

Introduced by

Senators Casper, Oehlke, Sinner

Representatives Delmore, Ruby, Schatz

1 A BILL for an Act to amend and reenact subsection 1 of section 39-31-03 and sections  
2 39-31-04, 39-31-06, 39-31-11, 39-31-12, 39-31-13, and 39-31-14 of the North Dakota Century  
3 Code, relating to common household goods carriers; and to repeal sections 39-31-05, 39-31-07,  
4 39-31-08, 39-31-09, and 39-31-10 of the North Dakota Century Code, relating to common  
5 household goods carriers.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Subsection 1 of section 39-31-03 of the North Dakota Century  
8 Code is amended and reenacted as follows:

9 1. The carrier has obtained the certificate ~~or permit~~ required by this chapter; and

10 **SECTION 2. AMENDMENT.** Section 39-31-04 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **39-31-04. Regulation of common household goods carriers by the department.**

13 The department may regulate common motor carriers of household goods except for  
14 transportation provided wholly within a city in this state or within a distance beyond the  
15 corporate limits of a city as determined by the department and

16 1. ~~May require the filing of tariffs and schedules; and~~

17 2. ~~Shall~~ shall supervise the relations between common household goods carriers and the  
18 public to comply with the provisions of this chapter.

19 **SECTION 3. AMENDMENT.** Section 39-31-06 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **39-31-06. Household goods carrier - Certificate of public convenience - ~~Temporary~~**  
22 **~~permit~~ - Application.**

23 ~~Ne~~A common household goods carrier may not operate within this state without having  
24 obtained from the department a certificate of public convenience and necessity. An application

1 must be upon the form prescribed by the department. The application must contain a ~~financial-~~  
2 ~~statement~~proof of registration with the secretary of state, and either proof of workers  
3 compensation insurance coverage or an affidavit of nonemployment. The department shall deny  
4 issuing a certificate of public convenience and necessity if the applicant submits an incomplete  
5 application.

6 **SECTION 4. AMENDMENT.** Section 39-31-11 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **39-31-11. Certificates - ~~Permits~~ - Duration - Transfer.**

9 Certificates and ~~permits~~ of public convenience and necessity issued to carriers by the  
10 department under this chapter remain in force subject to this chapter. Those certificates ~~or~~  
11 ~~permits~~ are transferable only upon approval by the department, ~~after notice to and opportunity~~  
12 ~~for comment by all interested parties.~~

13 **SECTION 5. AMENDMENT.** Section 39-31-12 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **39-31-12. Fees - Household goods carrier.**

16 Every household goods carrier operating in this state, when applying for a certificate of  
17 public convenience and necessity ~~or permit~~, shall pay a fee of one hundred dollars. The  
18 nonrefundable fee for an application for transfer of a certificate of public convenience and  
19 necessity is one hundred dollars. The annual filing fee for maintaining a certificate of public  
20 convenience and necessity is thirty-five dollars.

21 **SECTION 6. AMENDMENT.** Section 39-31-13 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **39-31-13. Regulations furnished to holder of certificate ~~or permit~~.**

24 The department shall mail each holder of a certificate ~~or permit~~ under this chapter the rules  
25 the department adopts to implement this chapter.

26 **SECTION 7. AMENDMENT.** Section 39-31-14 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28 **39-31-14. Insurance required of carrier - Liability of insurer.**

29 The department, before granting a certificate to any common motor carrier, shall require the  
30 owner or operator to procure public liability insurance. The conditions of the liability insurance  
31 must guarantee the payment of any loss or damage to property or on account of the death or

1 injury to any person resulting from the negligence of the carrier. The carrier shall file the  
2 insurance policy with the department and the policy must be kept in full force. The carrier must  
3 provide proof the policy is in full effect annually in a form prescribed by the department. Upon  
4 failure of a carrier to maintain insurance required by this section, the department shall cancel  
5 the certificate. A certificate of any company authorized to write liability or property damage  
6 insurance in the state, in a form approved by the department and certifying that there is in effect  
7 a liability insurance policy required by this section, may be filed instead of the policy.

8 **SECTION 8. REPEAL.** Sections 39-31-05, 39-31-07, 39-31-08, 39-31-09, and 39-31-10 of  
9 the North Dakota Century Code are repealed.