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CHAPTER 23.

 MOTOR VEHICLE CARRIERS

ARTICLE 1.

 GENERAL PROVISIONS

**SECTION 58‑23‑10.** Definitions.

As used in Articles 1 to 11 of this chapter:

(1) The term “corporation” means a corporation, company, association or joint stock association;

(2) The term “person” means an individual, a firm or a copartnership;

(3) The term “Commission” means the Public Service Commission;

(4) The term “motor vehicle carrier” means every corporation or person, their lessees, trustees or receivers, owning, controlling, operating or managing any motor propelled vehicle, not usually operated on or over rails, used in the business of transporting persons or property for compensation over any improved public highway in this State;

(5) The term “trailer” means a vehicle equipped to carry a load and which is attached to and drawn by a motor vehicle and trailers shall be classed as motor vehicles and subject to the provisions of Articles 1 to 11 of this chapter; and

(6) The term “improved public highway” means every improved public highway in this State which is or may hereafter be declared to be a part of the State Highway System or any county highway system or a street of any city or town.

(7) The term “ridesharing” means an arrangement for the transportation of not more than fifteen persons on a nonprofit basis utilizing a motor vehicle of which operating costs and a reasonable depreciation cost for such vehicle are paid principally by those people utilizing such arrangement.

(8) The term “regulatory staff” means the executive director or the executive director and employees of the Office of Regulatory Staff.

**SECTION 58‑23‑20.** Transportation by motor vehicle for compensation regulated.

No corporation or person, his lessees, trustees, or receivers may operate a motor vehicle for the transportation of persons or property for compensation on an improved public highway in this State except in accordance with the provisions of this chapter, except where the use of a motor vehicle is incidental only to the operation, and any such operation is subject to control, supervision, and regulation by the commission in the manner provided by this chapter. The commission may not fix or approve the rates, fares, or charges for buses. Provided, however, nothing herein shall affect the commission’s jurisdiction to regulate street railway service or any successor to street railway service under Chapter 5 of Title 58.

**SECTION 58‑23‑25.** Public Service Commission’s motor carrier regulatory authority, defined.

Nothing in this chapter, unless specifically provided, must be construed as granting authority to the Public Service Commission to regulate, approve, fix, or charge a fee on a matter of rates, prices, changes, routes, or services of a motor vehicle carrier of property, including private carriers, except certificate carriers of household goods or hazardous wastes for disposal.

**SECTION 58‑23‑30.** “For compensation” defined.

“For compensation” as used in Section 58‑23‑20 means a return in money or property for transportation of persons or property by motor vehicle over public highways, whether paid, received or realized, and shall specifically include any profit realized on the delivered price of cargo where title or ownership is temporarily vested during transit in the carrier as a subterfuge for the purpose of avoiding regulation under this chapter. Where the profit is equal to or less than the regularly established rate applicable to the transportation of property by common carriers authorized by law to transport property for compensation, such scheme or device shall be presumed to be a subterfuge for the purpose of avoiding regulation under this chapter for those other than certificated carriers within their operating authority; provided, however, nothing herein shall prohibit the vendor from delivering any purchased property to the vendee.

**SECTION 58‑23‑40.** Certificate and fee requirements.

A motor vehicle carrier shall obtain a certificate from the Office of Regulatory Staff, pursuant to the provisions of Article 3 of this chapter and pay the license fee required pursuant to Article 5 of this chapter before the motor vehicle carrier may: (1) transport persons or property for compensation on any improved public highway in this State; or (2) advertise as an operator for the transportation of persons or property for compensation on any improved public highway in this State.

**SECTION 58‑23‑50.** Chapter not applicable to transportation for certain purposes.

(A) Articles 1 to 11 of this chapter do not apply to:

(1) motor vehicles used exclusively for transporting persons to and from schools, Sunday Schools, churches, or religious services, or to or from picnics or upon special prearranged excursions;

(2) the United States mail carriers operating star routes, while engaged solely in carrying mail;

(3) farmers or dairymen hauling dairy or farm products;

(4) persons transporting agricultural livestock and poultry feeds, including ingredients;

(5) other persons engaged in hauling perishable products of the farm or dairy products for hire from the farm to the first market when sold in South Carolina;

(6) lumber haulers engaged in transporting lumber from the forest to shipping points in this State;

(7) haulers engaged in transporting logs, chips, or wood residues which are subject to the South Carolina Unmanufactured Forest Products Trucking Regulations which are promulgated and adopted by the Department of Public Safety’s Transport Police Division;

(8) a vehicle engaged in hauling, towing, or transporting wrecked or damaged vehicles;

(9) vehicles used in ridesharing;

(10) single‑source lessors of vehicles and drivers who lease the motor vehicles and drivers to uncertificated motor vehicle carriers that conduct transportation of property (other than used household goods) in furtherance of and within the scope of their nontransportation primary enterprises, when the period of the lease is for thirty days or more, the lessee maintains insurance coverage for the protection of the public, a copy of the lease is carried in the motor vehicle during the period of the lease, and there is displayed on both sides of the motor vehicle a placard identifying the lessee.

(B) For the purposes of this section, perishable products of the farm include hay and straw.

**SECTION 58‑23‑60.** Chapter not applicable to business within certain areas.

Nothing in Articles 1 to 11 of this chapter applies to motor vehicles:

(1) carrying on the business of transporting passengers or property within the limits of a municipality in this state;

(2) transporting passengers to or from state institutions located in Richland County;

(3) transporting passengers within a distance of ten miles from the limits of municipalities in Chester and Lancaster counties when substantially all of the passengers are workers in industrial plants, eighty percent of the production of which is for defense materials;

(4) having a seating capacity of twenty or more passengers which are operated within ten miles from the limits of a municipality with a population of seventy thousand or more inhabitants, according to the United States Census for 1940, by an electric utility company which regularly provides transportation service within the municipality itself. This item does not permit the substantial duplication of a franchise or license in effect at the time service is undertaken by the electric utility company; or

(5) used by a county to transport passengers or property.

**SECTION 58‑23‑70.** Chapter not applicable to occasional trip.

Nothing contained in Articles 1 to 11 of this chapter shall be construed to prevent the use or hiring of any motor vehicle for the purpose of making some particular trip when the owner of such vehicle does not make such transportation a business.

**SECTION 58‑23‑80.** Penalties.

(A) Unless otherwise provided in this section, an officer, agent, or employee of a corporation and any other person who wilfully violates or fails to comply with or who procures, aids, or abets in the violation of any provision of Articles 1 through 12 of this chapter or who fails to obey, observe, or comply with any lawful order, decision, regulation, direction, demand, or requirement of the commission or the Office of Regulatory Staff or any part or provision thereof is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty‑five dollars nor more than one hundred dollars or imprisoned for not less than ten days nor more than thirty days.

(B) An officer, agent, or employee of a corporation or any other person operating as a passenger carrier who violates or who aids and abets in the violation of the provisions of Section 58‑23‑40 is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars for a first offense, not less than five hundred dollars for a second offense, and for third and subsequent offenses not less than one thousand dollars or imprisoned for a term not to exceed thirty days, or both. A violation must not be charged more than once for any single load.

(C) An officer, agent, or employee of a corporation or any other person operating as a carrier of household goods or as a carrier of hazardous waste for disposal who violates or who aids and abets in the violation of the provisions of the certification and registration requirements provided pursuant to Section 58‑23‑40 is guilty of a misdemeanor and, upon conviction, must be fined as provided in Section 58‑23‑590(E). A violation must not be charged more than once for any single load.

(D) An officer, agent, or employee of a corporation or any other person advertising as a passenger carrier who violates or who aids and abets in the violation of the provisions of Section 58‑23‑40 is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars for a first offense, not less than five hundred dollars for a second offense, and for third and subsequent offenses not less than one thousand dollars. A violation must not be charged more than once for any single load.

(E) An officer, agent, or employee of a corporation or any other person advertising as a carrier of household goods or hazardous waste for disposal who violates or who aids and abets in the violation of the provisions of the certification and registration requirements provided pursuant to Section 58‑23‑40 is guilty of a misdemeanor and, upon conviction, must be fined as provided in Section 58‑23‑590(E). A violation must not be charged more than once for any single load.

**SECTION 58‑23‑90.** Repealed by 2005 Act No. 27, Section 12, eff July 1, 2005.

**SECTION 58‑23‑100.** Transfer of property pending suit shall be invalid.

During the pendency of an action for damage against the holder of a certificate issued pursuant to Article 3 of this chapter any transfer of the property of such certificate holder shall be held to be invalid.

**SECTION 58‑23‑110.** Motor carrier transportation contracts; definition; hold harmless provisions; exception.

(A) Notwithstanding another provision of law, a provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier transportation contract that purports to indemnify, defend, or hold harmless, or has the effect of indemnifying, defending, or holding harmless, the contract’s promisee from or against any liability for loss or damage resulting from the negligence or intentional acts or omissions of the contract’s promisee, or any agents, employees, servants, or independent contractors who are directly responsible to the contract’s promisee, is against the public policy of this State and is unenforceable.

(B) As used in this section “motor carrier transportation contract” means a contract, agreement, or understanding covering:

(1) the transportation of property for compensation or hire by the motor carrier;

(2) the entrance on property by the motor carrier for the purpose of loading, unloading, or transporting property for compensation or for hire; or

(3) a service incidental to activity described in items (1) or (2) including, but not limited to, storage of property.

(C) Nothing contained in this section affects a provision, clause, covenant, or agreement where the motor carrier indemnifies or holds harmless the contract’s promisee against liability for damages to the extent that the damages were caused by and resulting from the negligence of the motor carrier, its agents, employees, servants, or independent contractors who are directly responsible to the motor carrier.

(D) Notwithstanding the other provisions contained in this section, a “ motor carrier transportation contract” shall not include the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America, as that agreement may be amended by the Intermodal Interchange Executive Committee.

ARTICLE 3.

 ISSUANCE AND REVOCATION OF CERTIFICATES

**SECTION 58‑23‑210.** Classes of certificates; application and hearing.

The Office of Regulatory Staff, upon order of the commission, may issue six classes of certificates as are mentioned in Section 58‑23‑40 after application therefor has been made in writing by the owner of the vehicles upon blanks provided by the commission and after such hearing as the commission may consider proper. The commission must hear any objections by any person or corporation who may be affected by the issuance of a certificate by the Office of Regulatory Staff. The six classes of certificates shall be respectively designated certificate A, certificate B, certificate C, certificate D, certificate E, and certificate F.

**SECTION 58‑23‑220.** Class A certificates.

The Office of Regulatory Staff, upon order of the commission, may issue a certificate A in the following cases:

(1) to an applicant to operate in territory already served by any certificate holder under this chapter or any common carrier when the public convenience and necessity in such territory are not already being reasonably served by some other certificate holder or common carrier, provided such applicant propose to operate on a fixed schedule and to comply with the other provisions contained in Articles 1 to 11 of this chapter and the rules and regulations which may be made by the commission respecting holders of this class of certificates; and

(2) to an applicant for a certificate to operate upon a regular schedule in a territory not already served by the holder of a certificate A, when public convenience and necessity in such territory are not being reasonably served by a certificate holder under this chapter or a common carrier; provided, that when a certificate A is issued to an applicant over territory which is being served at the time such certificate is granted by the holder of a certificate B, the right of the applicant to operate under certificate A shall not begin until the expiration of the then license year of the holder of the certificate B and the holder of a certificate B shall be preferred in granting a certificate A over the route unless in the judgment of the commission it would not be in the interest of the public service.

In either case the existence of a railroad or other motor vehicle carrier in the territory sought to be served by the applicant shall not be considered by the commission as good cause for refusing the application.

**SECTION 58‑23‑230.** Class B certificates.

The Office of Regulatory Staff, upon order of the commission, may issue a certificate B when the applicant does not propose to operate regularly upon a fixed schedule or route, but only desires to operate over a particular route or routes which are not already served by the holder of a certificate A, but will operate in instances when by his solicitation or otherwise he has procured passengers to be transported over the route or routes designated in his application. In ordering the issuance of a certificate B, the commission may consider the public convenience and necessity and whether the territory proposed to be served is already served by a carrier. If the public convenience and necessity require the issuance of more than one certificate B over such route or routes, the commission may order the issuance of an additional certificate B, but the certificate may be revoked by order of the commission at the end of any license year as to any particular route or routes, if prior to the expiration of the year the commission has ordered the issuance of a certificate A over the route.

**SECTION 58‑23‑240.** Class C certificates.

The Office of Regulatory Staff, upon order of the commission, may issue a certificate C to any applicant who does not propose in any way to solicit the transportation of persons over improved public highways outside of the corporate limits of any city or town or to operate upon a regular schedule, but who is privately employed for a specific trip and who will not solicit or receive patronage along the route. But those operators may solicit passengers (a) for destination within the corporate limits of any city or town wherein such passengers are solicited, (b) within a radius of two miles of the corporate limits of the city or town in which they are licensed to do business, and (c) upon such highways as are not served by a holder of an A or B certificate.

**SECTION 58‑23‑250.** Class D certificates.

The Office of Regulatory Staff, upon order of the commission, may issue a certificate D for property‑carrying vehicles which will operate upon regular routes and schedules over such highways.

**SECTION 58‑23‑260.** Class E certificates.

The Office of Regulatory Staff, upon order of the commission, may issue a certificate E for the property‑carrying vehicles which will not operate upon any particular route or schedule.

**SECTION 58‑23‑270.** Class F certificates.

The Office of Regulatory Staff, upon order of the commission, may issue a certificate F to any person or corporation who proposes to engage in the business commonly known as contract hauling of freight or property when such applicant does not propose to operate upon a regular schedule or over a regular route or to solicit or receive patronage along the route.

**SECTION 58‑23‑280.** Provisions governing class A and C certificates shall apply to D and E certificates.

The provisions of this chapter governing the granting of certificates A and C apply to certificates D and E.

**SECTION 58‑23‑290.** Partial A, B and D certificates.

In ordering the issuance of a certificate A, B, or D the commission may order the issuance of a certificate for partial exercise only of the privileges sought, but without alteration of the license charges fixed thereon.

**SECTION 58‑23‑300.** Publication of notice of hearings on applications for class A, B or D certificates.

The applicant for a class A, B, or D certificate of public convenience and necessity shall have a notice of the hearing on the application published in one newspaper of each county into or through which the proposed service would operate, at least fifteen days before the date of the hearing, such notice to be in the form prescribed by the commission, and an affidavit of the publisher of such newspaper giving the date of publication of such notice shall be filed with the commission by the applicant at the beginning of the hearing or prior thereto.

**SECTION 58‑23‑310.** Certain applicants granted certificates as matter of right.

The commission must order the issuance of a certificate as a matter of right when it appears that the applicant was operating in good faith on or before June 8, 1925, but was not operating immediately prior thereto or on that date because of impassable roads.

**SECTION 58‑23‑320.** Suspension, revocation, alteration or amendment of certificates; appeal.

The commission may, after a hearing, order the suspension, revocation, alteration, or amendment of any certificate issued pursuant to Articles 1 through 11 of this chapter, if it is proved that the holder of the certificate wilfully made any misrepresentation of a material fact in obtaining his certificate or wilfully violated or refused to observe the laws of this State touching motor vehicle carriers or wilfully violated any of the terms of his certificate or of the commission’s proper orders, rules, or regulations. But the holder of the certificate has the right of appeal to any court of competent jurisdiction. The commission must not be a party to any appeal.

**SECTION 58‑23‑330.** Grounds for issuance or denial of certificate.

An applicant applying for a certificate or applying to amend a certificate to operate as a motor vehicle common carrier may be approved upon a showing based on criteria established by the commission that the applicant is fit, willing, and able to perform appropriately the proposed service. If an intervenor shows or if the commission determines that the public convenience and necessity is being served already, the commission may deny the application. If the commission approves the issuance of a restricted certificate to operate, the reason for the restriction must be justified in writing.

If an application is denied, another application may not be made until at least six months have elapsed since the date of the denial.

**SECTION 58‑23‑340.** Alienation or lease of certificates issued after July 1, 1983.

Notwithstanding custom or usage or any regulation, or other provision of law, it is unlawful for any person to sell, lease, or otherwise transfer a certificate of public convenience and necessity issued or authorized to be issued after July 1, 1983, under the provisions of Chapter 23 of Title 58 for money, goods, services, or any other thing of value. A certificate may be transferred incident to the sale or lease of property or assets owned or used by a regulated motor carrier, provided the approval of the commission for the transfer of the certificate is first obtained and that the certificate itself is not transferred for value or utilized to enhance the value of other property transferred. Nothing herein shall effect the sale, lease, or otherwise transfer of a certificate of public convenience and necessity issued prior to July 1, 1983.

**SECTION 58‑23‑350.** Repealed by 2002 Act No. 301, Section 4, eff June 3, 2002.

ARTICLE 5.

 ANNUAL APPLICATIONS AND LICENSE FEES

**SECTION 58‑23‑510.** Applications for annual licenses.

Every motor vehicle carrier which shall operate in this State shall, as soon as such certificate is issued and annually on or before each succeeding January first as long as such certificate remains in force, present it, with any changes which have been ordered by the commission, to the Office of Regulatory Staff and make an application in writing to the Office of Regulatory Staff for registration and license as prescribed in Chapter 3 of Title 56 for owners of motor vehicles generally.

**SECTION 58‑23‑520.** Information which shall be furnished in applications for class A and B certificates.

In such application, beside the other matters by law prescribed, the applicant for a certificate A or B for passenger vehicles shall state the following:

(1) The seating capacity of the vehicle;

(2) The route on which the motor vehicle is to be used;

(3) Whether reserve or substitute vehicles are maintained by the applicant to be used only in emergencies and if so the number of such reserve and substitute vehicles and a complete description of each;

(4) The length of route in miles on improved public highways in this State;

(5) The weight of the vehicle when empty; and

(6) The schedule under which the vehicle shall operate during the ensuing year.

But an applicant for a certificate B will not be required to furnish a schedule with this application.

**SECTION 58‑23‑530.** License fees for class A certificate holders having twenty or more vehicles.

The following annual fees must be paid to the Office of Regulatory Staff by each holder of a certificate A which has twenty or more vehicles for each motor vehicle of the holder:

A motor vehicle weighing, including carrying capacity, less than seven thousand pounds if equipped with solid tires or less than thirteen thousand pounds if equipped with pneumatic tires, one‑fiftieth of a cent per each passenger seat multiplied by the total number of miles that the application shows will be traveled over the improved public highways of this State by the motor vehicle during the year for which the license is issued.

A motor vehicle weighing, including carrying capacity, over seven thousand pounds if equipped with solid tires or over thirteen thousand pounds if equipped with pneumatic tires, one‑fortieth of a cent per each passenger seat multiplied by the total number of miles that the application shows will be traveled over improved public highways of the State by the motor vehicle during the year for which the license is issued.

But the minimum fee for vehicles licensed hereunder is as follows: For a vehicle of not over seven passenger capacity, thirty dollars; for a vehicle of over seven and not over twelve passenger capacity, forty dollars; for a vehicle of over twelve and not over seventeen passenger capacity, fifty dollars; for a vehicle of over seventeen and not over twenty‑two passenger capacity, sixty dollars; for a vehicle of over twenty‑two and not over twenty‑seven passenger capacity, seventy‑five dollars; and for a vehicle over twenty‑seven passenger capacity, ninety dollars.

**SECTION 58‑23‑540.** Computation of carrying weight of passenger vehicles.

The carrying capacity weight of all passenger vehicles shall be computed upon a basis of one hundred and fifty pounds per passenger seat.

**SECTION 58‑23‑550.** License fees for class B certificate holders having twenty or more vehicles.

A holder of a certificate B which has twenty or more vehicles shall annually pay for each vehicle to the Office of Regulatory Staff for a license to operate as holder under the certificate the same amount as required of holders of certificate A, except that in computing the amount to be paid for a license the applicant must estimate the number of miles which each vehicle will travel during the period for which the license is issued. The minimum amount of the estimate is twenty‑five thousand miles.

**SECTION 58‑23‑560.** License fees for class A, B, or C certificate holders having less than twenty vehicles.

A holder of a certificate A, B, or C with less than twenty vehicles must semiannually on or before January first and July first of each year pay to the Office of Regulatory Staff the following fees: for vehicles weighing not more than two thousand pounds, seven dollars and fifty cents; and for vehicles weighing in excess of two thousand pounds, seven dollars and fifty cents for the first two thousand pounds and two dollars and fifty cents additional for each additional five hundred pounds or part thereof of weight, except that the total license fee may not exceed fifty dollars per vehicle semiannually.

**SECTION 58‑23‑570.** Information which shall be furnished in application for class D certificate.

In an application for a certificate D the applicant shall state, besides the other matters by law provided:

(1) The carrying capacity as given by the manufacturer of the motor vehicle;

(2) The route on which the motor vehicle is to be used;

(3) Whether reserve or substitute cars are maintained by the applicant to be used only in emergencies and, if so, the number of such reserve and substitute cars and a complete description of each;

(4) The length of the route in miles on improved public highways in this State;

(5) The weight of the vehicle when empty; and

(6) The schedule under which the vehicle shall operate during the ensuing year.

**SECTION 58‑23‑580.** Repealed by 1995 Act No. 145, Part II, Section 51H, eff June 29, 1995.

**SECTION 58‑23‑590.** Carriers of household goods and hazardous waste for disposal; regulation; Office of Compliance; fees.

(A) The commission must promulgate regulations necessary to control entry and certification standards, set rates and charges, and establish enforcement procedures and powers to govern the operations of carriers of household goods and hazardous waste for disposal.

(B) The Office of Regulatory Staff is authorized to establish an Office of Compliance to carry out its responsibilities and may assess the carriers of household goods and hazardous waste for disposal fees necessary to fund this office and to carry out its responsibilities.

(C) The Office of Regulatory Staff must issue a common carrier certificate or contract carrier permit of public convenience and necessity, upon order of the commission, if the applicant proves to the commission that:

(1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the commission’s regulations; and

(2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity.

The commission shall adopt regulations that provide criteria for establishing that the applicant is fit, willing, and able, and criteria for establishing that the applicant must meet the requirement of public convenience and necessity. The determination that the proposed service is required by the public, convenience and necessity must be made by the commission on a case‑by‑case basis.

(D) A carrier of household goods, before operating in an exempt zone provided in Section 58‑23‑60 in this State, must obtain a certificate of fit, willing, and able from the Office of Regulatory Staff upon order of the commission. The Office of Regulatory Staff may establish an annual registration requirement and set a fee for this registration which is comparable to and is calculated by using the same methodology applied to holders of certificates of public convenience and necessity.

(E) The Office of Regulatory Staff is authorized to employ necessary personnel to administer and enforce the provisions of this chapter as they apply to carriers of household goods and hazardous waste for disposal. A carrier operating in violation of a provision of Articles 1 through 12 of this chapter is guilty of a misdemeanor and, upon conviction, must pay penalties provided in Section 58‑23‑80. A fine of one thousand dollars is imposed on the violators of the certification and registration requirements. Seventy‑five percent of this fine must be remitted to the Office of Regulatory Staff to be used for the operation of the Office of Compliance. Magistrates have jurisdiction over contested violations of this section and are prohibited from suspending or reducing the penalties.

**SECTION 58‑23‑600.** Time for payment of fees.

The fees prescribed in this article may be paid semiannually in advance on or before January first and July first of each year. Provided, that fees for D, E and F certificates may be paid on an annual basis on or before July first of each year.

**SECTION 58‑23‑610.** Fees shall not be refunded for period when license not used; exception.

No portion of a license fee paid as aforesaid will be refunded for any part of the year during which the license is not used except that when any carrier is prohibited from operating over his route by virtue of the closing of any road by the State, county, city or town authorities, there shall be a proper readjustment and credit given such operator proportionately for such unused portion of his license, unless a passable detour is provided.

**SECTION 58‑23‑620.** Situations in which local fees may or may not be imposed.

No city, town, or county in this State shall impose a license fee or license tax upon a holder of a certificate A or a certificate B, and no city, town, or county shall impose a license fee or license tax on the holder of a certificate E or a certificate F, Certificate of Compliance, or a common or contract motor carrier of property, except the city or town of such carrier’s residence or the location of his principal place of business. However, the fee required of a holder of a certificate C is in addition to any license tax or license fee charged by a municipality.

**SECTION 58‑23‑630.** Distribution of license fees.

All license fees for the operation of motor vehicles for hire collected by the Office of Regulatory Staff pursuant to the provisions of this article must be deposited in the State Treasury and there shall be transferred from such collections to the general fund of the State so much as is estimated to cover the costs of administration and collection of such fees.

**SECTIONS 58‑23‑640, 58‑23‑650.** Repealed by 2002 Act No. 301, Section 4, eff June 3, 2002.

**SECTIONS 58‑23‑640, 58‑23‑650.** Repealed by 2002 Act No. 301, Section 4, eff June 3, 2002.

ARTICLE 7.

 DRIVERS’ PERMITS [REPEALED]

**SECTIONS 58‑23‑810 to 58‑23‑830.** Repealed by 1977 Act No. 92, Section 1.

**SECTIONS 58‑23‑810 to 58‑23‑830.** Repealed by 1977 Act No. 92, Section 1.

ARTICLE 9.

 INSURANCE OR BOND

**SECTION 58‑23‑910.** Insurance, bond, or certificate of self‑insurance required of certificate holders generally.

The commission shall, in ordering the issuance of a certificate, require the applicant to procure and file with the Office of Regulatory Staff either liability and property damage insurance, a surety bond with some casualty or surety company authorized to do business in this State, or a certificate of self‑insurance as provided by Section 56‑9‑60 on all motor vehicles to be used in the service in that amount as the commission may determine, insuring or indemnifying passengers or cargo and the public receiving personal injury by reason of any act of negligence and for damage to property of any person other than the assured. The policy, bond, or certificate of self‑insurance must contain those conditions, provisions, and limitations as the commission may prescribe and must be kept in full force and effect and failure to do so is cause for the revocation of the certificate.

**SECTION 58‑23‑920.** Insurance required of owners of motor vehicles transporting goods for hire.

The owner or owners of all motor vehicles transporting goods of any kind for hire on the roads of this State are hereby required as a condition precedent for using the highways of this State to carry with some reputable insurance company liability insurance and property damage insurance in such sums as the Public Service Commission may determine. Any person or corporation violating the terms of this provision shall be fined in an amount of not less than one hundred dollars or not more than five hundred dollars for the first offense and an amount of not less than five hundred dollars or not more than two thousand dollars for each subsequent offense or shall suffer imprisonment of a term of not less than thirty days or not more than one year for the first offense and for not less than six months or not more than three years for each subsequent offense. This section is cumulative and does not repeal any other provisions of this Code relating to this subject.

**SECTION 58‑23‑930.** Insurance not required of owners of certain motor vehicles subject to Interstate Commerce Commission.

No owner of a motor vehicle using such vehicle as part of a terminal service in connection with the business of transporting goods by rail shall be required to carry liability or property damage insurance on such motor vehicle if such business of such owner is under the jurisdiction of the Interstate Commerce Commission and if the Interstate Commerce Commission has required and does require such owner to set up insurance reserves covering liability resulting from the conduct of such business, including liability arising out of and in connection with the operation of such motor vehicle and if such insurance reserves have been and are actually so set up.

The owner of such a motor vehicle shall attach inside of the cab of such vehicle in a conspicuous place a certificate signed by such owner, or his duly authorized representative, setting forth that the business of such owner is under the jurisdiction of the Interstate Commerce Commission and that such Commission has required and does require such owner to set up insurance reserves.

ARTICLE 11.

 RIGHTS AND DUTIES GENERALLY

**SECTION 58‑23‑1010.** General regulatory powers of commission.

(A) The commission shall regulate every motor carrier in this State and fix or approve the rates, fares, charges, classifications, and regulations pertaining to each motor carrier, except as provided in Section 58‑23‑20. The rates once established remain in effect until such time when the commission determines the rates are unreasonable. The commission may approve joint rates, local rates, and rate agreements between two or more motor carriers relating to rates, classifications, allowances, and charges agreed to and published by individuals, firms, corporations, or the South Carolina Tariff Bureau. Any of these agreements when approved by the commission are not in violation of Section 39‑3‑10.

(B) As to holders of a certificate C, the commission shall fix a maximum rate only.

**SECTION 58‑23‑1020.** Certain routes or schedules shall not be changed without permit from Commission.

No motor vehicle carrier holding a certificate A, B or D shall change the route or schedule of his motor vehicle during any year for which a license has been issued without procuring a permit in writing from the Commission before the route is changed.

**SECTION 58‑23‑1030.** Occasional detours; use of substitute or reserve vehicles in emergencies.

Nothing in this chapter shall be construed to prevent a motor vehicle carrier from making occasional detours from his regular route or from replacing in an emergency any such vehicle by a substitute vehicle in order to maintain an approved schedule, or from operating temporarily in an emergency, reserve vehicles on its route for the public accommodation.

**SECTION 58‑23‑1040.** Carriers liable for baggage only when checked.

Motor carriers shall be responsible for loss or damage to baggage only when such baggage has been checked with the operator of the vehicle.

**SECTION 58‑23‑1050.** Certain statutory provisions not applicable to baggage.

The provisions of Articles 1 to 11 of this chapter as to motor vehicles carrying property shall not apply to the baggage of passengers transported by holders of certificates A, B or C.

**SECTION 58‑23‑1060.** Commission may require establishment of bus stations.

The Commission may require motor bus operators to establish suitable bus stations in cities or towns in this State of two thousand or more inhabitants when, in the discretion of the Commission, such establishment shall be deemed a necessity and convenience to the traveling public.

**SECTION 58‑23‑1070.** Promulgation of rules and regulations as to vehicles for hire at resorts.

The Commission may promulgate such rules and regulations as it finds necessary and expedient relating to the issuing of licenses for motor vehicles used for hire, either for express or passengers or both, when operated at beach and summer resorts in this State.

**SECTION 58‑23‑1080.** Special plates or markers for carriers.

The Office of Regulatory Staff, upon the presentation of a certificate from the Office of Regulatory Staff authorizing the motor vehicle carrier to operate and upon payment of the proper license, must furnish the motor vehicle carrier with a distinguishing plate or marker, which, in addition to the other matters otherwise provided by law to be placed thereon, shall bear the letter stating the class under which the motor vehicle shall operate, such as A, B, C, D, E, or F.

**SECTION 58‑23‑1090.** Special markers for reserve or substitute passenger vehicles.

When any reserve or substitute vehicle maintained by a motor carrier holding a certificate D, or a certificate A or a certificate B for passenger vehicles, to be used only in emergencies, is in use it must be designated by a special marker to be furnished by the Office of Regulatory Staff.

ARTICLE 12.

 SAFETY REGULATIONS

**SECTION 58‑23‑1110.** Definitions.

As used in this article:

(1) The term “corporation” means a corporation, company, association, or joint stock association.

(2) The term “person” means an individual, a firm, or a partnership.

(3) The term “commission” means the Public Service Commission of South Carolina.

(4) The term “private carrier” means every corporation or person, their lessees, trustees, or receivers, owning, controlling, operating, or managing any motor propelled vehicle used in transporting persons or property over any improved public highway in this State, which private carriers are not included in the term motor vehicle carrier as defined in Section 58‑23‑10.

(5) The term “motor carrier” means every corporation or person, their lessees, trustees, or receivers, owning, controlling, operating, or managing any motor propelled vehicle used in transporting persons or property over any improved public highway in this State, whether or not for compensation, as defined by Section 58‑23‑30 and includes, but is not limited to, motor vehicle carriers as defined in Section 58‑23‑10 and private carriers.

(6) The term “trailer” means a vehicle equipped to carry a load and which is attached to and drawn by a motor vehicle. Trailers are classed as motor vehicles and subject to the provisions of this article.

(7) The term “improved public highway” means every improved public highway in this State which is or may hereafter be declared to be a part of the state highway system or any county highway system or a street of any city or town.

(8) The term “regulatory staff” means the executive director or the executive director and employees of the Office of Regulatory Staff.

**SECTION 58‑23‑1120.** Compliance by motor carriers.

Each for‑hire motor carrier of household goods or hazardous waste for disposal must comply with orders and regulations prescribed by the Public Service Commission. The Office of Regulatory Staff may employ the necessary law enforcement personnel to enforce the provisions which apply to holders of certificates A, B, C, and certificates E and F of Public Convenience and Necessity.

The Department of Public Safety may promulgate regulations to ensure the safe operation of motor carriers. The Transport Police Division of the Department of Public Safety has exclusive authority in this State for enforcement of the commercial motor vehicle carrier laws, which include Federal Motor Carrier Safety Regulations, Hazardous Material Regulations, and size and weight laws and regulations.

**SECTION 58‑23‑1130.** Rulemaking by Commission.

The commission may make those regulations not inconsistent with law as may be proper in the exercise of its powers or for the performance of its duties under this article.

**SECTION 58‑23‑1140.** Exclusion of transporters of farm or forest products.

The Public Service Commission and the Office of Regulatory Staff have no jurisdiction for safety purposes over persons engaged in transporting farm products or forest products from the farm to the first market.

ARTICLE 13.

 TAXIS IN COUNTIES

**SECTION 58‑23‑1210.** Licensing of taxis by governing body of a county or city.

The governing body of a county or city may license taxis only in the county or city where the taxi principally is operated at the time of application for a license. The owner of a taxi or his agent annually during the month of July shall register the taxi with the governing body of the county or city and shall obtain from the governing body an application for the license. Upon presentation of the application, properly completed, to the governing body of the county or city and payment to the governing body of a license fee of two dollars, the governing body shall issue a license card or plate which must bear a number, indicate that the vehicle is a taxi, identify it by make, model, number, and the name of the owner, and show the year for which the license is issued. The license card or plate must be affixed in the vehicle at a place and in a manner as to be seen readily.

**SECTION 58‑23‑1215.** Exception to meaning of operating a taxi.

A person who provides transportation services in a private passenger motor vehicle or van for a specific group of people to a specific destination over a continuing period of time, where these transportation services are not available to the general public, is not considered to be operating a taxi within the meaning of this article.

**SECTION 58‑23‑1220.** Licensing of taxis by governing body of a county or city.

Before the issuance of any such license card or plate, the owner of the taxi shall procure and file with the governing body of the county a liability insurance policy, together with a receipt showing the payment of the premium therefor, issued by a good and responsible insurance company to be approved by the governing body of the county, the company being one authorized to do business in this State and in possession of a certificate issued by the Department of Insurance. The amount of such liability insurance for each car shall be as follows: An amount not less than five thousand dollars for personal injury and an amount not less than one thousand dollars for property damage in any one accident. Such policy of insurance may be in the form of a separate policy for each taxi or may be in the form of a fleet policy covering all taxis operated by such owner if such policy shall provide for the same amount of liability for each taxi operated. A stipulation shall be made providing that no such policy above required may be canceled until the expiration of five days after notice of intended cancellation has been given in writing to the governing body of the county by registered mail or personal delivery of such notice.

**SECTION 58‑23‑1230.** Bond may be filed in lieu of insurance.

In lieu of an insurance policy as required by Section 58‑23‑1220 a bond or bonds may be filed with the governing body of the county in the sum of not less than five thousand dollars for personal injuries and one thousand dollars for property damages in any one accident, such bond or bonds to be given by the owner of the taxi with good and sufficient surety providing for the payment of any damages or injuries that may result in the operation of the taxi on substantially the same terms and conditions as the usual liability insurance policy. The surety on any such bonds as may be as follows: (a) cash deposited with the governing body of the county, (b) bonds of this State, or the United States of a face value equal to the amount of the surety bond or (c) any responsible surety or bonding company licensed to transact business in the State and in such county. The form and sureties on the bond and all matters incidental to the filing thereof shall be approved by the governing body of the county.

**SECTION 58‑23‑1240.** “Taxi” plate; certificate of insurance.

The owner of a taxi must obtain and cause to be affixed at all times to the rear of the taxi in a conspicuous place a metal plate or sticker, the dimensions of which must be approved by the city where the taxi principally operates, which shall have on it the words “Taxi”, and be of substantially similar design but a different color from the state license plate.

The owner of a taxi that qualifies as a self‑insurer, pursuant to Section 56‑9‑60, must issue to each operator of the taxi a certificate of insurance. The operator of the taxi must maintain a copy of the certificate of insurance in the taxi while it is in operation.

**SECTION 58‑23‑1250.** Name of owner and rates shall be posted in taxi.

All persons driving, operating or controlling taxis shall post therein, in a conspicuous place where it may be easily and conveniently read by any passenger, a card upon which shall be printed in plain legible type the name of the owner of such taxi and the rates charged by the taxi.

**SECTION 58‑23‑1260.** Driver identification card shall be posted in taxi and copy furnished to police.

The owner of any such taxi shall display in plain view of anyone entering such vehicle a card of such size and design as may be designated by the governing body of the county which shall be signed by the owner of the vehicle and shall state the name, address, sex, color and age of the driver operating the vehicle and a photograph of the driver shall be affixed to such card. A copy of such card with the photograph shall be furnished to the chief of police of such county for the files of the police department. Copies of such card, in duplicate, as above set out shall be provided for each person who may be assigned to the driving of the taxi and the card of the respective driver shall always be displayed in the taxi as above provided.

**SECTION 58‑23‑1270.** Qualifications of drivers.

In such counties, operators, chauffeurs and other persons driving a commercial public taxi for hire shall be at least eighteen years of age and of good moral character and shall have no physical defects or handicaps which would hinder their safe operation of a vehicle under any driving conditions.

**SECTION 58‑23‑1280.** Solicitation of passengers.

It shall be unlawful for operators of vehicles for hire to solicit fares or passengers except within five feet of the vehicle which they operate and in no case shall one driver interfere between another driver and his passengers.

**SECTION 58‑23‑1290.** Vehicles shall answer calls in order received.

All public vehicles for hire shall respond promptly to calls in the order in which they are received.

**SECTION 58‑23‑1300.** Occupancy of vehicle when answering call.

When answering a call a public vehicle for hire shall contain no one other than the driver except with the permission of the person so calling.

**SECTION 58‑23‑1310.** Drivers shall not take possession of baggage without consent of owner.

No driver of any such taxi or other person shall lay hold upon or take possession of any trunk, baggage or other article belonging to any traveler or person without the consent of the owner of such trunk, baggage or other article.

**SECTION 58‑23‑1320.** Use of taxi for prostitution or lewd act or transporting person to place for such purpose.

It shall be unlawful for the driver of any such taxi to permit any person to occupy or use such taxi for the purpose of prostitution or for any other lewd or indecent act, knowing or having reasonable cause to know that it is being used or is to be used for any such purpose, or to direct, take or transport or offer or agree to take or transport any person to any building or place knowing or having reasonable cause to know that the purpose of such directing, taking or transporting is prostitution or any other lewd or indecent act.

**SECTION 58‑23‑1330.** Taxi shall not transport persons with contagious disease.

No owner, driver or other person having charge of a public vehicle for hire shall knowingly receive or permit to be placed or conveyed in any manner on or upon any such taxi any person sick or infected with smallpox or any other contagious disease. The body of any person who has died of smallpox or any other contagious disease shall be removed in a licensed hearse and in no other conveyance.

**SECTION 58‑23‑1340.** Vehicles shall be kept clean.

All vehicles for hire shall be kept clean, neat and orderly.

**SECTION 58‑23‑1350.** Vehicles shall not be used for sleeping or certain other purposes.

Drivers shall not permit such taxis to be used as sleeping quarters or lounging places or for the unnecessary gathering of persons other than passengers.

**SECTION 58‑23‑1360.** Transfer of license upon replacement of vehicle.

In the event that any public taxi for which a license shall have been issued shall be permanently replaced by another car the owner shall within twenty‑four hours after such replacement report it to the governing body of such county giving the necessary information to identify the taxi for which the license was issued and the taxi replacing it and such other information as the governing body may require and thereupon such license shall be transferred on the register of the governing body to the replacing car and be cancelled as to the replaced car if all the other provisions of this article shall be complied with.

**SECTION 58‑23‑1370.** Revocation of driver’s license.

The operation of any such taxi shall be constantly under the surveillance of the governing body of the county, which shall refuse permission to operate such taxi and revoke the license of any driver when in its judgment the driver’s physical condition or record for violation of traffic or other ordinances or laws indicates that he is an unfit operator of such taxi.

**SECTION 58‑23‑1380.** Surrender of taxi license when insurance or bond cancelled.

In the event of cancellation of the policy of insurance or bond required under the provisions of this article, then the license card or plate to be displayed in the taxi and also the metal plates to be affixed to the taxi shall become null and void and shall immediately be surrendered by the owner of the taxi to the chief of police of such county and the operation of the taxi after the cancellation of such insurance or bond or the failure to surrender such plates shall be a violation of this article.

**SECTION 58‑23‑1390.** Revocation of taxi license.

Should the owner or operator of a taxi permit the taxi to be operated without such license affixed as required by Section 58‑23‑1210 or by any person not duly qualified as provided in this article or should such owner or operator permit such taxi to be used for any purpose other than that of a public conveyance, the chief of police of such county may with the approval of the governing body of such county revoke the license of such taxi and require the surrender of the license card or plate.

**SECTION 58‑23‑1400.** Fee for reinstatement of insurance or bond.

When any such policy of insurance or bond lapses by cancellation or for any other reason or when notice of intention to cause a lapse has been given by the surety or bondsman and such notice has been recorded on the records of the county police department, such notice shall be withdrawn and such policy of insurance or bond shall be reinstated only after payment to the governing body of the county the sum of three dollars for entries and change of records.

**SECTION 58‑23‑1410.** Penalties.

The violation of any of the provisions of this article shall be a misdemeanor, punishable by a fine not exceeding one hundred dollars, or imprisonment not exceeding thirty days.

ARTICLE 15.

 BUSES AND TAXIS IN CITIES OF 30,000 TO 50,000 [REPEALED]

**SECTION 58‑23‑1510.** Repealed by 1989 Act No. 184, Section 10, eff June 8, 1989.

ARTICLE 17.

 PUBLIC TRANSPORTATION PASSENGER RIGHTS

**SECTION 58‑23‑1810.** Short title.

This article may be cited as the Public Transportation Passenger Rights Act.

**SECTION 58‑23‑1820.** Definitions.

For purposes of this article:

(a) “passenger” means any individual served by a public transportation provider including charter bus activities;

(b) “bus” means any passenger bus or other motor vehicle having a seating capacity of not less than ten passengers operated by a public transportation provider for the purpose of carrying passengers, including charter passengers;

(c) “public transportation” is as defined in item (10) of Section 58‑25‑20;

(d) “public transportation provider” means any operator who offers or delivers public transportation;

(e) “public transportation vehicle” means any configuration of equipment for the purpose of providing public transportation.

**SECTION 58‑23‑1830.** General prohibitions; persons who may be refused transportation; violations and penalties.

(a) It is unlawful for any passenger to commit any of the following acts in a bus or any other public transportation vehicle:

(1) discard litter, except into receptacles designated for that purpose;

(2) play any radio, cassette, cartridge, tape player, or similar device unless controlled by the operator, unless the device is connected to an earphone that limits the sound to the hearing of the individual user;

(3) carry or possess any weapon, explosives, acids, other dangerous articles, or live animals, except for a seeing eye dog or a hearing ear dog properly harnessed and accompanied by its owner, small animals properly packaged, or weapons carried by or animals used by a law enforcement official;

(4) obstruct, hinder, interfere with, or otherwise disrupt or disturb the operation or operator of a public transportation vehicle;

(5) board a public transportation bus through the rear exit door, unless so directed by an employee or agent of the carrier;

(6) use profane, indecent, or obscene language or actions on a public transportation vehicle, or conduct himself in a boisterous fashion while on a public transportation vehicle.

(b) Intoxicated persons may be excluded from riding in any public transportation vehicle by the vehicle’s driver or operator.

(c) The driver of any public transportation vehicle may refuse to transport any person who insists on boarding the vehicle in a manner that will obviously violate any of the above provisions.

(d) Any person violating the provisions of subsection (a) of this section is guilty of a misdemeanor, and upon conviction for a first offense must be imprisoned for not more than thirty days or fined not more than two hundred dollars, for a second offense, imprisoned for not more than sixty days or fined not more than five hundred dollars, or both, and for a third or subsequent offense, imprisoned for not more than ninety days or fined not more than one thousand dollars, or both.