

the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill.

(2) Where a common carrier by motor vehicle has relinquished possession of freight and collected the amount of tariff presented by it as the total amount of such charges, and another freight bill for additional charges is thereafter presented to the shipper, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days, to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.

(3) Freight bills for all transportation charges shall be presented to the shippers within 7 calendar days from the first 12 o'clock midnight following delivery of the freight.

(4) Shippers may elect to have their freight bills presented by means of the United States mails, and when the mail service is so used, the time of mailing by the carrier shall be deemed to be the time of presentation of the bills. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

(5) The mailing by the shipper of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such shipper, may be deemed to be the collection of the tariff rates and charges within the credit period for the purpose of this section. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

**History:** Cr. Register, February, 1957, No. 14, eff. 3-1-57.

**PSC 16.30 Contract motor carriers (other than household goods carriers); rate and tariff rules.** Every contract motor carrier (other than household goods carriers) shall comply with section PSC 16.31 through section PSC 16.35, which set forth rate and tariff rules, unless otherwise specifically authorized by the commission, and except as provided in section PSC 16.31.

**History:** 1-2-56; am. Register, October, 1957, No. 22, eff. 3-1-58.

**PSC 16.31 Exemptions from rate and/or tariff rules.** (1) Contract motor carriers are exempt from rate regulation and are not required to file rates or tariffs for the following operations:

- (a) Transporting unmanufactured products of farm and forest.
- (c) Transporting cheese from point of production to warehouses, concentration points, or processing plants; and the return of cheese factory supplies weighing not in excess of 1,000 pounds per shipment.
- (d) Transporting fluid milk, cream, ice cream mix, and whey.
- (e) Transporting livestock.
- (f) Transporting agricultural limestone, lime sludge, and marl.
- (g) Transporting ashes, asphalt mix, batch cement, cinders, clay, crushed stone, dirt, gravel, mine tailings, ore, redi-mix concrete, sand, sod, stone, lime, refuse, and waste sulphite liquor.
- (h) Transporting farm supplies or equipment directly to farms when the direction and control of shipment is vested in the farmer-consignee.
- (i) Local cartage which takes place entirely within an area comprised of one municipality and municipalities contiguous thereto as

well as local cartage wholly within the following described area: All of Milwaukee County; the cities of Brookfield and New Berlin and the villages of Butler, Elm Grove, Lannon, and Menomonee Falls, and the town of Brookfield, Waukesha County; and the city of Mequon and the village of Thiensville, Ozaukee County.

(j) Delivering merchandise from retail stores to purchasers incidental to retail sales.

(k) Towing disabled motor vehicles.

(1) Transporting coin, currency, securities, negotiable and non-negotiable instruments, commercial papers, documents, written instruments, papers used in the processing of data by computing machines, punch cards, magnetic encoded documents, magnetic tape, punch paper, tape, printed reports, documents, office records, proofs, cuts, copy, photo engraving, exposed or processed film, prints, incidental film, dealers' supplies such as envelopes, labels, mountings, advertising, complimentary replacement of film, dental impressions, models and bites, articulators, dentures, and products relating to restorative dentistry. All of the aforesaid articles are to be transported in vehicles having a licensed gross weight of 8,000 pounds or less or in armored vehicles.

(m) Transporting cut flowers and potted plants.

(n) Transporting newspapers.

(2) Contract motor carriers are required to file their rates and tariffs but are exempt from rate regulation for the following operations:

(a) Transporting wool.

(b) Transporting automobiles and motor vehicles.

(f) Transporting commodities by motor vehicles used exclusively in the service of a single shipper or receiver over a period of not less than 13 weeks, subject to the following terms and conditions:

1. The "Dedicated Equipment" or "Exclusive Use" contract shall fully identify the equipment so dedicated setting forth make, type, and license or identification number.

For example:

"Johnbilt Tractor License No. 515"

"Audreybilt Trailer License No. 606"

2. No substitution of equipment shall be permitted except for replacement of the vehicle in the carrier's fleet.

3. Notice of any changes in equipment which are permitted as set forth in 2 above shall be mailed to the commission within 48 hours.

4. The billing statement of charges tendered to the shipper shall show thereon the complete identity of equipment actually used by make, type, and license or identification number, except in cases where the carrier's entire fleet is dedicated to a single shipper.

5. Failure to comply with the conditions set forth in paragraphs 1, 2, 3, and 4 will have the effect of nullifying the "Exclusive Use" contract during the billing period that the violation occurred. The carrier will be required to rebill and collect charges based on the normal rates it has on file with the commission. Normal rates are defined as those rates applicable in the absence of an "Exclusive Use" contract.

6. Where no "normal rates" are now on file with the commission, the carrier will be required to file its "Normal Rates" in proper tariff

form on or before 6 months from the date this section becomes effective. Failure to comply will result in the "Exclusive Contract" being returned to the carrier with notice to the shipper.

(3) Contract motor carriers are required to charge rates not less than the minimum rates prescribed but are not required to file their rates or tariffs for the following operations:

(a) Transporting heavy machinery or other cumbersome articles requiring special equipment and not handled in the course of repeated instances of transportation for the same shipper.

(b) Emergency and isolated instances of transportation referred to in section 194.34 (4), Wis. Stats.

**History:** 1-2-56; am. (2) (c), Register, October 1957, No. 22, eff. 3-1-58; cr. (1) (l), Register, May, 1963, No. 89, eff. 6-1-63; am. (1) (i), Register, September, 1964, No. 105, eff. 10-1-64; am. (1) (a), (c), (d), (f), (g), and (1); r. (1) (b); cr. (1) (m) and (n); r. (2) (c), (d) and (e), Register, March, 1969, No. 159, eff. 4-1-69; am. (1) (h), Register, August, 1969, No. 164, eff. 9-1-69; am. (2) (f), Register, April, 1970, No. 172, eff. 5-1-70.

**PSC 16.32 Bills, freight.** (1) Freight bills, or other documentary evidence, for each shipment shall be made and kept by the contract motor carrier showing the name and address of the carrier, consignor, and consignee; the origin and destination; the date of the shipment; the number and kind of pieces, packages, or other quantity units of freight comprising the shipment, together with a description of the commodities included; and the weight, rate and charge except for operations as outlined under Wis. Adm. Code section PSC 16.31 (1) and (2) (f). A billing statement which contains the following pertinent information may be issued as a form of documentary evidence in lieu of a freight bill:

- (a) Name and address of shipper and point of origin.
- (b) Name and address of consignee and point of destination.
- (c) Date of shipment.
- (d) Bill of lading or shipping manifest number.
- (e) Description of commodity.
- (f) Weight of shipment or other measure.
- (g) Applicable rate in cents per cwt., per ton, or per hour, or other unit.
- (h) Total charge per shipment.

(2) Such freight bills or documentary evidence thereof shall be carried, during the course of the transportation of such shipment, on the motor vehicle used for any shipment for which minimum rates have been prescribed. Either a bill of lading or shipping manifest (the manifest shall show the information set forth in section PSC 16.32 (1) (a), (b), (c), (d), and (e)) shall be considered as satisfactory evidence in lieu of a freight bill.

(3) Such freight bills and other documentary evidence, including voided freight bills and other documents, shall be serially numbered, and retained as a record of the carrier. The term "serially numbered" shall be construed to include shipper's manifest or bill of lading.

(4) All contract motor carriers shall maintain all shipping documents or manifests for all shipments combined to make a volume and moved under a volume rate as a record in such manner as to facilitate the audit of the charges applied to such shipments.

**History:** 1-2-56; am. (1), Register, May, 1963, No. 89, eff. 6-1-63; am. (1), (2) and (3), Register, August, 1969, No. 164, eff. 9-1-69.

**PSC 16.33 Rates, freight.** All contract motor carriers shall maintain and apply rates and charges for transportation not lower than those prescribed by the commission as reasonable minima, except as provided in section PSC 16.31 (1) and (2).

**PSC 16.34 Tariffs, freight.** (1) All contract motor carriers shall keep on file with the commission in approved form a tariff or other written statement of the actual rates and charges applied to any intrastate transportation within Wisconsin except as provided in section PSC 16.31 (1) and (3). Such tariffs must be filed within 45 days after the effective date of any contract motor carrier license or amendment thereto unless the commission in writing and for good cause shown, extends such period. Failure to file and maintain such rates and tariffs shall be deemed sufficient grounds for alteration, amendment, suspension, or revocation of the authority.

(2) All contract motor carriers subject to section PSC 16.31 (2) (f) shall file with the commission a true and correct copy of every contract for the exclusive assignment of a motor vehicle to any single shipper or receiver for a period of 3 months or over and every contract for the transportation of commodities by a motor vehicle so assigned.

**History:** 1-2-56; am. (1), Register, February, 1970, No. 170, eff. 5-1-70.

**PSC 16.35 Contract motor carriers of petroleum products in bulk in tank trucks; minimum rates; charges and regulations.** (1) All contract motor carriers transporting petroleum products in bulk in tank trucks shall maintain and apply rates for such transportation not lower than the rates set forth in subsections (4) and (5) herein.

(2) Minimum rates and charges shall be determined in accordance with highway mileages computed from the official Wisconsin state highway log issued by the Wisconsin department of transportation division of highways, as specifically published in a table of distances by the Wisconsin motor carriers association (petroleum rate and tariff division) from points of origin to all points of destination in the state of Wisconsin as set forth in tariff No. P-101, subject to a minimum charge based on the applicable minimum rate and minimum quantities of:

- (a) 7,500 gallons—Group A commodities
  - (b) 6,500 gallons—Group B commodities
  - (c) 5,500 gallons—Group C commodities
  - (d) 8,500 gallons—Group D commodities
- at 60 degrees Fahrenheit

except that when a tank truck having a capacity of less than the aforesaid minimum quantities is furnished, the minimum loading required shall be the capacity of the tank truck furnished. In instances where the employment of certain tractors and trailers used make it impossible to load the above minimum gallonages due to highway weight limits, the actual gallonage loaded to full visible capacity will be in compliance with minimum quantities set forth above. The carrier's tariff must specify equipment by its assigned number which are thus affected.

(3) Commodity groups are described as follows:

- (a) *Group A* includes gasoline, jet fuel, and naphtha.

Register, June, 1970, No. 174