

**Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015**

SENATE BILL NO. 2255
(Senators Casper, Oehlke, Sinner)
(Representatives Delmore, Ruby, Schatz)

AN ACT to amend and reenact subsection 1 of section 39-31-03 and sections 39-31-04, 39-31-06, 39-31-11, 39-31-12, 39-31-13, and 39-31-14 of the North Dakota Century Code, relating to common household goods carriers; and to repeal sections 39-31-05, 39-31-07, 39-31-08, 39-31-09, and 39-31-10 of the North Dakota Century Code, relating to common household goods carriers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

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

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

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

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

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

~~Certificates and~~ Household goods carrier 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.~~

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

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~~household goods carrier 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~~household goods carrier permit is one hundred dollars. The annual filing fee for maintaining a household goods carrier permit is thirty-five dollars.

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

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

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

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

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

The department, before granting a ~~certificate~~household goods carrier permit 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. The carrier must provide proof the policy is in full effect annually in a form prescribed by the department. Upon failure of a carrier to maintain insurance required by this section, the department shall cancel the ~~certificate~~permit. A ~~certificate~~permit 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.

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2255.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 89 Nays 0 Absent 5

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2015.

Approved at _____ M. on _____, 2015.

Governor

Filed in this office this _____ day of _____, 2015,

at _____ o'clock _____ M.

Secretary of State