

# ARKANSAS REGISTER



## Transmittal Sheet

FILED

NOV 23 1993

W. J. "BILL" McCUEN  
SECRETARY OF STATE  
BY \_\_\_\_\_

W.J. "Bill" McCuen  
Secretary of State  
State Capitol  
Little Rock, Arkansas 72201-1094

For Office  
Use Only:

Effective Date 12/18/93 Code Number 001.07.93--002

Name of Agency ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

Department LEGAL DIVISION

Contact Person TREECA J. DYER, STAFF ATTORNEY Telephone 569-2275

Statutory Authority for Promulgating Rules Ark. Code Ann. §23-2-210;  
23-13-202 and 208.

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Date

☐ Emergency

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Filed With Legislative Council

Reviewed by Legislative Council

Adopted by State Agency

Oct. 4, 1993

Nov. 8, 1993

Oct. 8, 1993

Nov. 4, 1993

Nov. 19, 1993

## CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance With Act 434 of 1967 As Amended.

Treeca J. Dyer  
SIGNATURE

Staff Attorney  
TITLE

November 22, 1993  
DATE

## RULE 12.1

## REGISTRATION OF INSURANCE

No vehicle shall be operated under any certificate or permit issued by the Interstate Commerce Commission or the Arkansas State Highway Commission unless such vehicle is accompanied by valid evidence of payment of the insurance registration fee required by these Commissions. Evidence of payment of the insurance registration fee shall be issued in the form of a receipt only to motor carriers holding a valid certificate or permit from the Interstate Commerce Commission or the Arkansas State Highway Commission.

The presence of such registration receipt is evidence only of payment of the required insurance registration fee. Such receipt creates no presumption that the vehicle is being operated by the motor carrier company paying the registration fee, or pursuant to proper operating authority issued by the Interstate Commerce Commission or the Arkansas State Highway Commission.

At any point in time that the motor carrier company fails to have on file with the Interstate Commerce Commission or the Arkansas State Highway Commission insurance sufficient to cover its authorized operations, said receipt shall no longer authorize travel in any state, and may subject the motor carrier company to fines, penalties, and other sanctions to be imposed by the Interstate Commerce Commission or the Arkansas State Highway Commission.

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NOV 28 1993

W. J. "BILL" McCUEN  
SECRETARY OF STATE  
BY \_\_\_\_\_

## RULE 12.2

### APPLICATIONS FOR INSURANCE RECEIPTS.

Each common and contract carrier of persons and property shall annually make application in writing for insurance registration. Said application shall be on forms prescribed by the Interstate Commerce Commission and the Arkansas State Highway Commission. The annual application shall be accompanied by funds in an amount sufficient to equal the number of vehicles traveling in all states of travel participating in the Single State Registration Program in which the carrier expects to operate and/or all vehicles operating in intrastate commerce in Arkansas. Said fee shall be collected from each common and contract carrier of passengers and/or property holding certificates or permits issued by the Interstate Commerce Commission or the Arkansas State Highway Commission.

Initial applications for insurance registration shall be on forms prescribed by the Interstate Commerce Commission and the Arkansas State Highway Commission. The initial application shall be accompanied by a copy of the certificate or permit under which operations are to be conducted, proof of insurance in the amounts required by the rules of these Commissions for operations in interstate and/or intrastate commerce, and the names of registered agents for service of process for all states of travel. However, this last requirement shall not apply to those carriers having only Arkansas intrastate authority issued by the Arkansas State Highway Commission.

Holders of emergency temporary authority and temporary authority issued by the Interstate Commerce Commission which are based in Arkansas shall be required to provide the same documentation and pay fees prior to commencing operations in any state. Holders of temporary intrastate authority shall pay the same fees and make application for insurance registration prior to commencing operations.

No motor carrier in intrastate or interstate commerce shall commence operations in the State of Arkansas without having first made application for and paid the fees for registration of insurance for travel through the State of Arkansas. Fees may be collected by other states for carriers whose principal place of business is located in that state and remitted to the State of Arkansas. Such payment of fees and documentation by the state acting as agent on behalf of the State of Arkansas shall be sufficient evidence to comply with the requirements of these rules.

The original receipt issued under provisions of this rule shall be kept by the motor carrier company for a period of three years. Any supplemental receipts or copies of the receipt shall also be maintained for a period of three years. A copy of the receipt shall be kept in the cab of each vehicle and shall be available at all times for inspection by any authorized government personnel on demand. Failure to have a receipt or a copy thereof in the cab of each vehicle may result in the imposition of fines and penalties and/or other sanctions against the motor carrier.

### RULE 12.3

Each common and contract carrier authorized by the Interstate Commerce Commission or the Arkansas State Highway Commission to engage in for-hire operations in driveaway service shall annually make application for insurance registration in the same manner as all other motor carriers under the provisions of these rules. The use of the receipt issued as a result of such application and payment of fees shall be limited to vehicles being transported in driveaway service; the use thereof for any other purpose shall be unlawful.

The motor carrier shall have sufficient registration receipts to place one in each vehicle transported in driveaway service. The insurance receipt may be used interchangeably by the holder thereof on all vehicles being operated in the driveaway service under proper authority issued by the Interstate Commerce Commission or the Arkansas State Highway Commission. The receipt shall be carried by the driver in the vehicle and shall be available for inspection by authorized government personnel on demand.

## PROPOSED RULE 18.10

### AGENTS FOR HOUSEHOLD GOODS CARRIERS

(a) Certificated carriers of household goods may engage and use the services of agents within the scope of their operating authority. However, no certified carrier of household goods may use the services of any agent which has not been approved by this Commission. Use of an agent by a household goods carrier without prior approval by this Commission shall subject said certificated carrier to the full range of fines and penalties available under the Arkansas Motor Carrier Act.

(b) Applications for certification as an agent shall be filed with the Commission. No operations under the agency agreement may begin prior to approval of the agent by this Commission. The principal or certificated household goods carrier must serve as the supporting shipper for the operations to be performed by the agent. No other proof shall be deemed necessary for determination of need for the service under the present or future public convenience and necessity test.

(c) The application for approval as an agent shall contain the following:

- (1) The name and address of the agent;
- (2) The name and address of the principal or certificated household goods carrier, including the authority number(s) of the certificated carrier;
- (3) The agent's equipment list; and
- (4) Financials for the agent's business.

A verified statement of the applicant and a verified statement of the principal shall be filed at the appropriate time. The application shall be accompanied by the filing fee of \$50.00.

(d) All applications for approval as an agent shall be subject to the General Rules of Practice and Procedure of the Commission, including but not limited to the filing of protests and time frames for filing of all documents pertaining to any application before this Commission. All applicants shall be subject to review of their equipment and safety inspection by the Arkansas Highway Police as part of the application process.

(e) In considering whether or not an applicant for authorization as an agent for a certificated carrier of household goods meets the requirements of the law, the Commission shall take into consideration the reliability and financial condition of the applicant agent, the applicant agent's sense of responsibility toward the public, the likelihood of the proposed service being permanent and continuous, the agent's familiarity with the special rules and regulations of this Commission governing household goods carriers, and the presence of adequate insurance available to the agent to comply with the Commission's insurance rules for household goods carriers. The Commission shall authorize the operations covered by the application if it is found that the applicant is fit, willing, and able

to properly perform the service proposed, and is able to conform to the provisions of the Arkansas Motor Carrier Act and the rules of this Commission as an agent for a household goods carrier.

(f) Every authorized agent shall be subject to the provisions of the Arkansas Motor Carrier Act and the General Rules of Practice and Procedure of this Commission, as well as the special rules and regulations governing household goods carriers. Any violation by an authorized agent of the Arkansas Motor Carrier Act or the rules of this Commission shall subject the agent and its principal to all fines and penalties authorized by the Arkansas Motor Carrier Act and these regulations.

#### PROPOSED RULE 18.11

All certificated household goods carriers and their agents shall prominently display in any printed advertising materials the Arkansas number for the operating rights of the certificated carrier. Any written advertisement placed by an authorized agent shall include in a place prominently displayed in the advertisement the Arkansas operating authority number of its principal.

## RULE 12.1

## REGISTRATION OF INSURANCE

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NOV 23 1993

W. J. "BILL" McCUEN  
SECRETARY OF STATE

BY \_\_\_\_\_

## RULE 12.2

### APPLICATIONS FOR INSURANCE RECEIPTS.

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(e) In considering whether or not an applicant for authorization as an agent for a certificated carrier of household goods meets the requirements of the law, the Commission shall take into consideration the reliability and financial condition of the applicant agent, the applicant agent's sense of responsibility toward the public, the likelihood of the proposed service being permanent and continuous, the agent's familiarity with the special rules and regulations of this Commission governing household goods carriers, and the presence of adequate insurance available to the agent to comply with the Commission's insurance rules for household goods carriers. The Commission shall authorize the operations covered by the application if it is found that the applicant is fit, willing, and able

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W. J. KILLIP, JR.  
SECRETARY OF STATE

BY

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