

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 a household goods carrier 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 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.

Repealed by S.L. 2015, ch. 277, § 8.

39-31-06. Household goods carrier - Household goods carrier permit application.

A common household goods carrier may not operate within this state without having obtained from the department a household goods carrier permit. An application must be upon the form prescribed by the department. The application must contain 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.

39-31-07. Notice of opportunity for comment on application.

Repealed by S.L. 2015, ch. 277, § 8.

39-31-08. Factors to be considered by department in granting certificate.

Repealed by S.L. 2015, ch. 277, § 8.

39-31-09. Testimony - Issuance of certificate of permit - Conditions.

Repealed by S.L. 2015, ch. 277, § 8.

39-31-10. Reasonable rates to be made by household goods carriers.

Repealed by S.L. 2015, ch. 277, § 8.

39-31-11. Permits duration - Transfer.

Household goods carrier permits issued to carriers by the department under this chapter remain in force subject to this chapter. Those permits are transferable only upon approval by the department.

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

Every household goods carrier operating in this state, when applying for a household goods carrier permit, shall pay a fee of one hundred dollars. The nonrefundable fee for an application for transfer of a household goods carrier permit is one hundred dollars. The annual filing fee for maintaining a household goods carrier permit is thirty-five dollars.

39-31-13. Regulations furnished to holder of permit.

The department shall mail each holder of a household goods carrier 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 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 permit. A 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.

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.