

PSC
Adm. Reg. 24-1
Series XIV

STATEMENT OF AUTHORITY:

These rules are legislative rules as defined in West Virginia Code §29A-1-2(d) and (i). These rules relate to the authority of the Public Service Commission of West Virginia, pursuant to West Virginia Code §§24-1-1, 24-2-1, 24-2-2, 24-2-5, 24-2-7(a), 24-2-8, 24-2-13, 24-3-1, 24A-1-1, 24A-2-4, 24A-3-4, 24A-3-6, 24A-5-1, 24A-5-2, 24A-5-3, 24A-6-1 and 24A-6-2. The Public Service Commission is authorized to issue rules and regulations as may be necessary to carry out the provisions of Chapter 24 of the West Virginia Code, including the code sections listed above, by West Virginia Code §24-1-7.

ABSTRACT OF PROMULGATION HISTORY:

On March 16, 1977, the Commission entered an order finally adopting, as amended, the rules contained herein, excluding the subsequent amendments to the rules discussed below. The order of March 16, 1977, specified that such rules and regulations were adopted, promulgated, and issued, including the filing of the final rules in the State Register, as provided by and pursuant to Chapter 24 of the West Virginia Code and the then effective sections of the State Administrative Procedures Act.

AMENDMENTS:

RULES 4.11(4) AND (5) SPECIAL OR CHARTER PARTY SERVICE BY
COMMON CARRIERS OF PASSENGERS BY MOTOR
VEHICLE OVER REGULAR ROUTES AND SERVING
THE PUBLIC GENERALLY

On June 13, 1979, the Commission entered an order finally adopting, as amended, these rules. The order of June 13, 1979, specified that such rules and regulations were adopted, promulgated, and issued, including the filing of the final rules in the State Register, as provided by and pursuant to Chapter 24 of the West Virginia Code and the then effective sections of the State Administrative Procedures Act.

RULE 5.01 RENTED TAXICABS

RULE 5.07 RESPONSIBILITY FOR SERVICING AND MAINTENANCE

RULE 5.08 LEASED EQUIPMENT

M.C. FORM No. 55

On February 10, 1981, a Commission Hearing Examiner entered a Hearing Examiner's Memorandum Opinion, recommending that the Commission adopt and promulgate a revised Rule 5.08.

On March 4, 1981, Taxi, Limousine, Inc., City Cab Service, Inc., Capitol United Taxi, Inc., Wheeling Cab Company, Morgantown Yellow Cab Company, Capitol, Inc., and Weir Cove Cab Company, by counsel, timely filed exceptions to that portion of the Memorandum of Opinion in which the Hearing Examiner recommended that the Commission not alter, amend, delete or revise the presently effective Rule 5.01 of the Motor Carrier Rules.

On June 18, 1981, the Commission entered an order reversing in part and affirming in part a Hearing Examiner's Recommended Decision, which Commission order promulgated amendment to Rules 5.01, 5.07 and 5.08, and proposed a P.S.C. W.Va. M.C. Form No. 55,

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which would permit taxi service operators to lease their equipment from another company and which would allow the operators to lease their cabs to the drivers of said cabs. Interested parties were given until July 18, 1981, to submit, in writing, any data, objections, suggested amendments, comments, evidence and arguments regarding the proposed rules.

By order entered on July 27, 1981, the Commission set the matters involved for oral argument to be held on August 6, 1981.

On August 17, 1981, the Commission entered an order finally adopting, as amended, such rules to be effective sixty days after filing such in the State Register which filing was made the same day.

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PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
LEGISLATIVE RULE
CHAPTER 24-1
SERIES XIV

RECEIVED
JAN 29 1968

TITLE: Rules and Regulations Governing the Filing and Approval of Surety Bonds, Policies of Insurance, Qualifications as a Self-Insurer, or other Securities and Agreements by Motor Carriers Subject to the Motor Carrier Law, Chapter 24-A.

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WEST VIRGINIA LEGISLATIVE RULE FILED
PUBLIC SERVICE COMMISSION
CHAPTER 24-1C JAN 29 PM 4:30
SERIES XIV 14

RULES AND REGULATIONS
GOVERNING THE FILING AND APPROVAL OF SURETY BONDS,
POLICIES OF INSURANCE, QUALIFICATIONS AS A SELF-INSURER,
OR OTHER SECURITIES AND AGREEMENTS BY MOTOR CARRIERS
SUBJECT TO THE MOTOR CARRIER LAW, CHAPTER 24-A

1. GENERAL

1.1 Scope - Rules and regulations approved and prescribed to afford the reasonable protection of the traveling, shipping, and general public against injury, loss, damage, or default for which common and contract carriers by motor vehicle subject to the provisions of Chapter 24-A of the Code of West Virginia, 1931, as amended, may be liable. These rules govern the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers subject to the jurisdiction of the Public Service Commission pursuant to West Virginia Code §24-2-1.

1.2 Authority - West Virginia Code §§24A-2-3, 25A-3-4, 24A-3-6, 24A-5-5,

1.3 Filing Date - April 24, 1978.

1.4 Effective Date - July 1, 1978.

1.5 Filing Requirements - Pursuant to 29A-2.1 CSR§1 et seq., this series of rules and regulations of the Public Service Commission of West Virginia is being refiled in accordance with revised requirements by the Secretary of State for filing in the State Register. This refiling does not repeal any of the substantive or procedural aspects of the Commission's rules and regulations but merely represents changes in sizing and formatting of the currently effective rules and regulations. As a result of these revisions in the standard format, in particular, those rules which have evolved into terms of art in Commission practice are hereinafter incorporated into the title of each section or subsection heading of the standard format.

2. RULE I - Filing and Approval

No motor carrier subject to the provisions of Chapter 24-A of the Code of West Virginia, 1931, as amended, shall operate any motor facility upon the highways of this State, and no certificate or permit shall be issued to a motor carrier, or shall remain in force unless and until there shall have been filed with and approved by the Commission a surety bond, policy of insurance (or certificate of insurance in lieu thereof), qualifications as a self-insurer, or other securities or agreements in not less than the amounts hereinafter prescribed, conditioned to pay, within the amount of such surety bond, policy of insurance (or certificate of insurance in lieu thereof), qualifications as a self-insurer, or other securities or agreements any final judgment recovered against such motor carrier for bodily injuries to or the death of any person resulting from the negligent operation, maintenance, ownership, or use of motor vehicles under such certificate or permit, or for loss or damage to property of others; nor shall any common carrier by motor vehicle subject to the provisions of said Chapter 24-A, as amended, operate any motor facility upon the highways of this State, nor shall any certificate be issued to such carrier, nor remain in force unless and until there shall have been filed with and approved by the Commission a surety bond, policy of insurance (or certificate of insurance in lieu thereof), qualifications as a self-insurer, or other securities or agreements in not less than the amounts hereinafter prescribed, conditioned upon such carrier making compensation to shippers or consignees for all property belonging to shippers or consignees and coming into the possession of such carrier in connection with its transportation service.

3. RULE II - Minimum Amounts Prescribed

The minimum amounts referred to in Rule I are hereby prescribed as follows:

A. Motor carriers--bodily injury liability--property damage liability -

Kind of Equipment	Limit for bodily injuries to or death of one person	Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of \$50,000 for bodily injuries to or death of one person)	Limit for loss or damage in any one accident to property of others (excluding cargo)
Passenger equipment (seating capacity): 7 passengers or less..... 8 to 12 passengers, inclusive.. 13 to 20 passengers, inclusive.. 21 to 30 passengers, inclusive.. 31 passengers, or more..... Freight equipment: All motor vehicles used in the transportation of property.....	\$50,000 50,000 50,000 50,000 50,000 50,000	\$100,000 150,000 200,000 250,000 250,000 100,000	\$25,000 25,000 25,000 25,000 25,000 25,000

B. Motor Common Carriers--Cargo Liability -

Security required to compensate shippers or consignees for loss of or damage to property belonging to shippers or consignees and coming into the possession of motor common carriers in connection with their transportation service, (1) for loss or damage to property carried on any one motor vehicle--\$2,000; (2) for loss of or damage to or aggregate of losses or damages of or to property occurring at any one time and place--\$4,000; provided, that this requirement shall not apply to the transportation of (a) low-grade commodities, (b) wrecked or disabled motor vehicles, (c) coal, (d) logs, or (e) trash, rubbish or garbage.

4. RULE III - Motor Vehicle Combinations

The following combinations will be regarded as one motor vehicle for purposes of these rules, (1) a tractor and trailer or semi-trailer when the tractor is engaged solely in drawing the trailer or semi-trailer, and (2) a truck and trailer when both together bear a single load.

5. RULE IV - Qualifications as a Self-Insurer and Other Securities or Agreements

The Commission will give consideration to and will approve the application of a motor carrier to qualify as a self-insurer if such carrier furnishes a true and accurate statement of its financial condition and other evidence which will establish to the satisfaction of the Commission the ability of such motor carrier to satisfy its obligations for bodily injury liability, property damage liability, or cargo liability without affecting the stability or permanency of the business of such motor carrier.

The Commission will also consider applications for approval of other securities or agreements and will approve any such applications if satisfied that the security or agreement offered will afford the security for the protection of the public contemplated by paragraph (g), section 5, article 5, of the Motor Carrier Law.

6. RULE V - Bonds and Insurance Policies

Each certificate or policy of insurance or surety bond with corporate or individual sureties filed with the Commission for approval must be for not less than the full limits of liability required under these rules and regulations. In each case in which the surety on any such bond is a surety company, such company must be one approved, and authorized to do business in this State.

7. RULE VI - Forms and Procedures

Endorsements for policies of insurance, surety bonds, certificates of insurance and applications to qualify as a self-insurer, or for approval of other securities or agreements, and notices of cancellation must be in the forms prescribed and approved by the Commission.

Certificates of insurance, surety bonds, and notices of cancellation must be filed with the Commission in duplicate. Upon receipt and approval by the Commission, one copy will be stamped "received and approved" and returned to the home office of the insurance or surety company.

Insurance policies and surety bonds shall be written in the full and correct name of the individual, partnership, corporation, or other person to whom the certificate or permit is issued. In case of a partnership, all partners shall be named.

All certificates of insurance filed with this Commission will denote a definite expiration date.

Surety bonds, policies of insurance endorsements or certificates of insurance and other securities and agreements shall not be cancelled until after thirty (30) days' notice in writing by the insurance company, surety or sureties, motor carrier, or other party thereto, as the case may be, has first been given to the Commission at its office in Charleston, West Virginia, which period of thirty (30) days shall commence from the date such notice is actually received at the office of the Commission.

Motor carriers subject to the jurisdiction of this Commission are hereby required to maintain in effect at all times the security for the protection of the public prescribed by these rules.

8. RULE VII - Policies of Insurance Amended

Policies of insurance as amended by the endorsements provided by these rules covering bodily injury liability, property damage liability, and cargo liability must be written by insurance companies legally authorized to transact business in this State.

9. RULE VIII - Refusal to Accept or Revoke

The Commission may, at any time, refuse to accept or may revoke its approval of any surety bond, policy of insurance (or certificate of insurance in lieu thereof), qualification as a self-insurer, or other securities or agreements if, in its judgment, such security does not comply with these rules or, for any reason, fails to provide satisfactory or adequate protection for the public.

10. FORMS

The Forms hereby prescribed shall be used by each common and contract carrier by motor vehicle of passengers and property subject to the provisions of Chapter 24-A of the Code of West Virginia, 1931, as amended, in observing the rules and regulations herein prescribed, as follows:

- (1) P.S.C. W.VA. M.C. FORM 17 - Notice of Cancellation of Motor Carrier Policies of Insurance;
- (2) P.S.C. W.VA. M.C. FORM 18 - Notice of Cancellation of Motor Carrier Surety Bonds;
- (3) P.S.C. W.VA. M.C. FORM 21 - Application for Authority to Self-Insure;
- (4) P.S.C. W.VA. M.C. FORM 22-A - Endorsement for Motor Carrier Policies of Insurance for Bodily Injury Liability and Property Damage Liability;
- (5) P.S.C. W.VA. M.C. FORM 23 - Endorsement for Motor Common Carrier Policies of Insurance for Cargo Liability;
- (6) P.S.C. W.VA. M.C. FORM 24-A - Certificate of Insurance for Motor Carrier Policies of Insurance for Bodily Injury Liability and Property Damage Liability;
- (7) P.S.C. W.VA. M.C. FORM 25 - Certificate of Cancellation of Motor Carrier Policies of Insurance;
- (8) P.S.C. W.VA. M.C. FORM 45-A - Motor Common Carrier Cargo Liability Surety Bond; and
- (9) P.S.C. W.VA. M.C. FORM 46 - Motor Common Carrier Cargo Liability Surety Bond.

[P.S.C. W.Va. M.C. Forms may be obtained from the Motor Carrier Division of the Public Service Commission]