

California Environmental Protection Agency  
Department of Toxic Substances Control  
Transporter Unit  
1001 I Street MS 11A, Sacramento, CA 95814  
Phone: (800) 618-6942 Fax: (916) 323-3500

## Certificate of Insurance for Public Liability Coverage

DTSC Form 8038 (Revision 4/2020)

Name of Insured:
Address:
Phone Number:

### Certification

The authorized signature below certifies that: (a) each policy of insurance listed below has been issued to the insured named above and is in force at this time and (b) each policy so listed **provides vehicle liability coverage for “Public Liability“ which includes Liability for “Bodily Injury” “Property Damage” and “Environmental Restoration” pursuant to section 25169 of the California Health and Safety Code** with respect to the operation, maintenance or use by the named insured of any vehicle for which registration or authorization to transport hazardous waste is required by the Department of Toxic Substances Control of the State of California regardless of whether such vehicles are specifically described in the policy.

Primary Insurance – Combined Single Limit Insurance Policy Number:
Effective Date of Coverage:
Insurance Company Name:
Address:
Telephone Number:
This policy provides coverage <b>for public liability</b> including <b>bodily injury, property damage and environmental restoration</b> for the amount of \$ _____ in accordance with language consistent with an MCS-90 endorsement.

Excess Liability Insurance Insurance Policy Number:
Effective Date of Coverage:
Insurance Company Name:
Address:
Telephone Number:
This policy provides coverage for amounts in excess of the primary insurance for <b>public liability</b> including <b>bodily injury, property damage and environmental restoration</b> for the amount of  \$ _____ in accordance with language consistent with a MCS-90 endorsement.

### Cancellation Endorsement

The authorized signature below warrants and guarantees that each insurance policy for which this **Certificate of Insurance** is issued is effective until canceled or expired; and, such policy coverage shall remain in full force and effect until the 30th day after a **Notice of Cancellation** in writing is given on behalf of the Insurance Company to the Department of Toxic Substances Control. The 30-day period is to commence from the date the **Notice of Cancellation** is provided to the Department of Toxic Substances Control, Transporter Unit. This **Certificate of Insurance** and any **Notice of Cancellation** are properly filed by mailing, postage paid to the Department of Toxic Substances Control, Transporter Unit, 1001 I Street MS 11-A, Sacramento, California 95814.

### Authorized Signature

**I hereby certify** under penalty of law that: (a) all information provided is true and correct, and (b) either the Insurance Company is **admitted** by the Department of Insurance in the State of California to write the listed insurance policies **or**, if not **admitted**, I am licensed by the California Department of Insurance as a "Surplus Lines Broker" authorized to represent the named Insurance Company in making this certification.

Authorized Signature (signature in contrasting color ink):	Date Signed:
Name and Title: (Please print or type):	
Surplus Lines Broker Number (if applicable):	
Company Name:	
Signer's Company Address:	
Telephone Number:	

(Definitions used in this **Certificate of Insurance** are shown below.)

## **Definitions for This Certificate of Insurance**

**“Admitted”** means entitled to transact insurance business in California, having complied with the laws of the State of California imposing conditions precedent to transaction of such business.

**“Bodily Injury”** means injury to the body, sickness, or disease to any person, including death, resulting from any of these.

**“Day”** means every calendar day, excluding the first day and including the last day, unless the last day is a Saturday, Sunday, or holiday specified by State law, and then such calendar day is also excluded.

**“Environmental Restoration”** means restitution for the loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, watercourse, or body of water, of any commodity transported by a motor carrier. This shall include the cost of removal and the cost of necessary measures taken to minimize or mitigate damage to human health, the natural environment, fish, shellfish, and wildlife.

**“Property Damage”** means damage to or loss of use of tangible property.

**“Public Liability”** means liability for “bodily injury,” “property damage,” and “environmental restoration.”

## **Excerpt Section 25169, California Health and Safety Code**

**Section 25169** (a) Every transporter of hazardous waste shall maintain ability to respond in damages resulting from the operation of that business. The ability to respond in damages includes the ability to respond to public liability, as provided in subdivision (c). For purposes of this section only, “public liability” means liability for **bodily injury**, including injury to the body, sickness, or disease to any person, and death resulting from any such injury, sickness, or disease; for **property damage**, including damage to, or loss of use of, tangible property; and for **environmental restoration**, including restitution for the loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release, or escape into or upon the land, atmosphere, watercourse, or body of water, or any commodity transported by a motor carrier. This liability includes the cost of removal and the cost of necessary measures taken to minimize or mitigate damage or potential for damage to human health, the natural environment, fish, shellfish, and wildlife.

(c) The ability to respond to **public liability** means having a policy of insurance coverage issued by an insurer or a surety bond issued by a surety, which meets both of the following requirements:

(1) The policy or bond has the liability limits specified for carriers of hazardous wastes by the Department of Transportation in Part 387 (commencing with section 387.1) of Subchapter B of Chapter 111 of Title 49 of the Code of Federal Regulations, except that coverage shall be in the amount of \$1,200,000 for waste petroleum in bulk shipments, and \$600,000 for vehicles under 10,000 pounds gross vehicle weight rating.

(2) The policy’s or bond’s terms conform to Form MCS-90 or MCS-82, respectively, as

defined and set forth in sections 387.7 to 387.15, inclusive, of Title 49 of the Code of Federal Regulations, or a written decision, order or authorization to self-insure that complies with paragraph (3) of subsection (d) of section 387.7 of Title 49 of the Code of Federal Regulations, adopted pursuant to section 30 of the Motor Carrier Act of 1980 (49 U.S.C. section 10927).

(d) As proof of compliance with subdivision (a), an insurer or surety which provides the insurance coverage or surety bond required by this section shall agree to provide the department with proof of the transporter's ability to respond in damages. An insurer or surety may demonstrate the ability of the transporter to respond to public liability by submitting a completed certificate of insurance on a form provided by the department or a Form MCS-90 or MCS-82, as specified in section 387.15 of Title 49 of the Code of Federal Regulations, to the department.

(e) An insurer or surety who has agreed to provide the department with proof of ability to respond in damages, as required by subdivision (d), shall also provide the department with a written or facsimile notice within 24 hours after loss of insurance providing ability to respond in damages, as required by subdivision (d).

(Enacted by Stats. 1979, Ch. 1097, amended by Stats. 1995, Ch. 628, Sec.4. Effective January 1, 1996..)