

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RESOLUTION TL 18333
Transportation Division

R E S O L U T I O N

RESOLUTION AMENDING GENERAL ORDER 115-D TO COVER CLASS C CERTIFICATES OF CHARTER-PARTY CARRIERS OF PASSENGERS AS DEFINED BY PUBLIC UTILITIES CODE SECTION 5383.

This general order contains the rules and regulations for all charter-party carriers of passengers subject to the Public Utilities Code 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.

Assembly Bill 1146 (Chapter 1336, Statutes 1989) effective January 1, 1990, among other things, amended the Public Utilities Code to provide for an alternative form of charter-party carrier certification for those persons who provide transportation which is incidental to commercial river rafting or skiing. For the period January 1, 1990 until January 1, 1994, the legislation creates a Class C Charter Party carrier certificate for "services provided incidental to commercial river rafting or skiing where no additional compensation is provided for the transportation". (P.U. Code Section 5383; see also P.U. Code Section 5371.3.) Pursuant to P.U. Code Section 5391.2, holders of Class C certificates are held to a required insurance level of \$750,000 per accident. The Legislature wished to ensure that vehicles which provide transportation incidental to commercial river rafting or skiing are included in the vehicle and driver safety provisions applicable to other charter-party carriers, but are held to a lower required insurance level.

Pursuant to Public Utilities Code Section 5391.2 as added by Assembly Bill 1146, Section (1) of G.O. 115-D must be amended to reflect the newly created "Class C" certificate and related amount of PL/PD insurance coverage as shown in Appendix A.

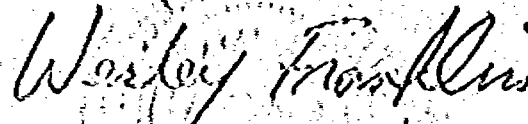
IT IS ORDERED that:

1. General Order 115-D is amended in the manner set forth in Appendix A attached. The General Order, as amended, shall be republished and designated as General Order 115-E.
2. Copies of General Order 115-E shall be provided to all charter-party carriers of passengers.

3. General Order 115-E shall become effective immediately.

I hereby certify that the foregoing Resolution was duly introduced, passed and adopted at a regular meeting of the Public Utilities Commission of the State of California, held on January 9, 1990. The following Commissioners voted favorably.

G. MITCHELL WILK
President
FREDERICK R. DUDA
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners



W. Franklin

Acting Executive Director

Commissioner Stanley W. Hulett,
being necessarily absent, did
not participate.

APPENDIX A

GENERAL ORDER NO. 115-E
(Supersedes General Order No. 115-D)

PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

RULES REQUIRING ALL CHARTER-PARTY CARRIERS OF PASSENGERS SUBJECT TO THE PUBLIC UTILITIES CODE 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 January 9, 1990, Effective January 9, 1990
(Resolution TL 18333)

(1) Each charter-party carrier of passengers, as defined in the Public Utilities Code, shall provide and thereafter continue in effect, so long as it may engage 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) and for 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, in amounts not less than the amounts set forth in the following schedule:

Vehicle Seating Capacity	Amount of Coverage
Any vehicle with a seating capacity of 16 passengers or more.....	\$5,000,000
Any vehicle with a seating capacity of 8 passengers through 15 passengers, inclusive.....	\$1,500,000
Any vehicle with a seating capacity of 7 passengers or less.....	\$750,000

EXCEPT:

Any vehicle operated under a Class C Certificate as defined by P.U. Code Section 5383.....\$750,000

(This exception shall remain in effect only until January 1, 1994, and as of that date is repealed.)

- (2) The protection herein required shall be provided in one of the following ways:
- By a certificate or certificates of public liability insurance and property damage insurance in a form approved by the Commission, issued by a company, or companies, licensed to write such insurance in the State of California, or by non-admitted insurers subject to Section 1763 of the Insurance Code.

- (b) By an original bond, or bonds, issued by a surety company, or companies, permitted to write surety bonds in the State of California.
 - (c) By a certificate of insurance issued by a special lines' surplus line broker licensed as such in this State.
 - (d) By any other plan of protection for the public approved as hereinafter required.
 - (e) By a plan of self-insurance approved as hereinafter required.
 - (f) By a combination of two or more of the foregoing methods.
- (3) The certificate of insurance or bond evidencing such protection hereinabove required shall not be cancelable on less than thirty days' written notice to the Public Utilities Commission, such notice to commence to run from the date the notice is actually received at the office of the Commission.
- (4) The Commission will give consideration to and may approve the application of a charter-party carrier of passengers to qualify as a self-insurer provided such charter-party carrier of passengers files an application with the Commission supported by 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 charter-party carrier of passengers to satisfy its obligations for public liability and property damage within the limits hereinabove prescribed, without affecting the stability and permanency of the business of such charter-party carrier of passengers.
- (5) The Commission will also consider applications for approval of other securities or agreements of indemnity and may approve any such applications if satisfied that the security or agreement of indemnity offered will afford the security for the protection of the public hereinabove contemplated.
- (6) Any charter-party carrier of passengers engaged in interstate or intrastate operations within the State of California, which is and becomes qualified as a self-insurer with the Interstate Commerce Commission promulgated thereunder, shall be exempt, so long as such qualification remains effective, from the foregoing provisions of this General Order. Proof of the existence and continuation of such exempt status shall be filed with the Commission annually. Such proof of such qualification shall be filed in such form and at such times as the Commission may require.

- (7) Each charter-party carrier of passengers desiring to become qualified as a self-insurer, or to have orders or certificates issued by the Interstate Commerce Commission authorizing self-insurance accepted by this Commission, or to have other securities or agreements of indemnity accepted in lieu of the bond or insurance hereinabove provided, shall make application therefore to this Commission stating all of the facts which shall be required by the Commission with respect thereto. If such application is approved, such charter-party carrier of passengers, while such order of approval shall remain effective, shall be exempt from furnishing a certificate of insurance or bond hereinabove provided.
- (8) Every insurance certificate, surety bond, or equivalent protection to the public shall contain a provision that such certificate, surety bond, or equivalent protection shall remain in full force and effect until cancelled in the manner provided by Section (3) of this General Order.
- (9) The cancellation or suspension of a policy of insurance or surety bond or the cancellation, suspension, or surrender of a certificate of self-insurance issued by this Commission or the Interstate Commerce Commission, or the impairment or destruction of any security, or the cancellation or termination of any agreement or indemnity, or the alteration (without first obtaining Commission authorization) of any agreement of indemnity, shall constitute good cause for suspension or revocation of the operating authority of the affected charter-party carrier of passengers. No operation shall be conducted on any highway of the State of California unless a certificate of insurance, certificate of self-insurance coverage, bond, or the other securities or agreements of indemnity hereinabove specified, shall be in effect and on file with the Commission.

Approved and dated at San Francisco, California,
this 9th day of January, 1990.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

By 

Acting Executive Director