

19A NCAC 03E .0506 REGULATION CARRIERS: USE OF RENTED OR LEASED VEHICLES

(a) No carrier authorized to operate as a common carrier of property or as a contract carrier of property by the Utilities Commission shall use any vehicle of which such carrier is not the owner for the transportation of property for compensation, except under a bona fide written lease from the owner, subject to the following conditions:

- (1) The lessee shall use such vehicles only for purposes and within the territory covered by his operating authority and for the term of the lease.
- (2) The property transported shall be transported in the name of and under the responsibility of the said lessee, and under the direct supervision and control of the lessee.
- (3) The drivers of said leased equipment shall be directly supervised and controlled by lessee.
- (4) The name, address and certificate or permit number assigned to the lessee shall be displayed on the leased vehicle as required by the Utilities Commission.
- (5) The vehicle shall be covered by insurance in the name of the lessee as required by the Utilities Commission.
- (6) The lease shall specify a definite effective period, the amount of consideration to the lessor, and shall list and describe the equipment covered.
- (7) A legible copy of the executed lease shall be carried in the leased vehicle at all times, unless a certificate as provided in Paragraph (a)(8) of this Rule is carried in lieu thereof.
- (8) Unless a copy of the lease is carried on the equipment as provided in Paragraph (a)(7) of this Rule, the authorized carrier shall prepare a statement certifying that the equipment is being operated by it, which shall specify the name of the owner, the date of the lease, the period thereof, any restrictions therein relative to the commodities to be transported, and the location of the premises where the original of the lease is kept by the authorized carrier, which certificate shall be carried with the equipment at all times during the entire period of the lease.

Exception: The provisions of this Rule shall not apply to the interchange of trailers.

(b) No common or contract carrier of property shall lease its equipment for private use in the transportation of commodities which it is authorized to transport by authority of the Utilities Commission, and no common or contract carrier of property shall lease equipment with drivers to private carriers or shippers under any circumstance.

(c) The rules and regulations relating to lease and interchange of vehicles, as prescribed in the Code of Federal Regulations, Title 49 - Transportation, Chapter X - Interstate Commerce Commission, Sub-Chapter A - General Rules and Regulations, Part 1057 - Lease and Interchange of Vehicles, to the extent that said regulations are not in conflict with the North Carolina Statutes, shall apply to all motor carriers of property authorized by the North Carolina Utilities Commission to operate in North Carolina; and are incorporated by reference including any subsequent amendments. Code of Federal Regulations Title 49 - Transportation, Chapter X can be purchased for nineteen dollars (\$19.00) from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Washington, D.C. 15250. Make check payable to Superintendent of Documents.

History Note: Authority G.S. 20-378;
Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;
Eff. April 1, 1986;
Amended Eff. January 1, 1994; November 1, 1991;
Transferred and Recodified from 19A NCAC 3D .0808 Eff. January 3, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.