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December 29, 2006

VIA HAND DELIVERY

Charles L.A. Terreni, Esquire
Chief Clerk/Administrator
South Carolina Public Service Commission
101 Executive Center Dr., Suite 100
Columbia, SC 29210

Re: South Carolina Office of Regulatory Staff Comments to the Commission's Proposed Changes to South Carolina Code of Regulations Chapter 103, Articles 1 and 2.

Dear Mr. Terreni:

On June 6, 2006, the Public Service Commission of South Carolina ("the Commission") set forth proposed changes to its Articles 1 and 2 regulations. At the workshop conducted November 17, 2006 the Commission established December 29, 2006 as the deadline for additional public comments to be submitted to the Commission in this matter. We are appreciative of the opportunity to provide comments and to participate in the continued development of these regulations.

In response to the proposed Commission revisions, the South Carolina Office of Regulatory Staff ("ORS") respectfully attaches a marked copy showing all Article 2 suggested revisions. We are also providing a clean edited copy of the regulations which has the ORS's suggested changes incorporated.

Thank you for allowing us to put forth comments. We look forward to working with you during this process.

Sincerely,

Jeffrey M. Nelson

JMN/pjm
Enclosure

ARTICLE 2.

MOTOR CARRIERS

SUBARTICLE 1.

GENERAL

103-100. Authorization of Rules.[1]

1. These rules and regulations are promulgated pursuant to the authority vested in the Commission by the General Assembly by its enactments contained in Articles 1 to 11 of Chapter 23 of Title 58 of the Code of Laws of South Carolina, 1976. All previous rules, regulations, and standards are hereby revoked, annulled and superseded.

2. The adoption of these rules shall in no way preclude the Public Service Commission from altering, amending, or revoking them in whole or in part, or from requiring any other or additional service, equipment, facility, or standard, either upon complaint or its own motion, or upon the application of any motor carrier. Moreover, these rules shall not relieve in any way either the Commission or the motor carriers of any duties under the laws of this State.

3. These rules and regulations are consistent with Section 601, Pre-emption of Intrastate Transportation of Property, of the Federal Aviation Administration Authorization Act of 1994, enacted on August 23, 1994.

103-101. Application of Rules.

1. Jurisdiction. These rules are for general application and therefore shall apply to any person, firm, partnership, association, or corporation which is now or may hereafter become engaged as a motor carrier for hire within the State of South Carolina except where specifically exempt by statute.

2. Waiver of Rules. These rules are subject to such exceptions as may be considered just and reasonable as ordered by the Commission in individual cases when strict compliance with any rule or rules produces unusual difficulty and is not in the public interest. They are considered supplementary to the statutes contained in Chapter 23 of Title 58 of the Code of Laws of South Carolina, 1976.

103-102. Definitions of Terms.[2]

As used herein, the following terms shall be accorded meaning as indicated:

1. Certificated Carrier. "Certificated Carrier" means a motor carrier operating under a Certificate of PC&N, a Certificate of FWA, or a Charter Bus Certificate.

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2. Certificate of FWA. "Certificate of FWA" means the certificate of fit, willing, and able authorized to be issued under provisions of Chapter 23 of Title 58 of the Code of Laws of South Carolina, 1976. Certificates of FWA shall be required of all for-hire household goods carriers operating exclusively within limits of any municipality in this State. Holders of Certificates of FWA shall be considered regulated carriers.

3. Certificate of PC&N. "Certificate of PC&N" means the certificate of public convenience and necessity authorized to be issued under the provisions of Chapter 23 of Title 58 of the Code of Laws of South Carolina, 1976. Certificates of PC&N shall be required of all for-hire passenger carriers, household good carriers (except those operating exclusively within the limits of any municipality), and hazardous waste for disposal carriers. Holders of Certificates of PC&N shall be considered regulated carriers.

4. Charter Bus Certificate. A "Charter Bus Certificate" is a certificate issued to charter bus motor carriers which signifies that the motor carrier has met all of the insurance requirements of the Commission, and all of the safety requirements of the South Carolina Department of Public Safety. A Charter Bus Certificate shall be denominated "Class C-Charter Bus."

5. Charter Bus. "Charter Bus" means a motor vehicle carrying 16 or more passengers under a contract for hire.

6. Class C Charter Certificate. "Class C Charter Certificate is a Class C certificate required to be held by service providers engaged in passenger for hire transportation using any motor vehicle equipped to carry up to fifteen (15) passengers and accepting passengers exclusively on a pre-arranged basis and which renumeration is determined on an hourly basis. Class C Charter vehicles shall be identified by decals and LS license plates. A Class C Charter Certificate shall be denominated "Class C – Charter."

7. Class C Taxi Certificate. "Class C Taxi Certificate is a Class C certificate required to be held by service providers engaged in passenger for hire transportation using any motor vehicle equipped to carry up to fifteen (15) passengers, whether or not equipped to handle wheelchairs, which operates on call or demand/response service whereby renumeration is determined on a per trip basis. The issuance of a Taxi certificate signifies that the motor carrier has met all of the requirements of the Commission and all of the safety requirements of the Department of Public Safety. A Class C Taxi Certificate shall be denominated "Class C – Taxi."

8. Commission. "Commission" means the Public Service Commission of South Carolina.

9. Common Carrier by Motor Vehicle. "Common Carrier by Motor Vehicle" means any person or entity which holds itself out to the general public to engage in the transportation by motor vehicle in intrastate commerce of persons or property for compensation, whether over regular or irregular routes, except as exempted in Section 58-23-50 and Section 58-23-70 of Code of Laws of South Carolina, 1976.

10. Contract Carrier by Motor Vehicle. "Contract Carrier by Motor Vehicle" means any person or entity which engages in transportation by motor vehicle of property in intrastate commerce for

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compensation under contracts with one person or a limited number of persons either (a) for the furnishing of transportation service through the assignment of motor vehicles to the exclusive use of each person served, or (b) for the furnishing of transportation services designed to meet the distinct need of each individual customer.

11. Corporation. "Corporation" means a corporation, company, association, or joint stock association.

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12. Interstate Commerce. "Interstate Commerce" means commerce between any place in a state and any place in another state.

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13. Intrastate Commerce. "Intrastate Commerce" means commerce between points and over a route or within a territory wholly within this State, which commerce is not a part of a prior or subsequent movement to or from points outside of this State in interstate or foreign commerce, and includes all transportation within this State for compensation which has been exempted by Congress from federal regulation in interstate or foreign commerce.

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14. Limousine. A "Limousine" shall mean any motor vehicle equipped to carry up to fifteen (15) passengers which exclusively engages in "Class C Charter" operations. Limousines shall be required to obtain a charter certificate.

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Deleted: is a passenger carrier utilizing luxury vehicles and/or vans equipped to carry up to fifteen (15) passengers by prearranged contract. A "Limousine" includes sport utility vehicles and town cars.

15. Motor Carrier. "Motor Carrier" means both a common carrier by motor vehicle and a contract carrier by motor vehicle.

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16. Motor Vehicle Carrier Law. "Motor Vehicle Carrier Law" means Articles 1 to 11 and 15 of Chapter 23 of Title 58 of the Code of Laws of South Carolina, 1976.

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17. Motor Vehicle. "Motor Vehicle" means any vehicle, machine, tractor, semi-trailer, or any combination thereof, which is propelled or drawn by mechanical power and used upon the highways of this State.

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18. Municipality. "Municipality" means any incorporated city or town within the State of South Carolina.

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19. Non-Emergency Vehicle. "Non-Emergency Vehicle" means a vehicle that is used for providing, for a fee or charge, non-emergency transportation, for patients in stable medical condition. "Non-Emergency Vehicle" includes "Wheelchair Van." "Non-Emergency Vehicle" shall not include taxicabs or wheelchair vans operating as taxicabs or vehicles owned by facilities that provide such transportation as described above without charging a separate fee for the transportation service.

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20. ORS. The "ORS" means the South Carolina Office of Regulatory Staff.

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21. Person. "Person" means any individual, firm, partnership, corporation, company, association, or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

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22. Public Highway. "Public Highway" means every improved public highway in this State which is or may hereafter be declared to be a part of the state highway system or any county highway system or a street of any city or town.

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23. Rates. "Rates" include rates, fares, tolls, rentals and charges.

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24. Regulated Move. "Regulated Move" means the transportation of household goods for compensation by a contracted motor carrier for hire between points and places within South Carolina. A "regulated move" includes the transportation for compensation by common or contract motor carrier of household goods contained in mobile storage units between points and places within South Carolina.

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25. State. "State" means the State of South Carolina.

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26. STB. "STB" means Surface Transportation Board.

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27. Tariff. "Tariff" means any schedule or publication showing the rates, fares, charges, rules, regulations, and classifications for the transportation within this State of persons and property.

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28. Taxi. A "Taxi" or "Taxicab" means a passenger carrier vehicle capable of carrying between 1 and 15 passengers the use or transportation in which is paid for or billed to the passengers on a per trip basis.

29. Wheelchair Van Patient. "Wheelchair Van Patient" means a patient whose medical condition is such that the person may be transported safely and securely in a Wheelchair Van. These patients must be transported in a sitting position in a secured wheelchair and/or require a ramp or lift to board the vehicle.

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30. Wheelchair Van. "Wheelchair Van" means a Non-Emergency Vehicle other than a taxicab which is modified, equipped and used for the purpose of providing non-emergency medical transportation for Wheelchair Van Patients. These vehicles are specifically designed and modified to load and transport both ambulatory and wheelchair-bound patients in a safe and secure manner.

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31. Any and all definitions addressed in the Federal Motor Carrier CSA Safety Regulations (Code of Federal Regulations Title 49, Parts 40 and 355-397) (hereinafter known as the CSA Safety Regulations) apply to all Non-Emergency Vehicle regulations.

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32. Driver . "Driver" or "Operator" shall mean any person who physically operates a licensed taxi, limousine, non-emergency vehicle or wheelchair van as defined herein, whether such person operates as agent, lessee, independent contractor or employee of any certificated carrier.

33. Principal Place of Business (Class C Taxi Only). "Principal Place of Business" for Class C Taxi operations shall mean the physical address within a commercial, industrial or business zoned location in the State of South Carolina designated on the application by the Class C Taxi Certificate Applicant as the location where the records required by Regulation 103-232 and 103-

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233 are housed. Such place of business shall further be the primary location where the dispatch of owned or leased taxicabs occurs and where such vehicles are registered.

34. Engaging in Business (Class C Taxi Only). "Engaging in Business" for Class C Taxi operations means the act of any driver or carrier providing, or offering to provide, the transportation of passengers by the use of a taxicab from any location within the State of South Carolina, except for round trips or if such transportation is to occur solely within the limits of a single municipality. This definition shall not include the location where a passenger for hire is dropped off.

103-103. Regulated Carriers Must Maintain Copy of Motor Vehicle Carrier Law and Commission's Rules and Regulations.

Every motor carrier regulated by the Commission shall keep at all times in its principal office in South Carolina a copy of these rules and regulations. Access to these rules and regulations via the internet or through other electronic means at the carrier's principal office shall be deemed sufficient to meet the requirements of this regulation.

103-104. Filing Requirements[3]

1. This rule applies to all pleadings in formal proceedings, including applications, petitions, complaints, answers and other formal written statements of facts or law on which the party making the same relies for appropriate action or relief by the Commission pursuant to this Article.

2. The original plus twenty-five (25) copies of all pleadings shall be filed with the Commission and five (5) copies shall be served on the ORS, unless filed electronically or otherwise provided. The Commission filing shall include a certificate that a copy thereof has been mailed or delivered to the ORS and other parties of record in the matter.

SUBARTICLE 2.
CLASSIFICATION OF MOTOR CARRIERS

103-110. Class "A" Motor Carrier - Certificate of Public Convenience and Necessity.[4]

A Class A motor carrier is a common carrier by motor vehicle of passengers, operating over regular routes and upon regular schedules approved by the Commissioners. Class A Certificates of Public Convenience and Necessity for the transportation of passengers shall include the authority to transport in the same vehicle with the passengers, baggage, express, mail and newspapers, and to transport baggage of passengers in separate motor vehicles when necessary, provided, however, that such articles for shipment shall be originated and terminated at a terminal of the transporting Class A Certificate holder or of some other Class A carrier, and

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holders of Class A Certificates of Public Convenience and Necessity approved by the Commission and issued by the ORS may transport special or chartered parties originating along their authorized routes to any point intrastate and return, subject to the Rules and Regulations of the Commission and ORS pertaining thereto, provided further, however, that this provision shall not be applicable to Class A Certificates which are restricted. A Class A motor carrier must obtain a Certificate of PC&N from the ORS upon Order of the Commission.

103-111. Class "B" Motor Carrier - Certificate of Public Convenience and Necessity.[5]

A Class B motor carrier is a common carrier by motor vehicle of passengers which does not propose to operate regularly upon a fixed schedule or route and which only desires to operate over a particular route or routes that are not already served by one or more Class A motor carriers. A Class B motor carrier must obtain a Certificate of PC&N from the ORS upon Order of the Commission.

103-112. Class "C" Motor Carrier - Certificate of Public Convenience and Necessity.[6]

A Class C motor carrier is a common carrier by motor vehicle of passengers, generally known as "taxicabs," "charter buses," "limousines," and "non-emergency vehicles, " which do not operate over regular routes or upon regular schedules. A Class C motor carrier must obtain a Certificate of PC&N from the ORS upon Order of the Commission, except "charter buses," which must obtain a Charter Bus Certificate.

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103-113. [Amended by State Register Volume 19, Issue No. 5, eff. May 26, 1995] Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

103-114. Class "E" Motor Carrier - Certificate of Public Convenience and Necessity.[7]

A Class E motor carrier is a common carrier of property (household goods or hazardous waste for disposal) by motor vehicle including a motor vehicle containing goods packed by a packing service. A Class E motor carrier must obtain either a Certificate of PC&N or FWA from the ORS upon Order of the Commission.

103-115. Class "F" Motor Carrier - Certificate of Public Convenience and Necessity.[8]

A Class F motor carrier is a contract carrier by motor vehicle of hazardous waste for disposal which operates over irregular routes and upon irregular schedules under contract as approved by the Commission and which does not solicit or receive patronage along any such routes. No motor carrier after July 1, 1976, will be allowed to acquire more than one Class F Certificate, and each Class F Certificate issued may not have more than three contracts attached thereto at any one time. A Class F motor carrier must obtain a Certificate of PC&N from the ORS.

103-116 to 103-119. [Added by State Register Volume 19, Issue No. 5, eff. May 26, 1995] Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

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103-116 to 103-119. [Added by State Register Volume 19, Issue No. 5, eff. May 26, 1995] Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

103-116 to 103-119. [Added by State Register Volume 19, Issue No. 5, eff. May 26, 1995] Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

103-116 to 103-119. [Added by State Register Volume 19, Issue No. 5, eff. May 26, 1995] Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

SUBARTICLE 3.
EXEMPTIONS FROM REGULATIONS

103-120. Motor Carriers Exempt from Economic Regulations.

These rules shall not be construed to apply to:

1. Motor vehicles while used exclusively for transporting persons to and from elementary, middle, or high schools, Sunday schools, churches, or religious services, or to or from church picnics or upon special prearranged church excursions;

2. Vehicles used in ridesharing.

103-121. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

103-122. Further Exemptions.

1. The Commission does not have jurisdiction over motor carriers solely:

a. Carrying on the business of transporting passengers exclusively within the limits of any municipality in this State for which they have a license to operate within that municipality, (except carriers of household goods);

b. Transporting passengers to or from state institutions located in Richland County; or

c. Used by a county to transport passengers or property.

2. Additionally, the Commission does not have jurisdiction over any class of for-hire operations which has been or hereafter may be specifically exempted in the Code of Laws of South Carolina.

SUBARTICLE 4.
APPLICATION PROCEDURES FOR CERTIFICATES

103-130. Applications Required.[9]

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Any person desiring to operate in this State as a motor carrier for hire first shall file an application for the type of certificate needed (Certificate of PC&N, Certificate of FWA, Charter Bus Certificate) with the Commission on forms to be furnished by the ORS. All required information on the application forms must be correctly completed before filing of such application will be accepted.

103-131. Responsibility Fixed.

Applications will not be accepted from two or more persons operating under a trade name unless organized in a manner that will definitely fix responsibility. If a corporation, a photocopy of the corporate charter must accompany the application.

103-132. Publication of Notice of Filing.[10]

Public notice will be given when any application for a Certificate of PC&N or FWA or to amend a Certificate of PC&N or FWA has been filed with the Commission, except for applications seeking a Class C Certificate of PC&N. Such notice must be published in newspapers of general coverage in the affected territory, must be in the form prescribed by the Commission, and must be published at the applicant's expense. All publication requirements must be complied with and affidavits of publication must be returned to the Commission with copies provided to the ORS prior to a hearing date being set. If required, a hearing is set and all parties of record will be notified of the hearing date, time, and place. An applicant seeking a Class C Certificate to operate vehicles will not be required to publish a notice of filing.

103-133. Proof Required to Justify Approving an Application.[11]

1. PC&N (Household Goods or Hazardous Waste for Disposal). An application for a Certificate of PC&N or to amend a Certificate of PC&N to operate as a carrier of household goods or hazardous waste for disposal by motor vehicle may be approved upon a showing that the applicant is fit, willing, and able to appropriately perform the proposed service and that public convenience and necessity are not already being served in the territory by existing authorized service. The public convenience and necessity criterion must be shown by the use of shipper witnesses. If the Commission determines that the public convenience and necessity is already being served, the Commission may deny the application. The following criteria should be used by the Commission in determining that an applicant for motor carrier operating authority is fit, willing, and able to provide the requested service to the public:

a. FIT. The applicant must demonstrate, and the Commission must determine, that the applicant's safety rating is satisfactory. This can be obtained from U.S.D.O.T. and S.C.D.P.S. safety records. Applicants should also certify that there are no outstanding judgments pending against such applicant. The applicant should further certify that he is familiar with all statutes and regulations, including safety operations in South Carolina, and agree to operate in compliance with these statutes and regulations. Finally, the applicant must testify that he will institute a random drug testing program for all of the applicant's drivers operating vehicles over 10,000 pounds and such program shall be in accordance with existing federal regulations pertaining to CDL driver

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qualifications for operators of vehicles in excess of 26,000 pounds. Applicant's drug testing program shall be subject to inspection and verification by the ORS.

b. ABLE. The applicant should demonstrate that he has either purchased or leased on a long-term basis necessary equipment to provide the service for which he is applying. Thirty days or more shall constitute a long-term basis. The applicant must undergo an inspection of all vehicles and facilities to be used to provide the proposed service. The applicant should also provide evidence in the form of insurance policies or insurance quotes, indicating that he is aware of the Commission's insurance requirements and the costs associated therewith.

c. WILLING. Having met the requirements as to "fit and able," the submission of the application for operating authority would be sufficient demonstration of the applicant's willingness to provide the authority sought.

2. FWA. An application for a Certificate of FWA to operate as a carrier of household goods within the limits of a municipality may be approved upon a showing that the applicant is fit, willing, and able to perform the proposed service, as delineated by the criteria for fit, willing, and able set out in 103-133 (1)(a),(b), and (c) above. No showing as to the public convenience and necessity need be made.

3. For Contract Carrier Authority.

a. If the application is for a Class F Certificate of PC&N to operate as a contract carrier of hazardous waste for disposal or is for an amendment or addition thereto, two copies of the written bilateral contract between the supporting shipper and the applicant must accompany the application setting forth the services proposed, the rates and charges, the duration of the contract, the parties thereto, the territory to be served, and the commodities to be hauled.

b. An application for a Class F Certificate of PC&N to operate as a contract carrier or an addition thereto may be approved upon a showing that the applicant is fit, willing, and able to appropriately perform the proposed service, and that public convenience and necessity are not already being served in the territory by existing authorized service. The public convenience and necessity criterion must be shown by the use of shipper witnesses, or by such other methodology as may be approved by the Commission, other than the testimony of the applicant. If the Commission determines that the public convenience and necessity is already being served, the Commission may deny the application. (To determine whether a carrier is fit, willing, and able, see R. 103-133(1).)

c. Once a contract with a particular shipper is approved by the Commission, that contract may be renewed periodically by merely filing two copies thereof with the Commission and serving the same number of copies on ORS, provided, however, that in no event will the renewal contract alter in any way the commodities authorized to be hauled or the territory authorized to be served. Any alteration of contract terms or rates must also receive the specific approval of the Commission which may or may not require notice.

4. PC&N (Passengers).

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An application for a Certificate of PC&N or to amend a Certificate of PC&N to operate as a carrier of passengers by motor vehicle may be approved upon a showing that the applicant is fit, willing, and able to appropriately perform the proposed service, provided however, if an intervenor shows or if the Commission determines that the public convenience and necessity is already being served, the Commission may deny the application. The following criteria should be used by the Commission in determining that an applicant for motor carrier operating authority is fit, willing, and able to provide the requested service to the public:

a. FIT. The applicant must demonstrate or the Commission determine that the applicant's safety rating is satisfactory. This can be obtained from U.S.D.O.T. and S.C.D.P.S. safety records. Applicants should also certify that there are no outstanding judgments pending against such applicant and that applicant is financially fit to do business as a certified carrier. The applicant should further certify that he is familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina and agree to operate in compliance with these statutes and regulations.

b. ABLE. The applicant should demonstrate that he has either purchased, leased, or otherwise arranged for obtaining necessary equipment to provide the service for which he is applying. The applicant should also provide evidence in the form of insurance policies or insurance quotes, indicating that he is aware of the Commission's insurance requirements and the costs associated therewith.

c. WILLING. Having met the requirements as to "fit and able", the submission of the application for operating authority would be sufficient demonstration of the applicant's willingness to provide the authority sought. Applicant must demonstrate a willingness to comply with all PSC/ORS regulations. Applicant must further agree to be responsible for the compliance of any drivers operating under the authority of its certificate or in the case of independent contractor lease drivers applicant(s) agree to have all drivers operating under its authority to agree in writing to comply with all PSC/ORS regulations as a condition of operation. However, nothing in this regulation is intended to be construed, interpreted, or used as evidence to create any employer/employee relationship between the certificate holder and its drivers..

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5. Charter Bus Certificate. An application for a Charter Bus Certificate or to amend a Charter Bus Certificate to operate as a carrier of 16 or more passengers by motor vehicle may be approved upon a showing that the applicant meets the insurance requirements of the Commission and the safety requirements of the South Carolina Department of Public Safety, USDOT and other federal safety regulations and guidelines

6. PC&N (Non-Emergency Vehicles).

In addition to meeting the requirements set out in 103-133(4) above, applicants for a Certificate of PC&N for non-emergency vehicles must meet the following requirements:

A. Driver Qualifications/Requirements

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1. Carrier must comply with Part 391-Qualifications of Drivers, CSA Safety Regulations, excluding 391.49, in addition to the following requirements:

a. Driver must possess at least a current American Red Cross Standard First Aid and CPR Certificate or its equivalent. Records of such must be kept on file at company's primary place of business within South Carolina.

b. Driver must be in compliance with all OSHA regulations.

c. Driver must be adequately trained in the use of all vehicle installed safety equipment such as two-way radios, first aid kits, fire extinguishers, and other equipment as outlined in the Vehicle Requirement Section of these Regulations.

d. Driver must be in possession of a medical examiners certificate and be able to physically perform actions necessary to assist persons with disabilities, including wheelchair users.

e. Driver must wear a professional uniform and photo identification badge that easily identifies the driver and the company for whom that driver works.

f. Driver must complete 12 hours of in-service training annually in the area of safety. Records of such must be kept on file at company's primary place of business within South Carolina.

B. Vehicle Requirements

1. Any vehicle purchased on or after the effective date of these regulations shall comply with the following vehicle requirements. The Applicant must certify on an ORS prescribed form that its vehicles meet, at a minimum, the following standards.

a. All Non-Emergency Vehicles shall be equipped with at least the following:

(1) Approved seat belt assemblies for all passenger seating locations.

(2) Interior and exterior lighting which must meet ADA requirements set forth in Title 49, Parts 37 and 38 C.F.R. In addition, all standard motor vehicle equipment must be in working order (i.e. all lamps, windshield wipers, horn, emergency flashers/hazard lights, and all other standard motor vehicle equipment.)

(3) Locking devices for all doors and all door latches which shall be in operation from inside and outside on all vehicles manufactured and first registered after January 1, 1980.

(4) Foot stool or extra step for loading.

(5) Sanitary and functional seat covers.

(6) Spare wheel, jack and tire tools necessary to make minor repairs, except when operating service cars are immediately available.

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(7) Current maps of streets in the area where service is provided.

(8) Fire extinguisher, Type 4-B;C dry powder or carbon dioxide, inspected annually. Proof of annual inspection shall be attached to each fire extinguisher.

(9) Identification display of the name under which the Non-Emergency Vehicle is doing business or providing service, on both sides and the rear of each such vehicle in letters that contrast sharply with the van's background and are easily read from at least 20 feet. All Non-Emergency Vehicles operated under the same certificate shall display the same identification.

(10) Exterior rearview mirrors affixed to both sides of the vehicle and in working order. There may not be any chips, cracks, or anything else that limits the driver's view.

(11) A two-way radio, mobile or cellular phone equipment which shall be included in the vehicle while patients are being transported. All two-way radios must be in contact with a dispatcher or someone acting as a dispatcher, i.e., must have instant access to standard phone lines and the ability to summon immediate police, fire or ambulance assistance, if needed.

(12) A "No Smoking" sign prominently displayed in the patient compartment if oxygen tanks, whether patient tanks or vehicle equipment, are carried. If oxygen tanks are carried, they must be readily accessible and securely stored.

(13) Heating and cooling systems which meet ADA requirements set forth in Title 49, Parts 37 and 38 C.F.R.

(14) Emergency warning devices.

(15) Any other emergency and safety equipment required in order to meet ADA requirements set forth in Title 49, Parts 37 and 38 C.F.R.

b. In addition to the requirements of subsection (a) above, all wheelchair vans shall be equipped with at least the following:

(1) A loading entrance in compliance with ADA requirements and standards.

(2) Fasteners to secure the wheelchair(s) or stretcher(s) to the vehicle which must be of sufficient strength to prevent the chair or stretcher from rotating and to prevent the chair or stretcher wheels from leaving the floor in case of sudden movement and to support chairs, stretchers and patients in the event the vehicle is overturned.

(3) A lift or ramp with a load capacity as specified by ADA requirements and standards.

2. Any vehicle manufactured after the effective date of these regulations shall comply with the vehicle requirements set forth in Title 49, Parts 37 and 38 C.F.R. and FMVSS.

C. Vehicle Maintenance Requirements

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All Class C certificated carriers must comply with Part 396-Inspection, Repair, and Maintenance of CSA Safety Regulations, excluding 396.9, 396.11(d) as to the last phrase "or to any motor carrier operating only one motor vehicle", and excluding 396.15.

D. Minimum Periodic Inspection Standards

1. All carriers must comply with Appendix G to Subchapter B-Minimum Periodic Inspection Standards of CSA Safety Regulations.

2. A vehicle does not pass inspection if deficient under any standard included in 1 above. Further, a vehicle does not pass an inspection if any defects or deficiencies are detected with reference to the wheelchair lift or any component relating to the loading of passenger or patient into the vehicle.

3. All carriers are subject to the regulations found in Part 396, CSA Safety Regulations. In addition, any ORS representative or any officers, drivers, agents, representatives, and employees directly concerned with the inspection or maintenance of motor vehicles put "out of service" any vehicle for defects or deficiencies detected with reference to Appendix G to Subchapter B-Minimum Periodic Inspection Standards and defects or deficiencies detected with reference to the wheelchair lift or any component relating to the loading of a passenger or patient into the vehicle.

E. Schedule of Minimum Insurance Limits

1. Insurance policies and surety bonds for bodily injury and property damage will have limits of liability not less than the following:

a. Liability Combined Each Occurrence $1,000,000

b. Medical Payments/Each Person $1,000

7. PC&N (Class C-Taxi and Class C-Charter Carriers)

In addition to meeting the requirements set out in 103-133(4) above, applicants for a Certificate of PC&N for Class C taxi and Class C Charter authority, as well as all vehicle drivers operating under such authority, must meet the following requirements:

A. Driver Qualifications/Requirements

1. All drivers must be a minimum of 21 years of age.

2. Before operating a motor vehicle requiring a Class C taxi certificate, each driver/operator shall furnish proof that he/she has completed and passed a basic drug test administered by a third party independent company authorized by law to perform drug screenings within the preceeding 90 calendar days. Operators shall indicate at the time of the application which certificate holder(s) he/she will be operating under. Operators desirous of operating under

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certificate holders not indicated at the initial drug screeneing must show satisfactory proof of passing a basic drug test within 90 calendar days prior to operations under the new Calss C certificate holder.

3. Driving Record – A certified copy of the driver`s three (3) year driving record issued by the South Carolina Department of Motor Vehicles and/or such record from the DMV of the state in which the driver is or has been domiciled for such period.

4. State Criminal Background Check – A criminal history background check from the State where the driver currently lives.

5. Physical Examination – A statement from a physician licensed to practice in the State, on a form approved by the PSC/ORS, indicating his or her opinion that the driver is capable of safely operating a vehicle and proving reasonable assistance to disabled, elderly, or frail passengers.

6. Drivers License – All drivers operating a vehicle under a Class C Taxi or Class C Charter certificate must have in their possession at the time of such operation a valid drivers license issued by the South Carolina Department of Motor Vehicles or the current state of residence of the driver.

7. Sex Offender Registry – Applicants are prohibited from being certificated if they are registered, or required to be registered, as a sex offender with the South Carolina State Law Enforcement Division or any national registry of sex offenders. All Applicants are prohibited from employing or leasing vehicles to drivers who are registered with such agencies or registries. This provision is a requirement which promotes the states fundamental right to provide for the public health, welfare and safety of its citizens in accordance with S.C. Code Ann. §23-2-400. Placement on or registration with any such registry by a certificate shall be grounds for the revocation of such certificate.

8. Engaging in Business. Applicants for Class C Taxi certificates shall designate on the application only those counties it can reasonably supply the proposed service requested. Without good cause shown, any applicant who has not begun to provide the service requested in its application within 90 days of approval to begin operations of that certificate or who has not filed with the Commission an amended application whall have its authority revoked.

B. Driver Conduct/ Vehicle Qualifications

1. Drivers shall inspect the vehicle he or she is driving daily to ensure that it can be operated safely.

2. Drivers shall ensure that the interior of the vehicle is kept in a clean and sanitary condition.

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3. Drivers shall ensure that the general mechanical condition of his/her vehicle is in good operating condition and mechanical repair.

4. Drivers shall ensure that the vehicle exterior meets the requirements set forth in Reg. No. 103-153.

5. Drivers shall ensure that jack, spare tire, and other equipment in the trunk or other storage area of the vehicle is secured, and covered with appropriate material to avoid damage to a passenger's luggage or other possessions.

6. Duty to Transport Orderly Passengers – Each driver shall transport all orderly passengers willing and able to pay the required fare, requesting his or her services to the passenger's requested destination.

7. Driver Courtesy – Each driver shall treat all passengers and prospective passengers with reasonable courtesy and decorum.

8. Passenger Discharge – Drivers shall not dismiss, discharge, or otherwise require any passenger to leave the vehicle other than at the passenger's requested destination without cause. For this purpose, "cause" means the vehicle has become disabled, or the passenger has become disorderly or has refused to pay the authorized fare. A driver who requires a passenger to leave the vehicle other than at the passenger's requested destination shall do so only at well-lit public place, or (if the vehicle has become disabled) to another vehicle, and shall immediately notify his or her affiliated company of all the details of the incident.

9. Receipt – Each driver shall, upon the request of the passenger making payment, and upon receipt of full payment for the authorized fare, give a receipt to the passenger making the payment.

10. Lost and Found – Any property left by a passenger in a vehicle shall be reported by the driver to his or her affiliated company within 30 minutes after its discovery, and thereafter returned to the passenger or the affiliated company as soon as possible, but in any event within 12 hours after its discovery, at the passengers expense.

11. No Use of Tobacco Products in Taxicab – No driver shall, nor shall he or she permit, any person to smoke or otherwise use any tobacco products in the vehicle.

12. Driver Dress Code – Each driver shall comply with a driver dress code consisting of, at a minimum, a shirt with collar, shoes, and socks (stockings are also suitable for female drivers). No driver may wear a T-shirt, underwear, tank top, body shirt, swimwear, jogging suit, or other similar type of attire as an outer garment, any form of shorts or other pants that are not at least as long as mid-thigh, or any kind of "flip-flop" or other similar footwear.

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13. Identification Badges – While in operation, each driver shall have attached to the interior of the vehicle, in such a way as to be visable by passengers in the rear seat of the taxi, some form of picture identification. Such identification should display as a minimum the drivers name, picture, and the name of the holder of authority under a Certificate of PC&N under which the driver is operating. This paragraph is inapplicable to Class C-Charter Carriers.

14. Driver Appearance – While on duty, each driver shall be hygienically clean, well-groomed, neat, and dressed in accordance with the Public Service Commission dress code.

15. Driving Record – Each driver shall, not less frequently than annually, provide an updated copy of his or her motor vehicle driving record to the company he or she is affiliated with or leasing from.

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103-134. When Hearing May Be Held

When an application for a Certificate of PC&N is submitted and there is no opposition, the Commission may hold a hearing if it deems necessary for the purpose as it shall determine, including the issue of fitness, willingness, or ability of the applicant to appropriately perform the proposed service, or the issue of whether the public convenience and necessity are already being served. When an application for a Certificate of FWA is submitted and there is no opposition, a hearing may be held if necessary, but the issue of whether the public convenience and necessity is already being served shall not be considered.

103-135. Sale, Lease or Other Transfer of a Certificate of PC&N or FWA.[12]

1. Application Required. Application for approval of sale, lease or other transfer of a Certificate of PC&N or FWA shall be filed with the Commission and served on the ORS. The application forms shall be provided by the ORS. No application is deemed filed until all the required information is completed and all the appropriate signatures obtained. This provision is inapplicable to holders of Class C Taxi or Class C Charter certificates.

2. Application to Lease a Certificate of PC&N or FWA. If the application is for approval of a lease of a certificate, a copy of the proposed lease agreement must be filed with the application and must contain the entire agreement between the parties. Only one entity may operate at a time per certificate.

3. Application to Sell or Otherwise Transfer a Certificate of PC&N.

a. If the application is for approval of a sale or other transfer of a certificate, a copy of the proposed sales or other transfer agreement must be filed with the application and must contain the entire agreement between parties, including (1) an accurate description of the operating rights

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and other property to be transferred, and (2) the purchase price agreed upon and all the terms and conditions with respect to the payment of the same.

b. No sale or other transfer of a Certificate of PC&N shall be approved by the Commission until the transferor (seller) has filed with the Commission and served on the ORS a statement under oath showing (1) all assets of the holder of the certificate to be sold, (2) all debts and claims against the transferor (seller) of which such seller has any knowledge or notice, (3) wages due employees of the transferor (seller), (4) unremitted COD collections due shippers, (5) claims for loss of or damage to goods transported or received for transportation, (6) claims for overcharges on property transported, and (7) interline accounts due other carriers. There also shall be filed with the Commission and served on the ORS a verified statement from the transferee (purchaser) or an authorized agent or officer thereof, guaranteeing the payment of all just obligations as listed in the sworn statement of the seller. This subsection shall not be applicable to sales by personal representatives of deceased or incompetent persons, receivers, or trustees in bankruptcy under court order.

4. Proof Required. The Commission shall approve an application for lease, sale, or other transfer of a Certificate of PC&N made under this section upon finding (1) that sale, assignment, pledge, transfer, change of control, lease, merger, or combination thereof will not adversely affect the service to the public under said certificate, (2) that the person acquiring said certificate or control thereof is fit, willing, and able to perform such service to the public under said certificate, and (3) that all services under said certificate have been continuously offered and reasonably provided to the public for a period of time not less than twelve months prior to the date of the filing of the application for approval of the sale, lease or transfer of said certificate, or, in lieu thereof, that any suspension of service exceeding thirty (30) days shall have been approved by the Commission, seasonal suspensions excepted. No sale, lease, transfer, assignment, or hypothecation of a Certificate of PC&N will be approved where such action would create an unlawful monopoly.

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If the application does not contain evidence that the authorized services have been continuously offered and reasonably provided to the public for a period of time not less than twelve (12) months prior to the date of the filing of the application, the application may be denied,

5. Dividing Operating Rights Prohibited by Class E Certificate Holders. Operating rights issued under a PSC Class E certificate may not be split or divided and such rights may not be sold, transferred, assigned, mortgaged, pledged, or hypothecated by the sale of stock or otherwise without prior approval of the Commission. Leasing of vehicles by Class C Taxi Certificate holders to drivers shall not be considered splitting or dividing operating rights.

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6. It is unlawful for any person to sell, lease, or otherwise transfer a Class E Certificate of PC&N issued or authorized to be issued after July 1, 1983, under the provisions of Chapter 23 of Title 58 for money, goods, services, or any other thing of value. Class C Taxi Certificate holders who lease taxicabs to drivers who have signed agreements agreeing to comply with PSC and ORS regulations shall not be considered to have leased or transferred its authority. A certificate may be transferred incident to the sale or lease of property or assets owned or used by a regulated motor carrier, provided the approval of the Commission for the transfer of the certificate is first

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obtained and that the certificate itself is not transferred for value or utilized to enhance the value of other property transferred. Nothing herein shall affect the sale, lease, or otherwise transfer of a certificate of public convenience and necessity issued prior to July 1, 1983.

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7. Application to sell or otherwise transfer a Certificate of FWA.

a. If the application is for approval of a sale or other transfer of a certificate, a copy of the proposed sales or other transfer agreement must be filed with the application and must contain the entire agreement between parties, including (1) an accurate description of the operating rights and other property to be transferred, and (2) the purchase price agreed upon and all the terms and conditions with respect to the payment of the same.

b. The transferee must show that it is fit, willing, and able as per these regulations.

103-136. Protest. [13]

All protests shall be served on the Commission, the ORS and the Applicant. The original and any accompanying documents of the protest must be deposited in the United States Mail addressed to the Commission and the ORS or delivered to the Commission and ORS within the time established for filing protests, and it must appear in some statement attached to the protest that a copy thereof has been deposited in the United States Mail, addressed to the applicant postage prepaid or delivered to the applicant, and a copy sent to his attorney, if any, appearing in the notice of filing.

103-137. Amendments.

An applicant may amend the authority or relief sought in his application any time prior to the end of any hearing held in connection with such application, provided that no amendments will be accepted which tend to enlarge the scope of the applied for authority or relief.

103-138. Restrictions, Limitations, and Terms.

1. Restrictions, limitations, and terms will not be attached to any Certificate of PC&N unless they are reasonable and are required by public convenience and necessity.

2. The Commission is not, and cannot be, bound by restrictions agreed to by the parties unless approved by the Commission, and no agreement shall be approved which achieves results inconsistent with the public interest and inimical to practical and effective regulation.

103-139. Processing of Application by Applicant.[14]

Without good cause shown, any application for a Certificate of PC&N, FWA, or a Charter Bus Certificate submitted but not processed in compliance with the Commission's or ORS's instructions by the applicant within 90 days of receipt of the notice of filing, may be dismissed.

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SUBARTICLE 5.

OPERATIONS OF CERTIFICATED MOTOR CARRIERS

103-150. Beginning Operations Under a Certificate.[15]

1. Beginning Operations Under a Certificate of PC&N.

a. Registration, Insurance, and Tariffs Required. An Order of the Commission, approving an application for a Certificate of PC&N, or the issuance of a Certificate of PC&N does not by itself authorize a carrier to begin operations. Operations are unlawful until the carrier has complied with the law by additionally:

1. Registering its power units with the ORS. For Class C Taxi Certificate holders, applicants must provide proof that its taxicabs are registered in the same county as the Class C Taxi Certificate holder's principal place of business as listed on the application for a Class C Taxi authorization and in compliance with Regulation103-133 (7)(A)(9);

2. Providing proof of insurance, self-insurance as verified by the S.C. Department of Transportation, or a surety bond with the ORS in the required amounts covering its rolling equipment for the protection of the public;

3. Filing tariffs and schedules of rates, fares, and charges to be made for the transportation service authorized with the Commission and ORS; and

4. Undergoing the required inspection of vehicles and facilities. (Household Goods and Hazardous Waste for Disposal.)

b. Must Begin Operations Within 90 Days. Unless a motor carrier complies with the foregoing requirements and begins operating as authorized within a period of ninety (90) days after the Commission's order approving the application becomes final, and unless the time is extended in writing by the Commission upon written request, the operating rights granted to the carrier will cease.

2. Beginning Operations Under a Certificate of FWA. An order of the Commission approving an application for a Certificate of FWA or the issuance of a Certificate of FWA does not by itself authorize a carrier to begin operations. Operations are unlawful until the carrier has complied with the law by additionally:

a. Providing evidence of an acceptable safety rating.

b. Providing proof of insurance or a surety bond with the ORS in the required amounts covering its rolling equipment for the protection of the public.

c. Undergoing the required inspection of vehicles and facilities.

3. Beginning Operations under a Charter Bus Certificate.

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An order of the Commission approving an application for a Charter Bus Certificate or the issuance of a Charter Bus Certificate does not by itself authorize a carrier to begin operations. Operations are unlawful until the carrier has complied with the law by additionally:

a. Providing evidence of an acceptable safety rating.

b. Providing proof of insurance or a surety bond with the ORS in the required amounts covering its rolling equipment for the protection of the public.

103-151. Registration of Power Units.[16]

1. Registration and License Fee Required. Before beginning operations as a motor carrier, all power units to be used in the operation must be registered with the ORS by completing the appropriate forms provided by the ORS and by paying the appropriate license fees as set forth in Article III of the Motor Vehicle Carrier Law.

2. Adding Power Units to Operation. New or additional power units may be added to an operation at any time by appropriately registering the power unit and paying the appropriate license fee.

3. Transferring Permit Cards and Decals. The permit card for a power unit may be transferred to another power unit upon presentation of the vehicle permit card to the ORS and payment of any additionally owed permit fee, provided however, a tractor permit card may not be transferred to a truck. No refund of fees will be made for transferring vehicle permit cards and decals. Transferring license permit cards and decals between vehicles without the prior approval of the Commission is prohibited.

4. Power Units to Be Re-registered. All registered power units to be continued in service must be re-registered each year as follows:

Motor carriers transporting passengers must provide a list of and re-register the power units used in their operations and must pay the appropriate license fee, semiannually, in advance, on or before January 1 and July 1 of each year.

103-152. Registration of Power Units Domiciled in South Carolina by Interstate Motor Carriers of Passengers.

Any for-hire motor carrier transporting passengers in interstate commerce which desires to be domiciled in or to base any power units in South Carolina, whether owned, leased, or otherwise obtained, must first apply for authorization from this Commission corresponding to the type operation which it proposes to conduct. Where it is shown that the motor carrier has STB authority to perform the transportation service proposed, that the motor carrier proposes to transport only interstate movements of passengers that have been exempted from STB regulation, or that the motor carrier proposes to haul only interstate shipments of property or passengers within STB exempt zones, the Commission will approve the application without hearing and issue to the motor carrier the appropriate authorization, and thereupon, the motor

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carrier shall register its power units based, domiciled, or located in this State in accordance with the provisions of 103-151 and file evidence that the public is protected from bodily injury or property damage as provided in Subarticle 6.

103-153. Marking or Identification of Vehicles.[17]

1. Marking of Vehicles Required. No carrier regulated by the Public Service Commission and ORS shall operate any motor vehicle upon the highways in the transportation of property or passengers for compensation unless the name in which the certificate is issued, place of principal office, and PSC or ORS I.D. number appear on both sides of such vehicle in letters and figures not less two (2) inches high and in contrasting color.

Effective January 1, 2005, ORS I.D. numbers will be issued. All I.D. numbers issued before January 1, 2005 are PSC I.D. numbers.

SAMPLE: Richard Skinner Trucking Company

Nichols, South Carolina

SCPSC #1234 or ORS#1234.

2. Legible Placards or Printing May Be Used. The marking required may be printed on the vehicle or on legible placards securely fastened on both sides of the vehicle. In case of tractor-trailer units, the markings must appear on the tractor. Every vehicle used by a carrier in his operation whether owned, rented, leased, or otherwise obtained must be marked or identified as provided herein.

103-154. License Decals and Vehicle Permit Cards.[18]

All motor vehicles, including substitute or emergency vehicles operated under a Certificate of PC&N, shall maintain in such vehicles a permit issued by the ORS. Passenger vehicles shall have displayed on the front windshield of the power unit the license decal issued by the ORS upon proper registration of the vehicle.

103-155. Transfer of Certificate of PC&N or Certificate of FWA Without Commission Approval Prohibited by Class E Certificate Holders.

No certificate or rights issued under a Class E Certificate shall be sold, assigned, leased, transferred, mortgaged, pledged, or hypothecated, by the sale of stock or otherwise, unless first authorized by the Commission as provided in 103-135.

103-156. Unauthorized Use of Operating Rights Prohibited by Class E Certificate Holders.

All Class E Certificate Holders will be held to strict account for the use of their operating rights. Any carrier which permits the use of its operating rights by others for the transportation of persons or property for compensation without prior approval of the Commission shall be deemed

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just cause for the revocation of such rights. This rule positively forbids the party to whom operating rights have been granted from permitting others to use the name or operating authority of such party without prior approval of the Commission, or until execution of a proper lease agreement as described in R. 103-220.

103-157. Duplication of Authority by Class E Certificate Holders.

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No holder of a Class E Certificate of PC&N or FWA shall hereafter will be allowed to acquire any authority which duplicates in whole or in part authority which it presently owns. A carrier may, however, acquire additional authority which duplicates its present authority in part, provided the duplicating portion of the authority acquired is omitted.

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103-158. Issuance of Bills of Lading.[19]

All holders of Class E Certificates of PC&N and FWA, upon receipt of freight, shall issue and deliver, or cause to be issued and delivered, to the shipper a bill of lading or other documentation approved by the ORS. A combination bill of lading and freight or expense bill or invoice may be issued if it shows all of the information required in 103-159. All bills of lading shall comply with, be governed by, and have the consequences stated in the Uniform Commercial Code of South Carolina and any other applicable and effective provisions of the statutes. All carriers, shippers, consignees, and any lease operators involved in a shipment shall keep a copy of the bill of lading for a minimum of three years.

103-159. Contents of Bills of Lading.[20]

Each bill of lading shall show at a minimum the following information:

1. The name of issuing carrier;

2. The date and specific time the shipment was received and delivered by the carrier;

3. The name and address of the consignor/shipper;

4. The points of origin and destination;

5. The name and address of the consignee/receiver;

6. Declaration of valuation (motor carriers of household goods);

7. The weight (by certified public scale), volume, or measurement of the property tendered and received for transportation according to the lawfully applicable rates and charges shown separately by classification;

8. If it relates to a C.O.D. shipment, the amount of the C.O.D. and the name of the individual, corporation, or association who is actually to pay the C.O.D. (see R. 103-163);

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9. Public Service Commission or ORS identification number. Numbers issued on or after January 1, 2005 are ORS identification numbers and identification numbers issued prior to January 1, 2005 are PSC identification numbers;

10. Financial responsibility information as to insurance coverage;

11. The number of the bill of lading, as numbered consecutively in each motor carrier's own series at the time of printing;

12. Any accessorial or additional service charges in detail, giving size, and kind of equipment, the number of men and total hours of extra labor, and equipment services provided;

13. Rate per hundred weight or rate per hour, whichever is applicable (motor carriers of household goods); and

14. Base liability amount of the carrier for its cargo.

(Delte 103-160 as it is duplication of Reg. 103-158)

103-161. [Amended by State Register Volume 12, Issue No. 5; State Register Volume 17, Issue No. 5, Part 3; State Register Volume 19, Issue No. 5, eff May 26, 1995] Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

103-162. Bill of Lading to Accompany Shipment.[21]

Each shipment by a freight carrier holding a Certificate of PC&N or FWA must be accompanied by the bill of lading relating thereto or some other procedure authorized by the Commission or the ORS. If two or more trucks are used to transport a single shipment, a separate bill of lading or descriptive instrument must accompany the portion of the shipment contained in each of the trucks and each such bill of lading or descriptive instrument must show, with respect to that portion of the shipment which it accompanies, all information required by 103-159, and must refer specifically to the bill of lading which covers the entire shipment.

103-163. [Amended by State Register Volume 19, Issue No. 5, eff. May 26, 1995] Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

103-164. Suspension of Operations.

Any suspension of the operations authorized by a duly issued certificate for a period in excess of thirty (30) days may be approved by the Commission upon written application of the motor carrier, filed in accordance with 103-830, et seq. Such application must state clearly and concisely the justification for the proposed suspension of service.

An application for suspension for a period in excess of twelve (12) months, or an application for suspension which, if approved, would result in the continuous suspension of service (e.g., where an approved suspension is in effect at the time the application is filed) for a period in excess of

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twelve (12) months, may be approved by the Commission after such notice, if any, that the Commission deems appropriate.

SUBARTICLE 6.
INSURANCE POLICIES AND SURETY BONDS

103-170. Insurance Policy or Surety Bond Required.[22]

1. Before any certificate can be issued and before any motor carrier operations can be conducted thereunder, the motor carrier must provide and have accepted by the ORS evidence of an insurance policy or surety bond from an insurance company licensed or admitted to do business in South Carolina or self-insurance in the amounts hereinafter prescribed. The ORS shall accept evidence of self-insurance in compliance with S.C. Code Ann. § 56-9-60. The policy or bond shall be conditioned to pay any final judgment recovered against such motor carrier for bodily injuries to or the death of any person and/or for any loss or damage to property of others resulting from the negligent operation, maintenance, or use of motor vehicles in transportation subject to the Motor Vehicle Carrier Law, up to the policy limits of the qualifying insurance or self-insurance. Upon failure of the insurance or bonding company to pay any such final judgment recovered against the insured, the judgment creditor may maintain an action in any court of competent jurisdiction against the insurance or bonding company to compel such payment. The bankruptcy or insolvency of the insured shall not relieve the insurance or bonding company of any of its obligations hereunder to the extent of the policy or self-insurance limits. The liability of the insurance or bonding company shall extend to such losses, damages, injuries, or deaths whether occurring on the route or in the territory authorized to be served by the insured or elsewhere within the boundaries of South Carolina. The liability of the insurance or bonding company on each motor vehicle whether such vehicle is specifically described in the policy or bond or not shall be a continuing one notwithstanding any recovery thereunder. Furthermore, nothing contained in the policy or bond or any endorsement attached thereto, nor the violation of any of the provisions of the policy or bond or of any endorsement attached thereto, shall relieve the insurance or bonding company from liability under the policy or bond or from the payment of any final judgment recovered against the insured Within the policy limits of the insurance or self-insurance.

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2. Notwithstanding the language in Regulation 103-170(1), the ORS shall accept evidence of an insurance policy, surety bond, or other insurance, including self-insurance, or any other evidence that the public is protected from bodily injury or property damage, which has been filed with and accepted by the STB, in lieu of an insurance policy or surety bond from a company licensed or admitted to do business in South Carolina. The provisions of this regulation shall apply only in the case where the carrier is operating on an interstate basis only.

103-171. Filing Evidence of Bodily Injury and Property Damage Insurance Policy Self-Insurance or Surety Bond

1. Evidence of Insurance Filed on Form E. Filing evidence of bodily injury and property damage insurance will be made on Form E, "Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance." (See Form E in 103-280 Appendix.) The policy or a copy

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thereof will not be accepted for filing in lieu of Form E. Self-insureds shall submit a self-insurance certificate issued by the South Carolina DMV in lieu of a Form E.

2. Form F must be attached to Policy. The "Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement," Form F (see Form F in 103-280 Appendix), must be attached to the bodily injury and property damage insurance policy itself. Form F thereby amends the terms of such policy to conform the policy with requirements not less than those expressed in 103-172 and with other applicable provisions of these rules. Self-insureds shall submit a self-insurance certificate issued by the South Carolina DMV in lieu of a Form F.

3. Evidence of Surety Bond Filed on Form G. Filing evidence of bodily injury and property damage surety bond will be made on Form G, "Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond" (see Form G in 103-280 Appendix), which insures compliance with limits not less than those in 103-172 and with other applicable provisions of these rules. Self-insureds shall submit a self-insurance certificate issued by the South Carolina DMV in lieu of a Form G.

103-172. Schedule of Minimum Limits.

Insurance policies and surety bonds for bodily injury and property damage will have limits of liability not less than the following:

MOTOR CARRIERS, KIND OF LIABILITY LIMITS

EQUIPMENT & CAPACITY

PASSENGER

	Per Person	Per Accident	Property
1 to 7 Passengers	$25,000.00	$50,000.00	$10,000.00
8 to 15 Passengers	$25,000.00	$100,000.00	$10,000.00
16 or More Passengers	$25,000.00	$300,000.00	$10,000.00

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FREIGHT (All motor vehicles used in the transportation of property.)

1. 10,000 OR MORE POUNDS GVWR.

a. NON-HAZARDOUS $750,000 per incident

b. HAZARDOUS $5,000,000 per incident

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(Hazardous substances, as defined in 49 CFR 171.8; Class A or B explosives; liquefied compressed gas or compressed gas; or highway route controlled radioactive materials as defined in 49 CFR 171.455.)

c. HAZARDOUS $1,000,000 per incident

(Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials, and hazardous substances defined in 49 CFR 172.101 but not mentioned in 1(b) or 2(b).)

2. LESS THAN 10,000 POUNDS GVWR.

a. NON-HAZARDOUS $500,000 per incident

b. HAZARDOUS $5,000,000 per incident

(Any quantity of Class A or B explosives or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.)

103-173. Cargo Insurance or Surety Bond Required of Motor Carrier.[23]

1. Terms of Insurance or Bond and Minimum Limits. Before any Class E Certificate can be issued and before any motor carrier operations can be conducted thereunder, the Class E motor carrier must procure a cargo insurance policy or cargo surety bond from an insurance company licensed or admitted to do business in this state and provided to the ORS evidence of such insurance or bond on forms prescribed by the ORS. Such policy or bond shall be conditioned upon such carrier making compensation to shippers or consignees for loss of or damage to all property belonging to shippers or consignees which comes into the possession of such carrier in connection with its transportation service within South Carolina, regardless of whether the policy or bond specifically describes the motor vehicle or not. Within the limits of liability herein after set forth, it is further required that no condition, provision, stipulation, or limitation contained in the policy or bond or in any endorsement thereon or violation thereof shall affect in any way the right of any shipper or consignee, or relieve the insurance or bonding company from liability for the payment of any claim for which the insured may be held legally liable to compensate shippers or consignees, irrespective of the financial responsibility or lack thereof or insolvency or bankruptcy of the insured. Moreover, the liability of the insurance or bonding company extends to such losses or damages whether occurring on the route or in the territory authorized to be served by the insured or elsewhere in South Carolina. Furthermore, the liability of the insurance or bonding company for the following minimum limits shall be a continuing one notwithstanding any recovery hereunder:

a. For loss of or damage to property carried on any one motor vehicle..... $2,500.00.

b. For loss of or damage to or aggregate of losses or damages of or to property occurring at any one time and place ..... $5,000.00.

2. Carriers of Extremely Low Valued Commodities Excepted.

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Motor carriers who possess authority to haul only commodities of extremely low value are not required to comply with the provisions of this rule.

103-174. Filing Evidence of Cargo Insurance or Surety Bond.

1. Evidence of Cargo Insurance Filed on Form H. Evidence of cargo insurance will be filed with the ORS on Form H, "Uniform Motor Carrier Cargo Certificate of Insurance." (See Form H in 103-280 Appendix.) The policy or a copy thereof will not be accepted for filing in lieu of Form H.

2. Form I Must be Attached to Cargo Policy. The "Uniform Motor Carrier Cargo Insurance Endorsement," Form I (see Form I in 103-280 Appendix), must be attached to the cargo insurance policy itself. Form I thereby amends the terms of such policy to conform with requirements not less than those expressed in 103-173 and other applicable provisions of these rules.

3. Evidence of Surety Bond Filed on Form J. Evidence of cargo surety bond will be filed with the ORS on Form J, "Uniform Motor Carrier Cargo Surety Bond" (see Form J in 103-280 Appendix), which insures compliance with the terms of 103-173 and with other applicable provisions of these rules.

103-175. Revocation of Certificate

Either a failure to file evidence of insurance, self-insurance or surety bond or failure to keep all insurance or bonds in full force and effect shall be just cause for the Commission, without further evidence or hearing, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier.

103-176. Cancellation of Insurance or Surety Bond.[24]

1. Thirty (30) Days' Notice Required. Any insurance company, surety bond company, or motor carrier which desires to cancel a policy or bond issued to a motor carrier subject to these rules can do so only after giving the ORS not less than thirty (30) days notice. The thirty (30) days will begin to run once the notice is received by the ORS.

2. Form K or Form L Used to Give Notice of Cancellation. Notification of cancellation will be made on forms prescribed by the ORS. Form K, "Uniform Notice of Cancellation of Motor Carrier Insurance Policies" (see Form K in 103-280 Appendix), will be used to notify the ORS of cancellation of an insurance policy, and Form L, "Uniform Notice of cancellation of Motor Carrier Surety Bonds" (see Form L in 103-280 Appendix), will be used to notify the ORS of cancellation of a surety bond.

103-177. Name of Insured.

Certificates of insurance, self-insurance and surety bonds shall be issued in the full and correct name as that name appears on the application or certificate of the motor carrier.

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103-178. Number of Copies Required.[25]

Certificates of insurance and self-insurance, notices of cancellation, and surety bonds must be provided to the ORS in triplicate.

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103-179. Coverage to be Continuous.

Surety bonds and certificates of insurance shall specify that coverage thereunder will remain in effect continuously until terminated.

103-180. ORS to Prescribe Forms.[26]

Endorsements for policies of insurance and surety bonds, certificates of insurance, and notices of cancellation will be in the form prescribed and approved by the ORS.

103-181. Workers' Compensation Insurance.

Holders of Class C, Class E and Class F Certificates shall obtain Workers' Compensation Insurance in a manner in compliance with the laws of this State.

SUBARTICLE 7.
TARIFFS

103-190. Tariffs Must be Approved Before Commencement of Operations.

1. No carrier who operates under a Certificate of PC&N may operate or perform any service under its operating authority until rates, fares, charges, classifications, and rules for the services to be performed shall have been approved by the Commission.

2. All tariffs for motor carriers of household goods will include charges and references to the following services (if appropriate for the particular move):

a. Transportation Charges

b. Additional Services

1. Bulky Article Charges

2. Elevator or Stair Carry

3. Excessive Distance or Long Carry Charges

4. Packing and Unpacking

5. Labor Charges Regular and Overtime Charges

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6. Piano Charges

7. Pick-Up and Delivery Extra

8. Waiting Time

9. Articles, Special Serving

c. Rules and Regulations

1. Claims (to include time frames for settlement)

2. Value, Declaration of

(i) Basic Amount

(ii) Insurance for Excess

3. Value, Excess

4. Computing Charges

5. Governing Publications

6. Storage-in-Transit

7. Bill of Lading, Contract Terms, and Conditions

103-191. Commission to Establish Rates, etc. [27]

1. The Commission shall make, fix, establish, or allow just and reasonable rates, fares, charges, classifications, and rules for all motor carriers subject to its rate jurisdiction.

2. As often as circumstances may require, the Commission may, from time to time and upon notice and hearing, change or revise, or cause to be changed or revised, any rates, fares, charges, classifications, and rules of a carrier who operates under a Certificate of PC&N.

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3. Carriers of hazardous waste for disposal and holders of a Class C Certificate need only file maximum and minimum rates with the Commission and provide a copy to the ORS.

103-192. Rates Must be Just and Reasonable.

Every rate made, demanded, or received by any motor carrier operating under a Certificate of PC&N, or by any two or more motor carriers jointly, shall be just and reasonable as set forth in R.103-194.

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103-193. Hearing and Publication on New Rate Schedule.[28]

1. When Hearing Held. Whenever there shall be filed with the Commission any tariff stating a new individual or joint rate, fare, charge, rule, or classification for the transportation of passengers or property by motor carrier operating under a Certificate of PC&N or any rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, the Commission, upon complaint of any interested party or upon its own initiative, if it so orders, without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, may enter upon a hearing concerning the lawfulness of such rate, fare, or charge, or such rule, regulation, or practice.

2. When Publication Required. Whenever any new or changed rate, fare, charge, rule, or classification is filed, the Commission may, in its discretion, require the filing party or parties to give notice of such filing by publishing once, a notice in the form prescribed by the Commission, in newspapers of general coverage in the affected territory. If publication is required, affidavits of publication must be returned to the Commission with copies provided to the ORS's offices as evidence of compliance with such publication requirement.

103-194. Criteria for Establishment of Rates.

In the exercise of its power to prescribe just and reasonable rates for the transportation of passengers or property by common carriers operating under a Certificate of PC&N, the Commission may give due consideration, among other factors, to the need in the public interest of adequate and efficient transportation service by such carriers at the lowest cost consistent with the furnishing of such service and to the need of such carriers for revenues sufficient to enable them, under economical and efficient management, to provide such service.

103-195. Duties of Class E Household Goods Movers as to Service and Regulations.

Every holder of a Class E Certificate operating under a Certificate of PC&N and FWA shall provide safe and adequate service, equipment, and facilities for the transportation of property, and shall establish, observe, and enforce just and reasonable regulations and practices relating thereto and to the manner and method of presenting, marking, packing, and delivering property for transportation, the facilities for transportation, and all other matters relating to or connected with the transportation of property.

103-196. Maintenance of Copies of Tariffs by Class E Household Goods Movers.

Every Class E Household Goods carrier operating under a Certificate of PC&N shall maintain at each of its principal places of business in the state and make available for inspection to the public at all reasonable times, all of its tariffs containing rates, charges, classifications, and rules or other provisions as filed with and approved by the Commission.

103-197. Undue Preference Not Permitted.

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Unless otherwise specifically exempted by the Commission, it shall be unlawful for any motor carrier operating under a Certificate of PC&N or FWA to make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, gateway, locality, or description of traffic in any respect whatsoever, or to subject any particular person, port, gateway, locality, or description of traffic to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

103-198. Variations in Charges Prohibited.

Unless otherwise specifically exempted by the Commission, no motor carrier operating under a Certificate of PC&N shall charge, demand, collect, or receive, or cause or permit its agent, servants, or employees to charge, demand, collect, or receive a greater or lesser or different compensation for transportation, or for any service rendered, than the rates, fares, and charges specified in the lawfully applicable tariffs or schedules in effect from time to time; and no motor carrier shall refund or remit in any manner or by any device, directly or indirectly, any portion of the rates, fares, or charges so specified, or extend to any person any privileges, facilities, or services, or do or perform any service, or give, remit, or refund anything of value except in accordance with said lawful tariffs and schedules, or specific order by the Commission.

103-199. Allowances Prohibited.

No motor carrier operating under a Certificate of PC&N shall grant, pay, give, or make any allowance to the owner, shipper, consignor, or consignee of any property or shipment, for any service or instrumentality furnished by the owner, shipper, consignor, or consignee, unless such allowance is prescribed or permitted in a lawfully applicable tariff, schedule, or specific order of the Commission.

SUBARTICLE 8.
COMMODITIES

103-210. Applications Must Specifically Set Forth Commodities Applied for.[29]

Every applicant for a Certificate of PC&N specifically shall set forth in its application each commodity which it proposes to transport. Upon an adequate showing by proper proof, the ORS may issue a certificate authorizing motor carrier operations and identifying the commodities authorized to be hauled. These will be household goods, hazardous waste, or both.

1. Household Goods. This group includes personal effects and property used or to be used in a dwelling and similar property if the transportation of such effects or property is:

a. arranged and paid for by the householder, including transportation of property from a factory or store when the property is purchased by the householder with intent to use in his or her dwelling, or

b. arranged and paid for by another party.

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2. Hazardous Wastes. Any waste or combinations of a solid, liquid, contained gaseous, or semisolid form which because of its quantity, concentration, or physical, chemical, or infectious characteristics is defined by S.C. Code Ann., Section 44-56-20(6) (1976) or 25 S.C. Regs. 61-79.261.3 as hazardous waste. Carriers of hazardous waste need only file maximum rates with the Commission.

103-211. [Amended by State Register Volume 17, Issue No. 5, Part 3, eff. May 28, 1993] Deleted by State Register Volume 19, Issue No. 5, eff. May 26, 1995.

SUBARTICLE 9.
AGREEMENTS, LEASES AND CONTRACTS FOR EQUIPMENT BY HOLDERS OF CERTIFICATES OF PC&N

103-220. Use of Leased Vehicles.[30]

1. Agreement Must Meet Certain Conditions. Carriers may perform authorized transportation in or with motor vehicle power units which they do not own only under contract, lease, or other approved arrangement. Such contract, lease, or other approved arrangement must meet the following conditions:

a. Shall be made between the carrier and the owner of the power unit, provided however, that the same power unit must not be leased to more than one carrier at the same time;

b. Shall be in writing and signed by the parties thereto or their regular employees or agents duly authorized to act for them in the execution of contracts, leases or other arrangements;

c. Shall specify the period for which it applies which shall be not less than 30 days;

d. Shall provide for the exclusive possession, control, and use of the power unit and for the complete assumption of public responsibility (i.e. insurance) in respect thereto by the lessee for the duration of said contract, lease, or other arrangement;

e. Shall specify the compensation to be paid by the lessee for the use of the power unit;

f. Shall specify the time and date or the circumstances on which the contract, lease, or other arrangement begins, and the time or the circumstances on which it ends;

g. Shall specify the power unit or units covered by the lease by designating the serial number, make, and year of model;

h. Shall be executed in quadruplicate; the original shall be retained by the certificated carrier in whose service the power unit is to be operated, one copy may be retained by the owner of the power unit, one copy shall be carried on the power unit specified therein during the entire period of the contract, lease, or other arrangement, and one copy shall be provided to the ORS. If the lease, contract, or other arrangement pertains to more than one power unit, copies of such agreement may be maintained in the additional power units.

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2. ORS Must Be Notified When Agreement Ceases. The lessee shall notify the ORS in writing within 48 hours when any lease is canceled, expired, or otherwise terminated.

3. Lessor Must Charge Rates and Use Bills of Lading of Lessee. In addition to meeting the criteria listed above, the lessor must charge the rate for transportation of household goods approved by the Commission for the lessee. The lessor must also use the lessee's bills of lading. Total responsibility for the operation of the leased unit resides with the lessee.

4. Lease Is for Equipment Only. The provisions of Regulation 103-220 are for the lease of equipment only and shall not be construed as allowing a lease of authority from a certificated motor carrier.

103-221. Exemptions.[31]

The provisions set forth in R.103-220 shall not apply to:

1. Agreements Between Carriers. Motor vehicle power units leased by one carrier to another carrier, provided however, that the lessee must maintain a legible, written copy of the agreement on the vehicle for the duration of the agreement. This exemption does not apply to carriers holding certificates of fit, willing and able.

2. Agreements Between Carrier and Leasing Agency. Motor vehicle power units without drivers leased by a carrier from an individual, partnership, or corporation, whose principal business is the leasing of equipment without drivers for compensation, provided however, that it will be necessary for the lessee to purchase the appropriate rental license decal from the ORS which shall be carried in the power unit prior to any operations being conducted using such vehicle. This rental license decal may be transferred to another power unit obtained under this provision, but it cannot be transferred to any other equipment whether owned or leased. It is further provided that a legible, written copy of the agreement must be maintained in the vehicle for the duration of the agreement.

3. This Regulation is inapplicable to Class C taxi certificate holders.

103-222. Lessee Responsible.

1. For Drivers. The drivers of leased motor vehicle power units shall be directly supervised and controlled by the lessee. The person who, directly or indirectly, shall supervise or regulate the manner and method of shipment and the use of the motor vehicle or vehicles involved shall be presumed to have a right to control, direct, or dominate such shipment.

2. For Transportation Services Rendered. Any property or passengers transported in leased vehicles shall be transported in the name of and under the responsibility of the lessee.

103-223. Safety Inspection of Leased Equipment.

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It shall be the duty of the carrier, before taking possession of any motor vehicle equipment, to inspect the same or to have the same inspected by a person who is competent and qualified to make such inspection and who has been duly authorized by such carrier to make such inspection as a representative of the carrier, in order to insure that the said equipment complies with motor carrier safety regulations. The person making the inspection shall certify the results thereof in writing. If his/her inspection discloses that the equipment does not comply with the requirements of safety regulations, possession thereof shall not be taken. This written document shall be countersigned by someone in a supervisory capacity with the lessee indicating that the person performing the inspection was qualified to do so.

103-224. Identification of Equipment.

1. All Vehicles Must Be Marked. The carrier acquiring the use of power units under this article shall identify such equipment during the period of the lease, contract, or other arrangement in accordance with R. 103-153.

2. When Agreement Ceases, Markings Must Be Removed. The authorized carrier operating equipment under this part shall remove any legend, showing it as the operating carrier, displayed on such equipment, and shall remove any removable device showing it as the operating carrier before relinquishing possession of the equipment.

103-225. Records Must be Maintained for Three Years.

Any motor carrier who operates leased vehicles which are leased by the carrier from a third party and used in intrastate commerce pursuant to authority granted by this Commission shall keep on file a copy of all leases and shall maintain other records required by this article at its principal place of business within this State for a period of not less than three (3) years. This Regulation does not apply to carriers certificated as Class E Taxis.

SUBARTICLE 10.
ANNUAL REPORTS AND ACCOUNTING METHODS AND PROCEDURES

103-230. Accounting.

1. Method of Keeping Books. Each motor carrier operating under a Certificate of PC&N or FWA shall keep its books on the basis of an accounting year of twelve months ending on the thirty-first day of December in each year.

2. Records Retention. All records shall be maintained for at least three years.

103-231. Annual Reports.[32]

Every motor carrier operating under a Certificate of PC&N and FWA shall file with the ORS on or before June 30th of each year, on forms prescribed and furnished by the ORS, an annual report for the preceding calendar year ending on December 31. This annual report shall represent the same calendar year upon which the books are kept and shall present a full, true, and accurate

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account of the business affairs of the carrier and state the motor carriers current principal place of business.

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103-232. Equipment Record.[33]

Every motor carrier operating under a Certificate of PC&N and FWA shall keep on file in its principal place of business, subject to inspection by the ORS, records required under Regulation 103-233 and a complete description of each motor vehicle and trailer used during the accounting year, including motor vehicles substituted, rented, leased, or otherwise obtained.

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103-233. Inspection of Vehicles, Books, Records, etc.[34]

1. Carrier to Cooperate with Inspections. Auditors, accountants, inspectors, examiners, and other agents of the ORS, upon demand and display of proper credentials, shall be permitted by any carrier performing a "regulated move" within South Carolina to examine and copy the books, records accounts, bills of lading, load sheets, manifest, correspondence, and other records of such carrier relating to the transportation of property or passengers and to examine the vehicles, terminals, buildings, and other equipment and facilities used by such carrier in such transportation business, and carriers operating under a Charter Bus Certificate shall permit any designated agent of the ORS to inspect records related to insurance coverage and/or safety, and all such carriers shall instruct their drivers, agents, and employees in charge of such records, equipment, and facilities to cooperate with such examination.

2. Information Not Be Divulged. No inspector or other agent of the ORS shall knowingly and willfully divulge any fact or information which may come to his knowledge during the course of any such examination for inspection, except to the Commission and ORS or as may be directed by the Commission and ORS or by a court or judge.

3. Refusal to Allow Inspection Is Violation. Refusal of any carrier, employee of any carrier, or independent contractor operating a motor vehicle pursuant to the carriers certificated authority issued by the PSC to provide information under this article upon demand is a violation of these rules and the Motor Vehicle Carrier Law and is punishable as provided by S.C. Code Ann. Section 58-23-80.

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SUBARTICLE 11.
PENALTIES

SUBARTICLE 14 was redesignated as Subarticle 11 by State Register Volume 22, Issue No. 9, Part 2, eff June 26, 1998.

Former Subarticle 11, entitled Safety Regulations, consisting of 103-240 to 103-245 was deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998, due to duplication with regulations promulgated by the Department of Public Safety. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See 38-400 through 38-503.

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103-240. Grounds for Revocation of Certificate.

The Commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the Commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the Commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service in the counties in which it has been given authority by Order of the PSC or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the Commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria, or the motor carrier holding a charter bus certificate no longer meets the Commission's insurance requirements or the safety requirements of the Department of Public Safety, or the continuance of said certificates are not in conformity with the spirit and purpose of the law, provided, however, that this rule shall have no effect upon rules set forth herein which authorize suspension, revocation, alteration, or amendment of a certificate or of an order granting operating rights without hearing where certain conditions exist. Nothing in these rules is intended to give rise to a private cause of action by any person alleging a violation nor is it intended that a violation of these rules be used as evidence of negligence per se in any civil trial or proceeding.

103-241. Inspectors.[35]

The ORS, through inspectors duly appointed, will investigate and report violations of the provisions of the Motor Vehicle Carrier Law and the Commission's and the ORS's Rules and Regulations, and for the purpose of enforcing these laws, rules, and regulations, these inspectors shall have and may exercise throughout the State all of the powers of constables.

103-242. [Amended by State Register Volume 12, Issue No. 5, eff. May 27, 1988] Deleted by State Register Volume 22, Issue No. 66, Part 3, eff. June 26, 1998.

103-243. [Amended by State Register Volume 12, Issue No. 5, eff. May 27, 1988] Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

103-244. [Added by State Register Volume 12, Issue No. 5, eff. May 27, 1988; Amended by State Register Volume 14, Issue No. 3, eff. March 23, 1990; State Register Volume 19, Issue No. 5, eff. May 26, 1995] Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

103-245. [Added by State Register Volume 13, Issue No. 3, eff. March 24, 1989] Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

SUBARTICLE 12.
PROCEDURES FOR REGISTRATION OF INTERSTATE MOTOR CARRIERS UNDER PUBLIC LAW 102-240, SEC. 4005, TIT. IV [DELETED]

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103-250 to 103-258. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See 38-400 et seq.

103-250 to 103-258. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See 38-400 et seq.

103-250 to 103-258. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See 38-400 et seq.

103-250 to 103-258. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See 38-400 et seq.

103-250 to 103-258. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See 38-400 et seq.

103-250 to 103-258. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See 38-400 et seq.

103-250 to 103-258. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See 38-400 et seq.

103-250 to 103-258. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See 38-400 et seq.

103-250 to 103-258. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See 38-400 et seq.

SUBARTICLE 13.
REGISTRATION OF OPERATIONS BY FOR-HIRE INTERSTATE MOTOR CARRIERS OR PROPERTY OR PASSENGERS EXEMPT FROM ECONOMIC REGULATION BY THE INTERSTATE COMMERCE Commission [DELETED]

103-260 to 103-267. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See 38-400 et seq.

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103-260 to 103-267. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See 38-400 et seq.

103-260 to 103-267. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See 38-400 et seq.

103-260 to 103-267. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See 38-400 et seq.

103-260 to 103-267. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See 38-400 et seq.

103-260 to 103-267. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See 38-400 et seq.

103-260 to 103-267. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See 38-400 et seq.

103-260 to 103-267. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See 38-400 et seq.

SUBARTICLE 14.
PENALTIES [REDESIGNATED]

SUBARTICLE 14 was redesignated as Subarticle 11 by State Register Volume 22, Issue 6, Part 3, eff June 26, 1998.

103-270, 103-271. Redesignated by State Register Volume 22, Issue 6, Part 3, eff June 26, 1998.

103-270, 103-271. Redesignated by State Register Volume 22, Issue 6, Part 3, eff June 26, 1998.

103-272. Repealed by State Register Volume 12, Issue No. 5, eff May 27, 1988.

SUBARTICLE 15.
APPENDIX

103-280. Appendix

[363738]CommissionCommission[39404142]FORM E

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UNIFORM MOTOR CARRIER BODILY INJURY AND

PROPERTY DAMAGE LIABILITY CERTIFICATE

OF INSURANCE

(Executed in triplicate)

Filed with _____

(Name of Commission)

(hereinafter called Commission)

This is to certify, that the _____

(Name of Company)

(hereinafter called Company) of _____

(Home Office Address of Company)

has issued to _____

(Name of Motor Carrier)

of _____ a policy or policies of

(Address of Motor Carrier)

insurance effective from _____ 12:01 a.m. standard

time at the address of the insured stated in said policy or policies and

continuing until cancelled as provided herein, which, by attachment of the

uniform motor carrier bodily injury and property damage liability insurance

endorsement, has or have been amended to provide automobile bodily injury and

property damage liability insurance covering the obligations imposed upon

such motor carrier by the provisions of the motor carrier law of the State in

which the Commission has jurisdiction or regulations promulgated in

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accordance therewith.

Whenever requested, the company agrees to furnish the Commission a duplicate original of said policy or policies and all endorsements thereon.

This certificate and the endorsement described herein may not be cancelled without cancellation of the policy to which it is attached. Such cancellation may be effected by the company or the insured giving thirty (30) days' notice in writing to the Commisson, such thirty (30) days' notice to commence to run from the date notice is actually received in the office of said Commission.

Countersigned at _____

_____

(Street Address)

_____

(City) (State) (Zip Code)

this _____ day of _____, 19___

_____

(Authorized Company Representative)

Insurance Company File No. _____

(Policy No.)

This form determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act. (49

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U.S.C., Sec. 302(b)(2)).

FORM F

UNIFORM MOTOR CARRIER BODILY INJURY AND

PROPERTY DAMAGE LIABILITY INSURANCE ENDORSEMENT

It is agreed that:

1. The certification of the policy, as proof of financial responsibility[43] under the provisions of any State motor carrier law or regulations promulgated by any State Commission having jurisdiction with respect thereto, amends the policy to provide insurance for automobile bodily injury and property damage liability in accordance with the provisions of such law or regulations to the extent of the coverage and limits of liability required thereby; provided only that the insured agrees to reimburse the company for any payment made by the company which it would not have been obligated to make under the terms of this policy except by reason of the obligation assumed in making such certification.

2. The uniform motor carrier bodily injury and property damage liability certificate of insurance has been filed with the Commission indicated[44] on the reverse side hereof.

3. This endorsement may not be cancelled without cancellation of the policy to which it is attached. Such cancellation may be effected by the company or the insured giving thirty (30) days' notice in writing to the State Commission with which such certificate has been filed, such thirty (30) days' notice to commence to run from the date the notice is actually received in the office

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of such Commission.

Attached to and forming part of Policy No. _____ issued by _____,

herein called Company, of _____

to _____ of _____.

Dated at _____ this _____ day of _____, 19___.

Countersigned by _____

Authorized Company Representative

This form determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act. (49 U.S.C., Sec. 302(b)(2)).

--Indicates State Commisions with whom uniform motor carrier bodily injury and property damage liability certificate of insurance has been filed

---

Alabama Illinois Montana Rhode Island

Alaska Indiana Nebraska South Carolina

Arizona Iowa Nevada South Dakota

Arkansas Kansas New Hampshire Tennessee

California Kentucky New Jersey Texas

Colorado Louisiana New Mexico Utah

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Connecticut Maine New York Vermont

Delaware Maryland North Carolina Virginia

District of Massachusetts North Dakota Washington

Columbia

Florida Michigan Ohio West Virginia

Georgia Minnesota Oklahoma Wisconsin

Hawaii Mississippi Oregon Wyoming

Idaho Missouri Pennsylvania

FORM G

UNIFORM MOTOR CARRIER BODILY INJURY AND

PROPERTY DAMAGE LIABILITY SURETY BOND

(Executed in triplicate)

Know all men by these presents, that we, _____, (Name of Motor Carrier Principal) _____ of _____ (City) _____, (State) as principal (hereinafter called principal), and _____, (Name of Surety) a corporation created and existing under the laws of the State of _____, with principal office at _____ (City) _____, (State) as Surety (hereinafter called surety), are held and firmly bound unto the State of _____ in the sum or sums hereinafter provided for which payment, well and truly to be made, the principal and surety hereby bind themselves, their successors and assigns, firmly by these presents.

The condition of this obligation is such that:

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Whereas, the principal is or intends to become a motor carrier subject to the laws of such State and the rules and regulations of _____ (Name of Commission) (hereinafter called Commission), relating to insurance or other security for the protection of the public, and has elected to file with the Commission a surety bond conditioned as hereinafter set forth; and

Whereas, this bond is written to assure compliance by the principal a motor carrier of passengers or property with the laws of such State and the rules and regulations of the Commission relating to insurance or other security for the protection of the public, and shall inure to the benefit of any person or persons who shall recover a final judgment or judgments against the principal for any of the damages herein described.

Now, therefore, if every final judgment recovered against the principal for bodily injury to or the death of any person or loss of or damage to the property of others, sustained while this bond is in effect, and resulting from the negligent operation, maintenance or use of motor vehicles in transportation (but excluding injury to or death of the principal's employees while engaged in the course of their employment, and loss of or damage to property of the principal and property transported by the principal designated as cargo), shall be paid, then this obligation shall be void, otherwise to remain in full force and effect.

Within the limits hereinafter provided, the liability of the surety extends to such losses, damages, injuries, or deaths regardless of whether such motor vehicles are specifically described herein and whether occurring on the route

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or in the territory authorized to be served by the Principal or elsewhere.

This bond is effective from _____ _____ (12:01 a.m., standard time, at the address of the principal as stated herein) and shall continue in force until terminated as hereinafter provided. The principal or the surety may at any time terminate this bond by written notice to the Commission, such termination to become effective not less than thirty (30) days after actual receipt of said notice by the Commission. The surety shall not be liable hereunder for the payment of any judgment or judgments against the principal for bodily injury to or the death of any person or persons or loss of or damage to property resulting from accidents which occur after the termination of this bond as herein provided, but such termination shall not affect the liability of the surety hereunder for the payment of any such judgment or judgments resulting from accidents which occur during the time the bond is in effect.

The liability of the surety on each motor vehicle shall be the limits prescribed in the laws of such State and the rules and regulations of the Commission governing the filing of surety bonds, which were in effect at the time this bond was executed, and will be a continuing one notwithstanding any recovery hereunder.

In witness whereof, the said principal and surety have executed this instrument on the _____ day of _____, 19___.

_____

(Principal)

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By _____

(AFFIX CORPORATE SEAL)

_____

(Surety)

_____ _____

(City) (State)

By _____

Countersigned at _____ this _____ day of _____, 19___.

Bond No. _____ _____

(Registered Resident Agent)

This form determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act. (49 U.S.C., Sec. 302(b)(2)).

FORM H

UNIFORM MOTOR CARRIER CARGO

CERTIFICATE OF INSURANCE

(Executed in triplicate)

Filed with _____ (hereinafter called Commission

(Name of Commission)

This is to certify, that the _____

(Name of Company)

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(hereinafter called Company) of _____

(Home Office Address of Company)

has issued to _____

(Name of Motor Carrier)

of _____

(Address of Motor Carrier)

a policy or polices of insurance effective from _____ 12:01 A.M.,

standard time at the address of the insured stated in said policy or policies

and continuing until canceled as provided herein, which by attachment of the

Uniform Motor Carrier Cargo Insurance Endorsement, has or have been amended

to provide cargo insurance covering the obligations imposed upon such motor

carrier by the provisions of the motor carrier law of the State in which the Commission has jurisdiction or regulations promulgated in accordance

therewith.

Whenever requested, the Company agrees to furnish the Commission a duplicate

original of said policy or policies and all endorsements thereon.

This certificate and the endorsement described herein may not be canceled

without cancellation of the policy to which it is attached. Such cancellation

may be effected by the Company or the insured giving thirty (30) days' notify

in writing to the State Commission, such thirty (30) days' notice to commence

to run from the date notice is actually received in the office of the

Commission.

Countersigned at _____

(Street Address) (City) (State)

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_____ this _____ day of _____ 19___

(Zip Code)

_____

(Authorized Company Representative)

Insurance Company File No. _____

(Policy Number)

This form determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C. Sec. 302(b)(2)).

FORM I

UNIFORM MOTOR CARRIER CARGO

INSURANCE ENDORSEMENT

It is agreed that:

1. The certification of the policy as proof of responsibility under the provisions of any State motor carrier law or regulations promulgated by any State Commission having jurisdiction with respect thereto, amends the policy to provide insurance for motor carrier cargo liability in accordance with the provisions of such law or regulations to the extent of the coverage and limits of liability required thereby; provided only that the insured agrees to reimburse the company for any payment made by the company which it would not

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have been obligated to make under the terms of this policy except by reason of the obligation assumed in making such certification.

2. The Uniform Motor Carrier Cargo Certificate of Insurance has been filed with the State Commission indicated on the reverse side hereof.

3. This endorsement may not be canceled without cancellation of the policy to which it is attached. Such cancellation may be effected by the company of the insured giving thirty (30) days notice in writing to the Commission with which such certificate has been filed, such thirty (30) days notice to commence to run from the date the notice is actually received in the office of such Commission.

Attached to and forming part of Policy No. _____

issued by _____, herein called Company

of _____

to _____ of _____

Dated at _____ this _____ day of ____ 19_____.

Countersigned by _____

Authorized Company Representative

This form determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302(b)(2)).

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X-Indicates State Commissions With Whom Uniform Motor Carrier

Cargo Certificate of Insurance Has Been Filed

Alabama Illinois Montana Rhode Island

Alaska Indiana Nebraska South Carolina

Arizona Iowa Nevada South Dakota

Arkansas Kansas New Hampshire Tennessee

California Kentucky New Jersey Texas

Colorado Louisiana New Mexico Utah

Connecticut Maine New York Vermont

Delaware Maryland North Carolina Virginia

District of Massachusetts North Dakota Washington

Columbia

Florida Michigan Ohio West Virginia

Georgia Minnesota Oklahoma Wisconsin

Hawaii Mississippi Oregon Wyoming

Idaho Missouri Pennsylvania

FORM J

UNIFORM MOTOR CARRIER CARGO SURETY BOND

(Executed in Triplicate)

KNOW ALL MEN BY THESE PRESENTS, That we,

_____

(Name of Motor Carrier)

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_____ of _____, _____, as

(Principal) (City) (State)

Principal (hereinafter called Principal), and _____

(Name of Surety)

_____, a corporation created and existing under the laws of the State of

_____, with principal office at _____ (City) _____, (State) as

Surety (hereinafter called Surety), are held and firmly bound unto the State

of _____ in the sum or sums hereinafter provided for which payment, well

and truly to be made, the Principal and Surety hereby bind themselves, their

successors and assigns, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, the Principal is or intends to become a motor carrier subject the laws

of such State and the rules and regulations of the _____ (Name of

Commission) (hereinafter called Commission), relating to insurance or other

security for the protection of shippers and consignees, and has elected to

file with the Commission a bond conditioned as hereinafter set forth, and

WHEREAS, this bond is written to assure compliance by the Principal a motor

carrier with the laws of such State and the rules and regulations of the

Commission relating to insurance or other security for the protection of

shippers and consignees, and shall inure to the benefit of any and all

shippers or consignees to whom the Principal may be held liable for any of

the damages herein described.

NOW, THEREFORE, if the Principal shall make compensation to shippers and

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consignees for all losses of or damages to property belonging to them which shall, while this bond is in effect, come into the possession of the Principal in connection with its transportation service, regardless of whether such losses or damages occur while said property is in a motor vehicle, terminal, warehouse or other place, for which losses or damages the Principal may be held legally liable, then this obligation shall be void, otherwise it shall remain in full force and effect.

The liability of the Surety for the limits hereinafter provided shall a continuing one notwithstanding any recovery hereunder, and extends to such losses or damages regardless of whether the motor vehicles, terminals, warehouses, and other facilities used in connection with the transportation service of the Principal are specifically described herein or not, and whether occurring on the route or in the territory authorized to be served by the Principal or elsewhere.

The liability of the Surety for any such loss or damage shall be the limits prescribed in the laws of such State and the rules and regulations of the Commission governing the filing of surety bonds, which were in effect at the time this bond was executed, and will be a continuing one notwithstanding any recovery hereunder.

This bond is effective from _____ (12:01 A.M., standard time, at the address of the Principal as stated herein) and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice to the Commission, such

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termination to become effective not less than thirty (30) days after actual receipt of said notice by the Commission.

The Surety shall not be liable hereunder for the payment of any of the losses damages hereinbefore described which arise on property coming into the possession of the Principal in connection with its transportation service after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety hereunder for the payment of any such losses or damages arising on property coming into the possession of the Principal in connection with its transportation service prior to the date such termination becomes effective.

IN WITNESS WHEREOF, the said Principal and Surety have executed this instrument on the _____ day of _____, 19___.

_____

(Principal)

BY _____

(Affix Corporate Seal) _____

(Surety)

_____, _____

(City) (State)

By _____

Countersigned at _____ this _____ day of _____ 19___.

Bond No. _____ _____

(Registered Resident Agent)

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This form determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302(b)(2)).

FORM K

UNIFORM NOTICE OF CANCELLATION OF MOTOR CARRIER INSURANCE POLICIES

(Executed in triplicate)

Check type cancelled: BI and PD ( ) Cargo ( )

Filed with _____ (hereinafter
(Name of Commission)
called Commission)

This is to advise that under the terms of a policy or policies issued to

_____

(Name of Motor Carrier)

of _____

(Address of Motor Carrier)

by _____

(Name of Company)

of _____

(Address of Motor Carrier)

said policy or policies, including any and all endorsements forming a part

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thereof or certificates issued in connection therewith, is (are) hereby cancelled effective as of the _____ day of _____, 19___, 12:01 A.M., standard time at the address of the insured as stated in said policy or policies provided such date is not less than thirty (30) days after the actual receipt of this notice by the Commission.

_____

(Signature of Insurer)

Insurance Company File No. _____

(Policy No.)

This form determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302(b)(2)).

FORM L

UNIFORM NOTICE OF CANCELLATION OF MOTOR CARRIER SURETY BONDS

(Executed in Triplicate)

Check type cancelled: BI and PD ( ) Cargo ( )

Filed with _____ (hereinafter

(Name of Commission)

called Commission)

This is to advise that, under the terms of surety bond(s) executed in behalf of

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_____

(Name of Principal)

of _____

(Address)

by _____

(Name of Surety)

of

_____

(Address)

said bond(s) including any and all riders or certificates attached thereto or issued in connection therewith, is (are) hereby cancelled effective as of the _____ day of _____, 19___, 12:01 A.M. standard time at the address of the Principal as stated in said bond(s) provided such date is not less than thirty (30) days after the actual receipt of this notice by the Commission.

_____

(Signature of Principal or Surety)

Insurance Company File No. _____

(Policy No.)

This form determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act. (49 U.S.C., Sec. 302(b)(2)).

REPORT OF VEHICLE INSPECTION

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Description of vehicle:

Make _____ Year _____

Model _____ Serial No _____

Type: Tractor _____ Trailer _____

Semitrailer _____

License plate: No _____ State _____

Owner's Name

_____

Name of authorized carrier _____

Indicate in the proper column the result of the inspection of each item listed:

_____

Item Not defective Defective Description of

defect

Body

_____

Brakes

_____

Cooling system _____

Drive line _____

Emergency

equipment _____

Engine

_____

Exhaust _____

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Fuel system _____

Glass _____

Horn
_____

Leaks
_____

Lights (state which) _____

Reflectors _____

Speedometer _____

Springs _____

Steering _____

Tires _____

Wheels
_____

Windshield wiper _____

_____
_

_____
_

Any other items requiring attention _____

_____
_

I hereby certify that on the ____ day of _____ I carefully inspected the equipment described above and that this is a true and correct report of the result of such inspection.

_____

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(Signature of person making

inspection)

I hereby certify that on the date stated above the person who made the inspection covered by this report was competent and qualified to make such inspection and was duly authorized to make such inspection as a representative of _____ (Name of authorized carrier)

_____

(Signature of carrier, partner,

officer safety director, or other

supervisory employee responsible

for safety compliance)

Date _____

---

[1] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[2] Changed to include definition of "ORS" and arrange definitions in alphabetical order.
[3] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[4] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[5] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[6] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[7] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[8] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[9] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[10] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[11] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[12] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.

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[13] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[14] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[15] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[16] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[17] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[18] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[19] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[20] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[21] Changed to reflect R. 103-161 is repealed.
[22] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[23] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[24] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[25] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[26] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[27] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[28] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[29] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[30] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[31] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[32] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[33] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[34] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[35] Changed to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[36] Omitted to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[37] Omitted to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[38] Omitted to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[39] Omitted to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[40] Omitted to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.

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[41] Omitted to conform with Act 175 of 2004 and the recommendations of the State Regulation of Public Utilities Review Committee.
[42] Omitted due to reference to ICC.
[43] Grammatical Correction.
[44] Grammatical Correction.

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