

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RESOLUTION TL 18351
Transportation DivisionR E S O L U T I O N

(Res. TL-18351) RESOLUTION ADOPTING GENERAL ORDER 160
REQUIRING PRIVATE CARRIERS AS DEFINED BY PUBLIC UTILITIES
CODE SECTION 4001 WHICH OPERATE MOTOR VEHICLES ON ANY PUBLIC
HIGHWAY TO PROVIDE AND THEREAFTER CONTINUE IN EFFECT
ADEQUATE PROTECTION AGAINST LIABILITY.

In 1989 the California Legislature enacted Public Utilities (PU) Code Section 4000 et seq (the Private Carriers' Registration Act) as part of Chapter 1025 (A.B. 1968, Moore). The Private Carriers' Registration Act was amended by Chapter 506, 1990 (AB 1967, Moore). PU Code Section 4005 requires every private carrier, as defined in PU Code Section 4001, which operates a motor vehicle on any public highway in this state to register its operations with the Commission. PU Code Section 4010 states that registration shall not be granted to any private carrier until there is filed with and accepted by the Commission a currently effective certificate or certificates of insurance or a surety bond or bonds evidencing protection against liability imposed by law for the payment of damages for personal injury to, or death of, any person, or damages to property, or both.

The Commission should adopt General Order 160 as set forth in Appendix A herein which outlines the rules and regulations to implement the provisions of the Private Carriers' Registration Act.

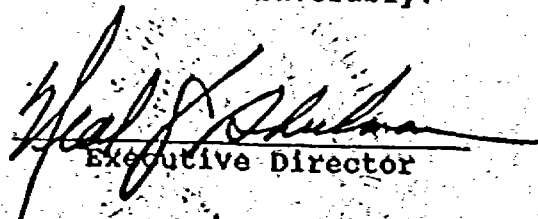
IT IS ORDERED that:

1. General Order 160 is adopted as set forth in Appendix A attached.
2. Copies of General Order 160 shall be made available to all private carriers at the time they are notified by the Commission of their responsibilities under the Private Carriers' Registration Act.
3. The Executive Director is hereby authorized to issue and/or revise any insurance certificates, surety bonds or standard forms of endorsement and any other forms appropriate for the implementation of the Commission's order set forth herein.
4. In determining the appropriate level of insurance which a private carrier must file, the Commission's staff shall rely on information provided by the carrier under penalty of perjury.

5. General Order 160 shall become effective January 1, 1991.

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 September 25, 1990. The following Commissioners voted favorably.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
PATRICIA M. ECKERT
Commissioners


Executive Director

Commissioner John B. Ohanian,
being necessarily absent, did
not participate.

A P P E N D I X A

GENERAL ORDER NO. 160

PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

RULES AND REGULATIONS REQUIRING PRIVATE CARRIERS, AS DEFINED BY PUBLIC UTILITIES CODE SECTION 4001, WHICH OPERATE MOTOR VEHICLES ON ANY PUBLIC HIGHWAY 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 SEP 25 1990, 1990, Effective January 1, 1991
(Resolution TL 18351)

(1) Every private carrier as defined by Public Utilities Code Section 4001 (except those subject to Sections (2) and/or (3) below) which is required to register under Public Utilities Code Section 4005 shall provide and thereafter continue in effect so long as it may be engaged in conducting such operations, adequate protection against liability imposed by law upon such carrier in accordance with the following schedule:

(a) for vehicles subject to Vehicle Code Section 16500.5: for the payment of damages for personal bodily injuries (including death resulting therefrom) in the amount of not less than two hundred fifty thousand dollars (\$250,000) on account of bodily injuries to, or death of, one person; and protection against total liability of such carrier 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 five hundred thousand dollars (\$500,000); and protection in the amount of not less than one hundred thousand dollars (\$100,000) for any one accident resulting in damage to or destruction of property other than property being transported by such carrier, whether the property of one or more than one claimant; or a combined single limit in the amount of not less than six hundred thousand dollars (\$600,000) on account of bodily injuries to, or death of, one or more persons and/or damage to or destruction of property other than property being transported by such carrier whether the property of one or more than one claimant in any one accident.

(b) for vehicles not subject to Vehicle Code Section 16500.5; for the payment of damages for bodily injury to, or death of, one person in any one accident in the amount of at least fifteen thousand dollars (\$15,000); and subject to the limit for one person, in the amount of at least thirty thousand dollars (\$30,000) for bodily injury to, or death of, two or more persons in any one accident; and for injury to or destruction of property of others in the amount of at least five thousand dollars (\$5,000) for any one accident.

(2) Every private carrier of petroleum products in bulk in tank vehicles or in vacuum vehicles required to register under Public Utilities Code Section 4005, when transporting petroleum and/or petroleum products, including waste petroleum and waste petroleum products, shall provide and thereafter continue in effect, so long as it may be engaged in conducting such operations, adequate protection against liability imposed by law upon such carrier for the payment of damages for personal bodily injuries (including death resulting therefrom) in the amount of not less than five hundred thousand dollars (\$500,000) on account of bodily injuries to, or death of, one person; and protection against a total liability of such carrier 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 million dollars (\$1,000,000); and protection in an amount of not less than two hundred thousand dollars (\$200,000) for one accident resulting in damage to or destruction of property other than property being transported by such carrier, whether the property of one or more than one claimant; or a combined single limit in the amount of not less than one million, two hundred thousand dollars (\$1,200,000) on account of bodily injuries to, or death of, one or more person and/or damage to or destruction of property other than property being transported by such carrier, whether the property of one or more than one claimant, in any one accident.

(3) Except as provided in Section (2) above, every private carrier required to register under Public Utilities Code Section 4005 which transports any hazardous material, as defined by Section 353 of the California Vehicle Code, shall provide and thereafter continue in effect, so long as it may be engaged in conducting such operations, adequate protection against liability imposed by law on such carrier for the payment of damages for personal injury or death, and damage to or destruction of property, in amounts of not less than the minimum levels of financial responsibility, specified for carriers of hazardous materials by the United States Department

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of Transportation (U.S.D.O.T.) in Part 387 of Title 49 of the Code of Federal Regulations. The applicable minimum levels of financial responsibility required are as follows:

Commodity Transported: ¹	Combined Single Limit Coverage
(a) Oil listed in 49 CFR 172.101; hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (c) or (d)	\$1,000,000
(b) Hazardous waste as defined in Section 25117 of the California Health and Safety Code and Title 22 of the California Code of Regulations, but not mentioned in (c) or (d)	\$1,000,000
(c) Hazardous substances, as defined in 49 CFR 171.8, or liquified compressed gas or compressed gas, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons	\$5,000,000
(d) Any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.403	\$5,000,000

¹
 Note: Items (a), (b) and (c) apply to vehicles with a gross vehicle weight rating of 10,000 pounds or more. Item (d) applies to all vehicles.

Exceptions: (1) California intrastate carriers of bulk petroleum and petroleum products, including waste petroleum and petroleum products, are subject to Section (2) of this General Order and therefore are required to maintain minimum coverage of \$1,200,000 rather than \$1,000,000, as specified above.

(2) Carriers that transport commodities listed in (a), (b) or (c) but who are exempt because of vehicle size are required to maintain coverage of \$600,000 as specified in Section (1)(a) of this General Order, rather than \$1,000,000 or \$5,000,000 as specified in Section (3) above.

(4) (a) The protection required under Sections (1), (2), and (3) hereof shall be evidenced by the deposit with the Public Utilities Commission, covering each vehicle used or to be used in conducting the operation of each such private carrier, of the appropriate Commission-authorized certificate of bodily injury liability and property damage liability insurance, issued by a company licensed to write such insurance in the State of California, or by nonadmitted insurers subject to Section 1763 of the Insurance Code, or of an original bond of a surety company licensed to write surety bonds in the State of California.

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

(6) Every insurance certificate or surety bond shall contain a provision that such certificate or surety bond shall remain in full force and effect until cancelled in the manner provided by Section (5) of this General Order.

(7) In lieu of the evidence authorized by Section 4 hereof, any private carrier may file a certificate of self-insurance issued by the California Department of Motor Vehicles where the certificate evidences authority to self-insure pursuant to Vehicle Code Section 16053 in the amounts required by Sections (1), (2), or (3) of this General Order.

(8) Upon cancellation of an insurance certificate or surety bond, or the cancellation of a certificate of self-insurance issued by the Department of Motor Vehicles, the registration of any private carrier shall stand suspended immediately upon the effective date of such cancellation.

(9) The registration of any private carrier suspended under the provisions of Section (8) of this General Order shall not be reinstated unless and until there is filed on behalf of such carrier a current insurance certificate, surety bond, or certificate of self-insurance issued by the Department of Motor Vehicles which meets the standards set forth in this General Order.

(10) In order to expedite the processing of insurance filings by the staff of the Public Utilities Commission, each insurance or bond filing made should contain the insured's California Highway Patrol file "CA" number, if known, in the upper right hand corner of the certificate.

Approved and dated at San Francisco, California, this 25th day of September, 1990.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

By Neal Shulman
Executive Director

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