

ORIGINAL

Decision No. 66553

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation to )  
determine the amount and adequacy of )  
protection against liability imposed by )  
law upon Highway Common Carriers, )  
Petroleum Irregular Route Carriers, )  
Radial Highway Common Carriers, Highway )  
Contract Carriers, Petroleum Contract )  
Carriers, Household Goods Carriers and )  
City Carriers for payment of damages )  
for personal bodily injury (including )  
death resulting therefrom) and damage )  
to or destruction of property. )

Case No. 5719

OPINION AND ORDER

By Decisions Nos. 62040, 62041, in Cases 5719 and 6897, adopted May 22, 1961, effective July 1, 1961 and amended by Decisions 62078, 62776, adopted June 6, 1961 and November 7, 1961, respectively, the Commission issued General Order No. 100-B establishing certain liability and property damage insurance requirements for highway carriers.

It appearing that Statutes 1963, Chapter 2147, effective September 20, 1963, added Section 3519 and amended Section 1061 of the Public Utilities Code to include new classes of carriers, it is necessary to make certain revisions of General Order No. 100-B.

The Commission finds that the general order set forth should be adopted. General Order No. 100-B will be cancelled and superseded by the general order adopted herein. The following order will provide for its adoption. A public hearing is not necessary.

Good cause appearing,

IT IS ORDERED that:

1. General Order No. 100-C, which is attached hereto and by this reference made a part hereof, is hereby adopted to become effective February 1, 1964, superseding General Order No. 100-B, which is hereby cancelled effective February 1, 1964.

2. The Secretary of the Commission shall serve a copy of this order upon each highway carrier described in Section 1061 and those highway carriers subject to Sections 3631, 3981 and 5161.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California this 17th day of December, 1963.

William W. Bennett  
President  
George J. Grover  
Frederick B. Holbluff

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

GENERAL ORDER NO. 100-C  
(Supersedes General Order No. 100-B)

PUBLIC UTILITIES COMMISSION of the  
STATE OF CALIFORNIA

RULES AND REGULATIONS REQUIRING ALL HIGHWAY COMMON CARRIERS, PETROLEUM IRREGULAR ROUTE CARRIERS, CEMENT CARRIERS, RADIAL HIGHWAY COMMON CARRIERS, HIGHWAY CONTRACT CARRIERS, PETROLEUM CONTRACT CARRIERS, CEMENT CONTRACT CARRIERS, HOUSEHOLD GOODS CARRIERS, AND CITY CARRIERS, TO PROVIDE AND THEREAFTER CONTINUE IN EFFECT ADEQUATE PROTECTION AGAINST LIABILITY IMPOSED BY LAW UPON SUCH CARRIERS FOR THE PAYMENT OF DAMAGES FOR PERSONAL BODILY INJURIES (INCLUDING DEATH RESULTING THEREFROM) AND DAMAGE TO OR DESTRUCTION OF PROPERTY.

Adopted Dec. 27, 1963, Effective *Jan. 16, 1964.*

(1) Every highway common carrier, except highway common carriers of petroleum products in bulk in tank vehicles; cement carrier; radial highway common carrier; highway contract carrier; cement contract carrier; household goods carrier and city carrier as defined in the Public Utilities Code, shall provide and thereafter continue in effect, so long as they may be engaged in conducting such operations, adequate protection against liability imposed by law upon such carriers for the payment of damages for personal bodily injuries (including death resulting therefrom) in the amount of not less than twenty-five thousand dollars (\$25,000) on account of bodily injuries to, or death of, one person; and protection against total liability of such carriers on account of bodily injuries to, or death of more than one person as a result of any one accident, but subject to the same limitation for each person, in the amount of not less than one hundred thousand dollars (\$100,000); and protection in the amount of not less than ten thousand dollars (\$10,000) for one accident resulting in damage to or destruction of property other than property being transported by such carrier for any shipper or consignee, whether the property of one or more than one claimant.

(2) Every highway common carrier of petroleum products in bulk in tank vehicles; petroleum irregular route carrier, and petroleum contract carrier, as defined in the Public Utilities Code, shall provide and thereafter continue in effect, so long as they may be engaged in conducting such operations, adequate protection against liability imposed by law upon such carriers for the payment of damages for personal bodily injuries (including death resulting therefrom) in the amount of not less than one hundred thousand dollars (\$100,000) on account of bodily injuries to, or death of, one person; and protection against a total liability of such carriers on account of bodily injuries to, or death of more than one person as a result of any one accident, but subject to the same limitation for each person, in the amount of not less than three hundred thousand dollars (\$300,000); and protection in an amount of not less than fifty thousand dollars (\$50,000) for one accident resulting in damage to or destruction of property other than property being transported by such carrier for any shipper or consignee, whether the property of one or more than one claimant.

(3) The protection required under Sections 1 and 2 hereof shall be evidenced by the deposit with the Public Utilities Commission, covering each vehicle used or to be used in conducting the service performed by each such highway common carrier, petroleum irregular route carrier, cement carrier, radial highway common carrier, highway contract carrier, petroleum contract carrier, cement contract carrier, household goods carrier, or city carrier, of a policy or policies of public liability and property damage insurance, issued by a company licensed to write such insurance in the State of California; or of a bond of a surety company licensed to write surety bonds in the State of California.

(4) A copy of an insurance policy, duly certified by the company issuing it to be a true copy of the original policy, or a photostatic copy thereof, or an abstract of the provisions of said policy, or a certificate of insurance issued by the company issuing such policy, may be filed with the Commission in lieu of the original or a duplicate or counterpart of said policy.

(5) Said policy of insurance, or surety bond, evidencing such protection, shall not be cancelable on less than thirty (30) days' written notice to the Public Utilities Commission, such notice to commence to run from the date notice is actually received at the office of said Commission.

(6) Any highway common carrier, petroleum irregular route carrier, cement carrier, radial highway common carrier, highway contract carrier, petroleum contract carrier, cement contract carrier, cement carrier, and city carrier, desiring to furnish equivalent protection to the public by means other than those prescribed in the foregoing sections, whether as a self-insurer or otherwise, shall file an application for authority to do so in accordance with the Commission's Rules of Practice and Procedure

(7) Every insurance policy, surety bond or equivalent protection to the public shall contain a provision that such policy, surety bond or equivalent protection will remain in full force and effect until canceled in the manner provided by paragraph 5 of this General Order, provided however, that an insurance policy, bond or equivalent protection in effect on the effective date of this order may be continued in effect for the balance of the term for which it was issued or established.

(8) Upon cancellation, expiration or suspension of an insurance policy or surety bond, or the cancellation of equivalent protection issued by this Commission, the operative authority of any highway common carrier, petroleum irregular route carrier, cement carrier, radial highway common carrier, highway contract carrier, petroleum contract carrier, cement contract carrier, household goods carrier or city carrier shall stand suspended immediately upon the effective date of such cancellation, expiration or suspension.

(9) The suspension of the operative authority of any highway common carrier, petroleum irregular route carrier, or cement carrier pursuant to Rule 8 hereof shall suspend also all tariff filings of such carrier. Suspension supplements to tariffs so suspended are not required and shall not be filed.

(10) No carrier shall engage in any operation on any public highway in this State during the suspension of its operative authority.

(11) The operative right or rights held by any highway common carrier, petroleum irregular route carrier, or cement carrier shall be subject to revocation in the manner provided by Section 1070 of the Public Utilities Code whenever the operative right of such carrier has been suspended under the provisions of this General Order.

(12) No highway common carrier or petroleum irregular route carrier whose operative rights have been suspended under the provisions of paragraph 8 of this General Order shall resume operations unless and until such carrier shall have filed, and the Commission shall have granted, a written request for removal of such suspension. Such written request shall be accompanied by evidence of an insurance policy, surety bond or equivalent protection in effect at the time and which meets the standards set forth in this General Order and by a fee of one hundred fifty dollars (\$150).

Issued by order made at San Francisco this

PUBLIC UTILITIES COMMISSION OF THE  
STATE OF CALIFORNIA

By: Noel Coleman, Acting Secretary