

Chapter PSC 20

ISOLATED OR EMERGENCY TRANSPORTATION
DEFINED

PSC 20.01	Erroneous interpretation	PSC 20.04	Examples of emergency transportation
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Note: This is not an administrative order having the force and effect of law, but, rather, a memorandum giving examples of transportation and explanations designed to bring about a greater degree of uniformity in the construction and application of the "isolated and emergency" provision of section 194.34 (4), Wis. Stats.

PSC 20.01 Erroneous interpretation. (1) A great deal of misunderstanding has arisen with reference to the meaning of section 194.34 (4), Wis. Stats., the effect of which is to permit the performance of isolated or emergency instances of transportation by any contract motor carrier without securing specific authority of the commission therefor. The difficulty is in interpreting the facts of a given situation so as to determine whether or not the contemplated transportation is either "isolated" or "emergency." Many have fallen into the error of construing these two terms together and as referring to but one type of transportation. The words are not synonymous and should be construed separately, and if the transportation contemplated is either emergency or isolated, it falls within the meaning of the statute.

(2) Another common error is that this provision relates to all transportation which is only occasionally performed by carriers. That is to say, many carriers are of the impression that if they make a given movement only once or twice a year, it is an isolated instance of transportation. If the movement is one which is regularly occurring, it is not isolated regardless of what carrier or what class of carrier performs it.

(3) In an attempt to clarify the meaning of the statute, the commission expresses the following views with reference to the proper interpretation of the statutory provision.

PSC 20.02 Isolated transportation. (1) An isolated instance of transportation is one which is not performed in the ordinary course of the business of the shipper, the receiver, or the carrier. For example, the movement of household goods for a person who is changing his residence, when it is not performed by a carrier who makes a regular business of household-goods moving, is clearly an isolated instance of transportation. The shipper, who is also the receiver in such a case, does not engage in the movement of his household goods in the ordinary course of his business. Where, however, a carrier holds himself out to move household goods for the public, and does perform such movements regularly as a part of his usual business, the movement is no longer isolated but must be authorized by a specific grant of authority to the carrier. In other words, an isolated instance of transportation must be performed aside from the transaction of the ordinary business of all parties directly concerned in the shipment.

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