

## Chapter PSC 25

## C. O. D. SERVICE BY COMMON CARRIERS

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**PSC 25.01 Filing tariffs.** (1) All intrastate common motor carriers of property rendering C.O.D. service are required to file tariffs including the rules, regulations, and charges relating to C.O.D. service as provided in section PSC 25.05. All intrastate common motor carriers of passengers engaged in hauling C.O.D. shipments are required to file tariffs including the rules, regulations, and charges relating to C.O.D. service as provided in section PSC 25.07.

(2) (a) All common motor carriers of property rendering C.O.D. service are required to comply with the provisions of the rules, regulations, and charges contained in their tariffs properly filed under the provisions of sections PSC 25.01 and PSC 25.05.

(b) All common motor carriers of passengers rendering C.O.D. service are required to comply with the rules, regulations, and charges contained in their tariffs properly filed under the provisions of sections PSC 25.01 and PSC 25.07.

**History:** 1-2-56; am. Register, September, 1967, No. 141, eff. 10-1-67.

**PSC 25.02 Special C.O.D. fund.** Every common motor carrier shall expeditiously deposit all moneys collected for others on C.O.D. shipments, except the charges for transportation service and for collecting and remitting money, in a separate, special C.O.D. fund account in a bank in Wisconsin except where an out-of-state bank is permitted as stated below, and except as provided in section PSC 25.06, which fund shall be used for no purpose except payment of money therein to the owners thereof. No money received on account of a C.O.D. shipment, except the charges for transportation service and for collecting and remitting money, shall be commingled with any other funds or used for any other purpose than as herein prescribed. The commission may, in special cases and for good cause shown, authorize the deposit of such fund in an out-of-state bank, subject to such conditions as it deems proper. Each carrier which handles C.O.D. shipments shall furnish to the commission a written continuing consent that the commission's authorized employes may inspect said account at the bank of deposit. Each carrier which handles C.O.D. shipments shall establish, keep currently posted, and make available to the commission and its authorized employes a C.O.D. register which shall contain the following information:

- (1) Number and date of freight bill.
- (2) Name and address of shipper or other person designated as payee.

- (3) Name and address of consignee.
- (4) Date shipment delivered.
- (5) Amount of C.O.D.
- (6) Date collected by delivering carrier.
- (7) Date remitted to payee.
- (8) Check number or other identification of remittance to payee.

**History:** 1-2-56; a.m. Register, May, 1957, No. 17, eff. 6-1-57; am. intro. par., Register, September, 1967, No. 141, eff. 10-1-67.

**PSC 25.03 History:** 1-2-56; r. Register, September, 1967, No. 141, eff. 10-1-67.

**PSC 25.05 Common motor carriers of property; tariff publication.** Wisconsin intrastate common motor carriers of property shall adopt, subject to commission approval, the rules, regulations, and charges applicable to C.O.D. shipments published in the currently effective publication of National Motor Freight Classification, supplements thereto or reissues thereof, or substantially similar rules, regulations, and charges, and make same effective by proper tariff publication with the commission. Such adoption of tariff publication shall not in any way relieve the carrier from compliance with the requirements of section PSC 25.02.

**History:** 1-2-56; am. Register, September, 1967, No. 141, eff. 10-1-67.

**PSC 25.06 Common motor carriers of passengers; alternative to maintaining special C.O.D. fund.** (1) When engaged in hauling C.O.D. shipments in the same vehicle with passengers, Wisconsin intrastate common motor carriers of passengers may, in lieu of the provisions of section PSC 25.02, post with the commission a surety bond in an amount of not less than \$2,500, in such form as this commission may prescribe, to ensure the true and prompt payment of any such C.O.D. collections by the carrier to the consignor.

(2) The surety bond to be filed with this commission under subsection (1) shall specifically authorize the commission to summarily apply any part or all of the amount thereof to the payment of any C.O.D. account owed by the carrier to any consignor which the carrier has not paid within 10 days after the receipt thereof, and the language of the bond shall be so construed.

(3) Said surety bond shall not be cancelled or withdrawn on less than 30 days' notice in writing by the insurer to the insured common motor carrier of passengers and to this commission, unless such bond is replaced by another bond meeting all requirements of section PSC 25.06 (1) and (2). Any bond accepted shall be construed to contain this provision.

**History:** Cr. Register, September, 1967, No. 141, eff. 10-1-67.

**PSC 25.07 Common motor carriers of passengers; C.O.D. shipments; tariff publication.** Wisconsin intrastate common motor carriers of passengers engaged in hauling C.O.D. shipments shall adopt, subject to commission approval, the rules, regulations, and charges applicable to C.O.D. shipments published in the currently effective publication of National Bus Traffic Association, Inc., Agent, C.O.D. Express Tariff, supplements thereto or reissues thereof, or substantially similar rules, regulations, and charges, and make the same effective by proper tariff publication with the commission.

**History:** Cr. Register, September, 1967, No. 141, eff. 10-1-67.