

CHAPTER 39-31 COMMON HOUSEHOLD GOODS CARRIERS

39-31-01. Common household goods carrier defined. In this chapter, unless the context otherwise requires, "common household goods carrier" means any person that holds oneself out to the public as willing to undertake for hire to transport by motor vehicle from place to place the household goods of others who may choose to employ that person.

39-31-02. Application of chapter to intrastate commerce. This chapter applies to persons and motor vehicles engaged in intrastate commerce only to the extent permitted by the constitution and laws of the United States and this state.

39-31-03. Carriers must operate in accordance with law and rules. It is unlawful for any common household goods carrier to transport persons or property for hire unless:

1. The carrier has obtained the certificate or permit required by this chapter; and
2. The carrier complies with this chapter and any applicable rules adopted by the department.

39-31-04. Regulation of common household goods carriers by the department. The department may regulate common motor carriers of household goods except for transportation provided wholly within a city in this state or within a distance beyond the corporate limits of a city as determined by the department and:

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

39-31-05. Household goods carriers - Transportation of commodities. A carrier may specify, by tariff publication, the quantity or quantities of commodities the carrier is obliged to transport.

39-31-06. Household goods carrier - Certificate of public convenience - Temporary permit - Application. No common household goods carrier may operate within this state without having obtained from the department a certificate of public convenience and necessity. An application must be upon the form prescribed by the department. The application must contain a financial statement.

39-31-07. Notice of opportunity for comment on application. Upon the filing of an application for a certificate of public convenience and necessity or permit, the department shall mail notice of opportunity for comment to the North Dakota motor carriers association and may send notice to appropriate news media.

39-31-08. Factors to be considered by department in granting certificate. Before granting a certificate to a common household goods carrier, the department shall take into consideration the fitness and ability of the applicant to provide service and any other information the department determines appropriate.

39-31-09. Testimony - Issuance of certificate of permit - Conditions. A party opposing an application may offer written testimony if that party filed a protest within twenty days of receipt of the notice. The protest must state the objection. Based upon the evidence, the department may grant or deny, in whole or in part, the certificate or permit requested.

39-31-10. Reasonable rates to be made by household goods carriers. All charges by a common household goods carrier must be reasonable and may not be unlawfully discriminatory. A carrier shall operate at the rate set in its tariff and may not refund in any

manner. The use of a tariff bureau to promulgate and file a proposed tariff creates no presumption that the carrier using the bureau is violating the Constitution of North Dakota. Rate reductions may be filed with the department effective on one or more day's notice. The department has the right to suspend rate reductions within thirty days of filing.

39-31-11. Certificates - Permits - Duration - Transfer. Certificates and permits issued to carriers by the department under this chapter remain in force subject to this chapter. Those certificates or permits are transferable only upon approval by the department, after notice to and opportunity for comment by all interested parties.

39-31-12. Fees - Household goods carrier. Every household goods carrier operating in this state, when applying for a certificate of public convenience and necessity or permit, shall pay a fee of one hundred dollars. The nonrefundable fee for an application for transfer of a certificate of public convenience and necessity is one hundred dollars.

39-31-13. Regulations furnished to holder of certificate or permit. The department shall mail each holder of a certificate or permit under this chapter the rules the department adopts to implement this chapter.

39-31-14. Insurance required of carrier - Liability of insurer. The department, before granting a certificate to any common motor carrier, shall require the owner or operator to procure public liability insurance. The conditions of the liability insurance must guarantee the payment of any loss or damage to property or on account of the death or injury to any person resulting from the negligence of the carrier. The carrier shall file the insurance policy with the department and the policy must be kept in full force. Upon failure of a carrier to maintain insurance required by this section, the department shall cancel the certificate. A certificate of any company authorized to write liability or property damage insurance in the state, in a form approved by the department and certifying that there is in effect a liability insurance policy required by this section, may be filed instead of the policy.

39-31-15. Deposit of fees. The department shall deposit monthly all fees collected under this chapter in the highway fund in the state treasury.

39-31-16. Enforcement of chapter. Any law enforcement officer may make an arrest for any violation of this chapter, and the state's attorney of the county in which the offense was committed shall prosecute the offender. The highway patrol shall enforce this chapter in any part of the state. Upon written request of the department or the highway patrol, the attorney general shall prosecute or assist in the prosecution of any person alleged to have violated this chapter or any rule adopted to implement this chapter.

39-31-17. Penalty. Any person who willfully violates this chapter, or any order or rule issued or adopted under this chapter, is guilty of an infraction.