

EXEMPTIONS AND EXCEPTIONS

TO

TRANSPORTATION REGULATION

The Alabama Public Service Commission regulates common carriers, public utilities, and other public service companies. Regulation of highway transportation now has many exemptions and exceptions.

Title 37, chapter 3 of the *Alabama Code* provides for pervasive regulation of those who transport passengers or property by motor vehicle on the public highways for compensation. This regulation covers entry, exit, rates, services and safety. A great many vehicles, however, are not covered because they are not “for hire” or transporting for compensation, but are operating in furtherance of some primary, non-transportation business or enterprise. Also, one who is legally and regularly engaged in selling the commodity being transported is specifically exempt.

Many vehicles are exempt because they are operating wholly within a city and its police jurisdiction or between contiguous municipalities and their police jurisdictions. Police jurisdictions extend for three miles from the city limits where the population is over 6000, and for a mile and a half on smaller municipalities.

There are also several exempt commodities. These include forest products (logs, lumber, poles and pulpwood), farm produce (peanuts, potatoes, and other agricultural commodities), and miscellaneous items (livestock, coal, coke, fertilizer and others).

If non-exempt transportation is involved, there are exceptions to full, pervasive regulation. Truckers or other carriers of property, except household goods, merely register, make the required insurance filings, and pay the required fees, but are not regulated as to rates and services. Household goods carriers must also file a tariff and are regulated as to rates and services. All carriers must, however, comply with safety regulations, place the required information on the sides of vehicles and file annual reports.

Charter bus operations must also register and meet the other general requirements. To qualify as a charter bus operation the service must be provided in a vehicle with a seating capacity of 30 or more, and there must be one charge for the entire group being transported.

Carriers of passengers for non-profit entities are allowed to operate after they register, file insurance and comply with safety regulations. Usually, the service must be provided for and be paid by an entity that has been granted the non-profit status by the Internal Revenue Service.

This is not an exhaustive listing of the requirements, exemptions and exceptions, and more information should be sought for specific operations. More information is available in the Commissions rules and in Title 37, chapter 3 of the *Alabama Code*.