advance notice of rulemaking proceedings by the Public Utilities Commission.

South Dakota Trucking Association
3801 South Kiwanis Avenue
Sioux Falls, SD 57105

South Dakota Highway Patrol
500 East Capitol
Pierre, SD 57501

Delaine Kolbo

Subscribed and sworn to
before me this 13th day
of September, 2001.

Notary Public - South Dakota

(SEAL)

My Commission Expires
_____, 2001.

My Commission Expires
January 9, 2007

Public Utilities Commission
Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 412, 4th floor, State Capitol, Pierre, South Dakota, on October 11, 2001, at 10:00 a.m., to consider the adoption and amendment of proposed rules numbered

Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:35, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:06 to 20:10:04:17, inclusive, and §§ 20:10:04:19 to 20:10:04:30, inclusive

The effect of the proposed rules will result in the Public Utilities Commission's motor carrier administrative rules conforming with State and Federal transportation laws and policies.

The reason for repealing Chapter 20:10:02 is because the Commission no longer regulates intrastate motor carriers. The rules contained in Chapters 20:10:03 and 20:10:04 are being revised to bring the rules into conformity with changes that have been made to State and Federal transportation laws and policies.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the South Dakota Public Utilities Commission, State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission by October 22, 2001, to be considered.

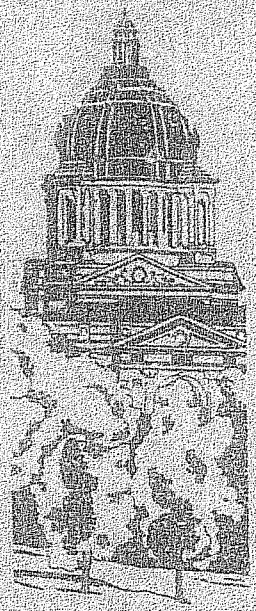
After the hearing, the commission will consider all written and oral comments it receives on the proposed rules. The commission may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities Commission at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is 605-773-3201.

Copies of the proposed rules may be obtained without charge from the

South Dakota Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

The proposed rules may also be found on the Public Utilities Commission's home page at the following address: http://www.state.sd.us/puc.



South Dakota Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

September 13, 2001

Doug Decker
Legislative Research Council
500 E. Capitol
Pierre, SD 57501

Dear Doug:

This letter is to inform you that the Public Utilities Commission (Commission) had to cancel its rules hearing which was set for September 12, 2001. The Commission was unable to hold the hearing due to the inability of Commissioner Burg to fly back from Washington D.C. on September 11, 2001.

The Commission is rescheduling the hearing for October 11, 2001. We are publishing the revised notice of hearing and sending the revised notice to interested persons. Enclosed is a copy of our revised notice of hearing.

If you have any questions, please contact me.

Sincerely,

Rolayne Ailts Wiest

ROLAYNE AILTS WIEST
General Counsel

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
1-800-332-1782

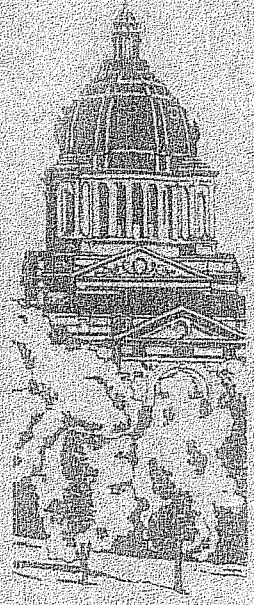
TTY Through
Relay South Dakota
1-800-877-1113

Internet Website
www.state.sd.us/puc/

Jim Burg
Chairman
Pam Nelson
Vice-Chairman

Debra Elofson
Executive Director

Harlan Best
Gavin C. Bettmann
Sue Cichos
Kristy L. Cremer
Christopher W. Downs
Terry Emerson
Michele M. Farris
Marlene Fleshaker
Heather K. Forney
Kathleen Francis
Mary Goldings
Lee Hardy
Mary Healy
Eric Hull
Dave Jacobson
Kim Lecrone
Jennifer Lohr
Sue Lundin
Debbie Podlas
Christine Lund
Gregory A. Rislov
Anita Sargent
Roberta Ailts Wiest



South Dakota Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

September 13, 2001

Bureau of Finance and Management
500 E. Capitol
Pierre, SD 57501

RE: Rescheduling of the Public Utilities Commission's rules hearing

This letter is to inform you that the Public Utilities Commission (Commission) had to cancel its rules hearing which was set for September 12, 2001. The Commission was unable to hold the hearing due to the inability of Commissioner Burg to fly back from Washington D.C. on September 11, 2001.

The Commission is rescheduling the hearing for October 11, 2001. We are publishing the revised notice of hearing and sending the revised notice to interested persons. Enclosed is a copy of our revised notice of hearing.

If you have any questions, please contact me.

Sincerely,

Rolayne Ailts Wiest

ROLAYNE AILTS WIEST
General Counsel

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
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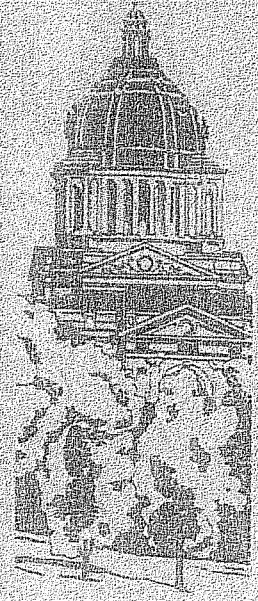
TTY Through
Relay South Dakota
1-800-877-1113

Internet Website
www.state.sd.us/puc/

Jim Burg
Chairman
Pam Nelson
Vice Chairman

Debra Elofson
Executive Director

Harlan Best
Martin C. Bettmann
Sue Cichos
Karen E. Cremer
Christopher W. Deibert
Terry Emerson
Michele M. Farris
Marlette Feenstra
Heather K. Forney
Kelly D. Frazier
Mary Giddings
Lori Heale
Mary Healy
Lisa Hull
Dave Jacobson
Amy Koenig
Jeanne Kirk
Jodi Knudtson
Darlene Kruse
Charlene Land
Gregory A. Rislov
Keith Senger
Rolayne Ailts Wiest



South Dakota Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

September 13, 2001

Brookings Register
P. O. Box 177
Brookings, SD 57006-0177

To whom it may concern:

Please publish the enclosed notice in your paper as a display advertisement for one issue by September 19, 2001.

South Dakota law requires that this notice be published as a display advertisement. Your failure to return your Affidavit of Publication containing the words "display advertisement" with your invoice will nullify your claim for publication fees.

Sincerely yours,

Rolayne Ailts Wiest

Rolayne Ailts Wiest
Commission Counsel

RAW:dk
Enc.

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
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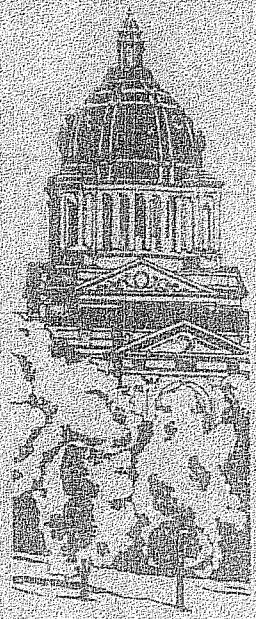
TTY Through
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1-800-877-1113

Internet Website
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Jim Burg
Chairman
Pam Nelson
Vice-Chairman

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Harlan Best
Martin C. Bettmann
Sue Cichos
Karen E. Cremer
Christopher W. Dawson
Terry Emerson
Michele M. Farris
Marlene Fischbach
Heather R. Forney
Kelly D. Frazier
Mary Geddings
Leni Healy
Mary Healy
Lisa Hoff
Dave Jacobson
Ann Kaiser
Jennifer Kirk
Bob Knadle
Delores Kolbo
Charlson Lenat
Gregory A. Rislov
Keith Senger
Rolayne Ailts Wiest



South Dakota Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

Capitol Office
Telephone (605)773-3201
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Dan Hoff
Dave Jacobson
Andy Kaiser
Jennifer Kirk
Bob Knadle
Delayne Kolbo
Christine Lund
Gregory A. Rislov
Lon Seiger
Rolayne Ailts Wiest

September 13, 2001

Black Hills Pioneer
P. O. Box 7
Spearfish, SD 57783-0007

To whom it may concern:

Please publish the enclosed notice in your paper as a display advertisement for one issue by September 19, 2001.

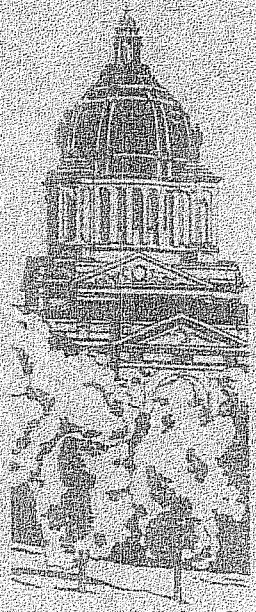
South Dakota law requires that this notice be published as a display advertisement. Your failure to return your Affidavit of Publication containing the words "display advertisement" with your invoice will nullify your claim for publication fees.

Sincerely yours,

Rolayne Ailts Wiest

Rolayne Ailts Wiest
Commission Counsel

RAW:dk
Enc.



South Dakota Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

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Mary Giddings
Tom Healy
Mary Healy
Lisa Hull
Dave Jacobson
Jim Kaiser
Jennifer Kirk
Bob Knadle
Delmas Kolbo
Caroline Lone
Gregory A. Rislov
Jeff Sawyer
Rolayne Wiest

September 13, 2001

Capital Journal
P. O. Box 878
Pierre, SD 57501-0878

To whom it may concern:

Please publish the enclosed notice in your paper as a display advertisement for one issue by September 19, 2001.

South Dakota law requires that this notice be published as a display advertisement. Your failure to return your Affidavit of Publication containing the words "display advertisement" with your invoice will nullify your claim for publication fees.

Sincerely yours,

Rolayne Wiest

Rolayne Ailts Wiest
Commission Counsel

RAW:dk
Enc.

Affidavit of Publication

STATE OF SOUTH DAKOTA)
COUNTY OF LAWRENCE)

Stewart Huntington of said County and State being first duly sworn, on his oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Stewart Huntington, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and That I, Stewart Huntington, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

3 x 9 display advertisement
"Notice of Public Hearing"

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 11th day of Sept 2001, and the last publication on the _____ day of _____, _____, that the full amount of fees charged for publishing same, to-wit: The sum of $109.55, insures soley to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Stewart Huntington

Subscribed and sworn to before me this 11th day of Sept 2001

Notary Public, Lawrence County, South Dakota
My commission expires: 10-24-2004

NOTARY PUBLIC SEAL SOUTH DAKOTA

RECEIVED
OCT 0 3 2001
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Public Utilities
Notice of Public Hea

A public hearing will be held in R Pierre, South Dakota, on October 11, adoption and amendment of propose Chapter 20:10:02, §§ 20:10:03:0 10:03:08, §§ 2:10:03:10 to 20:10:03:14 to 20:10:03:25, 20:10:03:35, inclusive, §§ 20:10 §§ 20:10:04:06 to 20:10:04:17, 20:10:04:30, inclusive.

The effect of the proposed rules Commission's motor carrier adminis and Federal transportation laws and

The reason for repealing Chapter 2 no longer regulates intrastate mot Chapters 20:10:03 and 20:10:04 are conformity with changes that have be portation laws and policies.

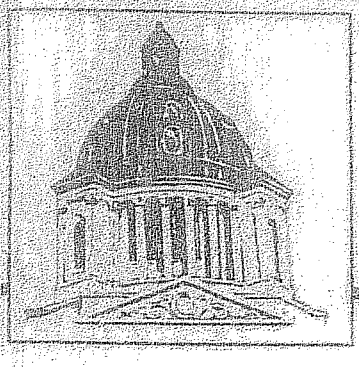
Persons interested in presenting t against the proposed rules may do hearing or by sending them to Commission, State Capitol Building South Dakota 57501-5070. Material Utilities Commission by October 22,

After the hearing, the commission ments it receives on the proposed r amend a proposed rule at that time described in this notice.

Notice is further given to individual being held in a physically accessi Utilities Commission at least 48 ho have special needs for which specia telephone number for making specia

Copies of the proposed rules may South Dakota Public Utilitie State capitol Building 500 East Capitol avenue Pierre, South Dakota 5750

The proposed rules may also Commission's home page: http://www.state.sd.us/puc.



Capi

AFFIDAVIT O

State of South Dakota, County of Hughes

Carolyn Deal

oath, says: That he/she is the publisher or an daily newspaper published in the City of Pie Dakota; that he/she has full and personal know is a legal newspaper as defined in SDCL 17-2- has been published within the said County of year next prior to the first publication of the att isement headed Public Utilities Hearing to Adopt Ru a printed copy of which, taken from the paper i to attached and made a part of this affidavit, w successive week(s) to wit:

September 13 20 01
_____ 20____
_____ 20____
_____ 20____
_____ 20____

PUBLIC UTILITIES COMMISSION
NOTICE OF PUBLIC HEARING TO ADOPT RULES

A public hearing will be held in Room 412, 4th floor, State Capitol, Pierre, South Dakota, on October 11, 2001, at 10:00 am, to consider the adoption and amendment of proposed rules numbered

Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:55, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:06 to 20:10:04:17, inclusive and §§ 20:10:04:19 to 20:10:04:30, inclusive

The effect of the proposed rules will result in the Public Utilities Commission's motor carrier administrative rules conforming with State and Federal transportation laws and policies.

The reason for repealing Chapter 20:10:02 is because the Commission no longer regulates intrastate motor carriers. The rules contained in Chapters 20:10:03 and 20:10:04 are being revised to bring the rules into conformity with changes that have been made to State and Federal transportation laws and policies.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the South Dakota Public Utilities Commission, State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission by October 22, 2001, to be considered.

After the hearing, the commission will consider all written and oral comments it receives on the proposed rules. The commission may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities Commission at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is 605-773-3201.

Copies of the proposed rules may be obtained without charge from the

South Dakota Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

The proposed rules may also be found on the Public Utilities Commission's home page at the following address: http://www.state.sd.us/puc.

_____ 20____

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are: $ 92.09.

Signed: Carolyn M. Deal

subscribed and sworn to before me this 4 day of October 20 01

Notary Public in and for the County of Hughes, South Dakota.
My Commission expires 2-18, 20 03.

RECEIVED
OCT 15 2001
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Affidavit of Publication

State of South Dakota

Exhibit "A"

ss

County of Brookings

KRISTI OLSON of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota, that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed in the office maintained at said place of publication; and that the

Display Legal Notice of Public Hearing to Adopt Rules

Brookings and State of South Dakota, for more than one a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part of this affidavit, was published in said newspaper for 1 times, to-wit:

September 18, 2001

said Exhibit "A" inures to the sole benefit to the publishers of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

One hundred twenty-six dollars and seventy cents $126.70

Kristi Olson

Subscribed and sworn to before me this 4 day of October, 2001.

Christine Nelson

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires April 27, 2005

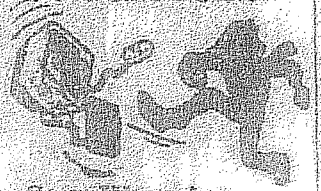
Wells Fargo to donate $1 million to American Red Cross

Wells Fargo & Co. (NYSE: WFC) will contribute $1 million to the American Red Cross disaster relief fund to support efforts to assist victims and families of the Sept. 11 national disaster.

Customers and others may make contributions at any Wells Fargo banking store, payable to American Red Cross Disaster Relief Fund. Wells Fargo team members are coordinating blood drives with local Red Cross chapters in a number of Wells Fargo communities across the country.

"I'm proud of the efforts our team members have made to continue meeting the needs of our customers in these trying times," said Cindy Mydland, community banking president in Brookings. "All of us have watched this terrible tragedy unfold and searched for ways to help the victims and their families. In addition to keeping our businesses open, we invite our customers and communities to join us in our efforts to raise funds for the recovery effort and to donate blood."

Quickbooks Troubles?



Stop Worrying...
Give us a call.
We are QUICKBOOKS advisors.
692-2515
Priced Right & Guaranteed.
Kinner & Company, Ltd.
305 6th Street Brookings, SD 57006

With fearless eye
and flaming zeal
As ever fought a knight of old,
This night shall see
true love tried,
and the heart
Who sees the light
Its beckonings to take -
Will take their flight.

Finish

BRAVE HEART

Public Utilities Commission
Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 412, 4th floor, State Capitol, Pierre, South Dakota, on October 11, 2001, at 10:00 a.m., to consider the adoption and amendment of proposed rules numbered

Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:35, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:05 to 20:10:04:17, inclusive, and §§ 20:10:04:19 to 20:10:04:30, inclusive

The effect of the proposed rules will result in the Public Utilities Commission's motor carrier administrative rules conforming with State and Federal transportation laws and policies.

The reason for repealing Chapter 20-10-02 is because the Commission no longer regulates intrastate motor carriers. The rules contained in Chapters 20:10:03 and 20:10:04 are being revised to bring the rules into conformity with changes that have been made to State and Federal transportation laws and policies.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the South Dakota Public Utilities Commission, State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission by October 22, 2001, to be considered.

After the hearing, the commission will consider all written and oral comments it receives on the proposed rules. The commission may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities Commission at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is 605-773-3201.

Copies of the proposed rules may be obtained without charge from the

South Dakota Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

The proposed rules may also be found on the Public Utilities Commission's home page at the following address: http://www.state.sd.us/puc.

PUBLIC UTILITIES COMMISSION
MINUTES OF PUBLIC HEARING

The Public Utilities Commission convened the public hearing at 10:00 a.m., on Wednesday, October 11, 2001, in Room 412, 4th Floor, State Capitol, Pierre, South Dakota.

The purpose of the meeting was to conduct a public hearing on the proposed rules of the Commission numbered Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:35, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:06 to 20:10:04:17, inclusive, and §§ 20:10:04:19 to 20:10:04:30, inclusive.

Members of the Commission in Attendance: Commissioners: Jim Burg and Pam Nelson. Commission Staff: Rolayne Ailts Wiest, Greg Rislov, Bob Knadle, and Jennifer Kirk.

Others in Attendance: Dawna Leitzke, S.D. Petroleum & Propane Marketers; James Carpenter, S.D. Highway Patrol.

Written Testimony

The Commission did not receive any written comments.

Oral Testimony

Jennifer Kirk explained the changes to the rules. No one offered any other testimony.

Respectfully submitted,

Rolayne Ailts Wiest

Rolayne Ailts Wiest
Commission Counsel
South Dakota Public Utilities Commission

START

OF

RETAKE

PUBLIC UTILITIES COMMISSION
MINUTES OF PUBLIC HEARING

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Respectfully submitted,

Rolayne Ailts Wiest

Rolayne Ailts Wiest
Commission Counsel
South Dakota Public Utilities Commission

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

AFFIDAVIT

I, Delaine Kolbo, hereby certify that on November 28, 2001, I mailed a full, true, and correct copy of the following rules adopted by the Public Utilities Commission on November 27, 2001, together with a copy of the minutes of the public hearing and written comments, to the members of the Interim Rules Review Committee, listed below, at their respective post office addresses:

Proposed revised rules: Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:35, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:06 to 20:10:04:17, inclusive, and §§ 20:10:04:19 to 20:10:04:30, inclusive.

The Honorable Orville Smidt, Chair
State Representative
117 Fourth Street
Brookings, SD 57006-1915

The Honorable Eric Bogue, Vice Chair
State Senator
P. O. Box 250
Faith, SD 57626-0250

The Honorable Gerald F. Lange
State Representative
RR 3 Box 109
Madison, SD 57042-9342

The Honorable H. Paul Dennert
State Senator
11653 391st Avenue
Columbia, SD 57433-7002

The Honorable Matthew Michels
State Representative
1213 Walnut Street
Yankton, SD 57078

The Honorable Royal "Mac" McCracken
State Senator
3120 Flint Drive
Rapid City, SD 57702

Subscribed and sworn to
before me this 28th day
of November, 2001.

Mary K. Geadings
Notary Public - South Dakota

(SEAL)

My Commission Expires
_____, 2001.

My Commission Expires
January 9, 2007

Delaine Kolbo

END

OF

RETAKE

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

APPROVAL OF RULES

Following public hearing held on October 11, 2001, the following rules are approved and will become effective twenty days after filing with the Secretary of State.

Proposed revised rules: Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:35, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:06 to 20:10:04:17, inclusive, and §§ 20:10:04:19 to 20:10:04:30, inclusive.

Date: November 27, 2001

PUBLIC UTILITIES COMMISSION

James A. Burg, Chairman

Pam Nelson, Commissioner

Date 11/28/01

LEGISLATIVE RESEARCH COUNCIL
(for legality and for form and style)

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

CERTIFICATE

I, James A. Burg, hereby certify that I am a duly appointed member and the duly elected chair of the Public Utilities Commission and that the attached instruments are full, true, and correct copies of the following rules adopted by the Public Utilities Commission on November 27, 2001.

Proposed revised rules: Proposed revised rules: Chapter 20:10:02, §§ 20:10:03:01 to 20:10:03:05, inclusive, § 20:10:03:08, §§ 20:10:03:10 to 20:10:03:12, inclusive, §§ 20:10:03:14 to 20:10:03:25, inclusive, §§ 20:10:03:33 to 20:10:03:35, inclusive, §§ 20:10:04:01 to 20:10:04:04, inclusive, §§ 20:10:04:06 to 20:10:04:17, inclusive, and §§ 20:10:04:19 to 20:10:04:30, inclusive.

I further certify that SDCL 1-26-4 and 1-26-6 were complied with in the adoption of these rules. These rules will become effective twenty days after filing with the Secretary of State.

James A. Burg

James A. Burg, Chairman
Public Utilities Commission

Subscribed and sworn to
before me this 10th day
of December, 2001.

Notary Public - South Dakota

(SEAL)

My Commission Expires
_____, 2001.

My Commission Expires
January 9, 2007

Filed this 10th day of
December, 2001

SECRETARY OF STATE

ARTICLE 20:10

PUBLIC UTILITIES

Chapter	
20:10:01	General rules of practice.
20:10:02	General motor carrier rules, Repealed.
20:10:03	Regulated Motor carriers ~~under IEC~~.
20:10:04	Exempt Motor carriers ~~not under IEC~~.
20:10:05	General telecommunications company rules.
20:10:06	Telecommunications records.
20:10:07	Telecommunications subscriber billing rules.
20:10:08	Telecommunications credit.
20:10:09	Refusal of telecommunications service.
20:10:10	Disconnection of telecommunications service.
20:10:11	Public warehouses.
20:10:12	Grain dealers.
20:10:13	Public utilities rate filing rules.
20:10:14	Procedure rules for public utilities, Repealed or transferred.
20:10:15	General gas and electric rules.
20:10:16	Gas and electric utility records and public information rules.
20:10:17	Gas and electric customer billing rules.
20:10:18	Gas and electric service rules.
20:10:19	Establishment of gas and electric credit.
20:10:20	Refusal and disconnection of gas and electric service.
20:10:21	Energy facility plans.
20:10:22	Energy facility siting rules.
20:10:23	Gas and electric advertising rules.
20:10:24	Interexchange carrier and classification rules.
20:10:25	Telecommunications facility construction notice rules, Repealed.
20:10:26	Master metering variance rules.
20:10:27	Telecommunications switched access filing rules.
20:10:28	Telecommunications separations procedures.
20:10:29	Telecommunications switched access charges.
20:10:30	Assignment of N11 dialing codes.
20:10:31	Assessment of fees for intrastate gas pipeline operators.
20:10:32	Local exchange service competition.
20:10:33	Service standards for telecommunications companies.
20:10:34	Prohibition against unauthorized changing of telecommunications company and charging for unauthorized services.

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.

20:10:02:17 Class C carriers -- Written contract requirements.

20:10:02:18 "Property" defined.

20:10:02:19 Class B carriers -- Property not permitted to be carried.

20:10:02:20 Class A carriers -- Charter operations.

20:10:02:21 Class A and B carriers -- Bills of lading.

20:10:02:22 Copies of bills of lading to be kept by drivers and principal office.

20:10:02:22 All carriers--Leasing requirements.

20:10:02:24 All carriers--Restriction on leases.

20:10:02:25 Class B carriers--Carriage of cement.

20:10:02:26 Class B carriers--Livestock carriage.

20:10:02:27 Repealed.

20:10:02:28 All carriers--Handling of loss and damage claims.

20:10:02:29 Household goods carriers--Advertising must include permit number.

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 written for 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 49-28-16.

20:10:02:08. 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 damage 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 49-28-19.

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 49-28-19.

20:10:02:05. Camping 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. Change must be filed. Copies of tariffs, running 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 lease~~

~~fails to so, the requirement prescribed in § 20:10:03:08 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 vehicle of owner-operator 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. Interstate operation of intrastate carrier prohibited. Repealed.~~

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

~~20.10.02.16. Class B carrier -- 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. Closed 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 95, 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.~~

~~20:10:02:22. Class A and B carriers. Bill 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.~~

~~20:10:02:23. 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 86, 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 49-28-40.~~

~~20:10:02:24. All carriers -- Restriction on lease. A motor carrier may not lease the motor carrier 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 § 20:10:02:19, 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 , 51; 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 49-28-8.5 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 49-28-8.1.~~

CHAPTER 20:10:03

REGULATED MOTOR CARRIERS UNDER ICC

Section

20:10:03:01 Definitions.

20:10:03:02 When registration is required of ICC regulated motor carriers.

20:10:03:02.01 Selection of South Dakota as registration state.

20:10:03:03 ~~Exemption from registration for previous filings.~~ Repealed.

20:10:03:04 Form and execution of application.

20:10:03:05 Filing of initial application.

20:10:03:06 and 20:10:03:07 Repealed.

20:10:03:08 Filing of ~~designation~~ designated ~~of local~~ process agents.

20:10:03:09 Repealed.

20:10:03:10 ~~When registration and identification of vehicles required.~~ Repealed.

20:10:03:11 ~~Process of~~ Renewal or supplemental registration procedures ~~outlined~~.

20:10:03:11.01 Maintaining current information on file.

20:10:03:12 ~~Stamps~~ Registrations issued by commission – Restrictions on use.

20:10:03:13 Repealed.

20:10:03:14 ~~Application for cab cards.~~ Repealed.

20:10:03:15 ~~Issuance of cab cards – Instructions for use.~~ Repealed.

20:10:03:16 ~~Termination date of cab cards and identification stamps.~~ Repealed.

20:10:03:17 ~~Form and execution of application for identification stamps.~~ Repealed.

20:10:03:18 ~~Form of identification stamps.~~ Repealed.

20:10:03:19 ~~Form of cab card~~ Registration forms. Form RS-3.

20:10:03:20 Use of ~~cab cards~~ registration forms, Form RS-3.

20:10:03:21 Inspection of the ~~cab card~~ registration form, Form RS-3.

20:10:03:22 Destruction and expiration of ~~cab cards~~ registration forms, Form RS-3.

20:10:03:23 When ~~cab card~~ registration forms, Form RS-3, may be transferred.

20:10:03:24 Effect of alteration of ~~cab cards~~ registration forms, Form RS-3 - Procedure for replacement.

20:10:03:25 ~~External identification.~~ Repealed.

20:10:03:26 to 20:10:03:32 Repealed.

20:10:03:33 ~~Interim operations pending commission approval.~~ Repealed.

20:10:03:34 ~~Uniform identification cab card required.~~ Repealed.

20:10:03:35 ~~Forms to be completed by typewriter or in ink.~~ Repealed.

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 ~~tow~~ 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;

(4) "Registration fee," the total amount due to participating states as calculated on the application;

~~(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)~~ (5) "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~~ each requirement 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 60 consecutive days or less~~

~~shall be 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 the registration fee must select a single participating state as its registration state. The registration state is South Dakota for each motor carrier whose principal place of business is in South Dakota or for any motor carrier who maintains its 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:

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. ~~1023.13 (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 the motor carrier 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 registration fee 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 and address of ~~a local agent~~ each process agent 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~~ each agent 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 the 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 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 registration 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 49-28-36.

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 the items listed above 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 carrier's 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~~ may 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~~ 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.

~~**20:10:03:14. 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 NAPUC 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 NAPUC 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 shall issue a registration form reflecting the motor carrier has filed the required proof of insurance and paid the registration fee. The registration form, Form RS-3, as prescribed by 49 C.F.R. § 367.5 may only contain information identifying the motor carrier and specifying the states for which fees were paid. Supplemental registration forms may 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 the registration fee. ~~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 the registration 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 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.~~ A motor carrier may transfer official copies of its valid registration form, Form RS-3, from any vehicle taken out of service to a replacement vehicle.

~~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 (6) 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, 1985.~~

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

~~Law Implemented: SDCL 49-28-36.~~

~~20:10:03:35. Forms to be completed by operators of [illegible] used in entering information in the block spaces provided on the forms. [illegible]~~

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1985.

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

~~Law Implemented: SDCL 49-28-36.~~

CHAPTER 20:10:04

EXEMPT MOTOR CARRIERS NOT UNDER ICC

Section

20:10:04:01 Definitions.

20:10:04:02 Registration required of exempt, interstate, for hire motor carriers ~~exempt from ICC regulation~~.

20:10:04:03 Form and execution of application.

20:10:04:04 Filing of application - - Registration Fee.

20:10:04:05 Repealed.

20:10:04:06 ~~Filing of designation of process agent.~~ Repealed.

20:10:04:07 ~~Registration and identification required to operate.~~ Repealed.

20:10:04:08 Process of registration.

20:10:04:09 Stamps issued by commission -- Restrictions on use.

20:10:04:10 ~~Only one stamp per vehicle.~~ Repealed.

20:10:04:11 ~~Application for~~ Obtaining cab cards.

20:10:04:12 Issuance of cab cards -- Instructions for use.

20:10:04:13 ~~Termination~~ Expiration date of ~~cab cards and~~ stamps.

20:10:04:14 ~~Form and execution of application for identification stamps.~~ Repealed.

20:10:04:15 Form of identification stamp.

20:10:04:16 ~~Form of cab card.~~ Repealed.

20:10:04:17 Use of cab cards.

20:10:04:18 Inspection of the cab card.

20:10:04:19 Destruction of cab cards.

20:10:04:20 ~~When cab card may be transferred.~~ Repealed.

20:10:04:21 Effect of alteration of ~~cab card~~ identification stamps -- Procedure for replacement.

20:10:04:22 Liability insurance certificate or surety bond required.

20:10:04:23 Form and execution of liability insurance certificate.

20:10:04:24 ~~Form and execution of liability insurance endorsement.~~ Repealed.

20:10:04:25 Form and execution of liability surety bond.

20:10:04:26 Notice of insurance cancellation.

20:10:04:27 Notice of bond cancellation.

20:10:04:28 ~~Requirements of forms.~~ Repealed.

20:10:04:29 ~~Completion of forms.~~ Repealed.

20:10:04:30 State taxes and fees.

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;

~~(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. Each new applicant is 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 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 motor carrier may not operate a vehicle or engage in driveaway operations within the state unless and until the vehicle 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.~~ 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.~~

20:10:04:08. 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~~ any vehicle 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 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 on 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 ~~evidencing same, and the cab card prepared therefor are void~~ expires at midnight on the December 31 ~~first day of February~~ of the registration year for which the identification stamp was 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~~ may not be used for any vehicle except the vehicle for which it was originally prepared. ~~A~~ An exempt motor carrier ~~shall~~ may 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 20 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 49-29-36.~~

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. ~~A~~ An exempt motor carrier ~~shall~~ may 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 at least the minimum amounts of liability security required by law.

~~(1) For bodily injuries to or death to one person: $35,000;~~

~~(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 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, inclusive,~~ and 20:10:04:23 must provide that the commission ~~will~~ shall be given notice of the cancellation of an exempt motor ~~carrier~~ 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 and 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~~ may affect the collection or method of collection of taxes or fees by the state from any exempt motor ~~carriers~~ carrier 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.