

**SENATE BILL NO. 2255**

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, sections 39-31-04,  
2 39-31-06, 39-31-11, 39-31-12, 39-31-13, and 39-31-14 of the North Dakota Century Code,  
3 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 a household goods carrier permit required by  
10 this chapter; and

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

13 **39-31-04. Regulation of common household goods carriers by the department.**

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

- 17 1. ~~May require the filing of tariffs and schedules; and~~  
18 2. ~~Shall~~ shall supervise the relations between common household goods carriers and the  
19 public to comply with the provisions of this chapter.

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

1        **39-31-06. Household goods carrier - ~~Certificate of public convenience~~**

2        **~~Temporary~~ Household goods carrier permit - Application.**

3        No A common household goods carrier may not operate within this state without having  
4        obtained from the department a ~~certificate of public convenience and necessity~~ household goods  
5        carrier permit. An application must be upon the form prescribed by the department. The  
6        application must contain a ~~financial statement~~ proof of registration with the secretary of state,  
7        and either proof of workers compensation insurance coverage or an affidavit of nonemployment.  
8        The department shall deny issuing a ~~certificate of public convenience and necessity~~ household  
9        goods carrier permit if the applicant submits an incomplete application.

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

12       **39-31-11. ~~Certificates~~ - Permits - Duration - Transfer.**

13       ~~Certificates~~ and Household goods carrier permits ~~of public convenience and necessity~~  
14       issued to carriers by the department under this chapter remain in force subject to this chapter.  
15       Those ~~certificates~~ or permits are transferable only upon approval by the department, ~~after notice~~  
16       ~~to and opportunity for comment by all interested parties.~~

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

19       **39-31-12. Fees - Household goods carrier.**

20       Every household goods carrier operating in this state, when applying for a ~~certificate of~~  
21       ~~public convenience and necessity~~ or household goods carrier permit, shall pay a fee of one  
22       hundred dollars. The nonrefundable fee for an application for transfer of a ~~certificate of public~~  
23       ~~convenience and necessity~~ household goods carrier permit is one hundred dollars. The annual  
24       filling fee for maintaining a ~~certificate of public convenience and necessity~~ household goods  
25       carrier permit is thirty-five dollars.

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

28       **39-31-13. Regulations furnished to holder of ~~certificate~~ or permit.**

29       The department shall mail each holder of a ~~certificate~~ or household goods carrier permit  
30       under this chapter the rules the department adopts to implement this chapter.

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

3       **39-31-14. Insurance required of carrier - Liability of insurer.**

4       The department, before granting a ~~certificate~~ household goods carrier permit to any common  
5 motor carrier, shall require the owner or operator to procure public liability insurance. The  
6 conditions of the liability insurance must guarantee the payment of any loss or damage to  
7 property or on account of the death or injury to any person resulting from the negligence of the  
8 carrier. The carrier shall file the insurance policy with the department and the policy must be  
9 kept in full force. The carrier must provide proof the policy is in full effect annually in a form  
10 prescribed by the department. Upon failure of a carrier to maintain insurance required by this  
11 section, the department shall cancel the ~~certificate~~ permit. A ~~certificate~~ permit of any company  
12 authorized to write liability or property damage insurance in the state, in a form approved by the  
13 department and certifying that there is in effect a liability insurance policy required by this  
14 section, may be filed instead of the policy.

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