

Chapter PSC 60

INTERCHANGE AND LEASE OF MOTOR VEHICLES

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*Prohibited practice*

**PSC 60.01 Applicability.** No common or contract motor carrier operating under any certificate or license issued by the public service commission of Wisconsin under chapter 194, Wis. Stats., including section 194.20 thereof, shall lease or interchange any motor vehicles which will be operated on the highways of Wisconsin without complying with the following rules, except for motor vehicles qualifying under the following exemptions and conditions:

(1) Motor vehicles owned or held under a lease of 30 days or more by an authorized carrier and regularly used by it in the service authorized, and leased by it to another authorized carrier for transportation in the direction of a point which lessor is authorized to serve.

(2) Motor vehicles utilized wholly or in part in the transportation of railway express traffic, or in substituted motor-for-rail transportation of railroad freight moving between points that are railroad stations on railroad billing.

(3) Motor vehicles other than a power unit (trailers and semi-trailers), provided that such equipment is not drawn by a power unit leased from the lessor of such equipment.

(4) Equipment while utilized in interstate transportation only, and operated solely and exclusively within any municipality, contiguous municipality or commercial zone as defined by the interstate commerce commission.

(5) Authorized interstate or intrastate carriers of household goods as defined by the interstate commerce commission and this commission, respectively, as long as such rules are postponed by the interstate commerce commission or unless otherwise ordered by this commission.

(6) Authorized carriers who file evidence with this commission that their operations in interstate commerce exclusively are performed in conformity with a plan approved by the interstate commerce commission exempting them from interstate commerce commission lease and interchange rules.

**PSC 60.02 Definitions.** (1) "Authorized carrier" means a person authorized to engage in transportation of property as a common or contract carrier under the provisions of chapter 194, Wis. Stats.

(2) "Motor vehicle" means any automobile, truck, trailer, semi-trailer, or tractor.

(3) "Interchange of motor vehicles" means the physical exchange of motor vehicles between common carriers, or the receipt by one such carrier of motor vehicles from another such carrier at a point or points which both carriers are authorized to serve either in single- or joint-line service, in furtherance of a through movement of traffic.

(4) "Regular employee" means a person who is engaged regularly in full-time employment for any authorized carrier.

(5) "Agent" means a person (other than a regular employee) duly authorized to act for and on behalf of an authorized carrier.

(6) "Owner of motor vehicle" means the person who has legal title to a motor vehicle or the buyer under a conditional sales contract or the person who is named as the registered owner of a motor vehicle in the current records of the motor vehicle department of Wisconsin or of the agency of any other state which has jurisdiction over title to motor vehicles.

(7) "Lessee" means any common or contract carrier who has leased a motor vehicle as provided for in these rules.

**PSC 60.03 Lease of motor vehicle.** A lease for the use of a motor vehicle, except interchanged vehicles subject to section PSC 60.04 hereof, must comply with each of the following requirements:

(1) Shall be in writing and signed by the parties thereto, or their regular employees or agents duly authorized to act for them in the execution of contracts, leases, or other arrangements.

(2) Shall provide for the exclusive possession, control, and use of the motor vehicle involved, by the authorized carrier when operated by or for such carrier, and (in respect of such vehicle during the period the vehicle is operated in its service) the complete assumption by such authorized carrier of full responsibility to the public, the shippers, the public service commission, and the motor vehicle department of Wisconsin.

(3) Shall specify the time the lease begins and the time or the circumstances on which it ends, and the method of determining the compensation for the use of the motor vehicle involved.

(4) Shall be executed in quadruplicate, unless reports are filed under section PSC 60.05 in which case the fourth copy will not be required. The original shall be retained by the authorized carrier, one copy shall be retained by the owner of the motor vehicle, and one copy shall be carried on the motor vehicle specified therein during the entire period of the lease unless a certificate as provided in section PSC 60.03 (5) is carried in lieu thereof, and, except as provided in section PSC 60.05, one copy shall be mailed to the Public Service Commission of Wisconsin, Madison, Wisconsin, by the lessee within 24 hours after the execution of the lease.

(5) Unless a copy of the lease is carried on the motor vehicle as provided in section PSC 60.03 (4), the lessee shall prepare a statement certifying that the motor vehicle is being operated by it, specifying the name of the owner, the date of the lease, the period thereof, and any restrictions therein relative to the commodities to be transported, which certificate shall be carried with the motor vehicle while such motor vehicle is being operated by or for such lessee.

**PSC 60.04 Interchange of motor vehicles.** An agreement for the interchange of a motor vehicle as defined in section PSC 60.02 (3) must comply with the following requirements:

(1) **AGREEMENT PROVIDING FOR INTERCHANGE.** A contract or other arrangement for interchange shall be made between the carrier which owns or is in legal possession of the motor vehicle and the carrier proposing to acquire the use thereof; shall be in writing and signed by the parties to the contract or agreement, or their regular employees, or agents duly authorized to act for them; shall specifically

describe the motor vehicle to be interchanged, the specific point of interchange, and the use to be made of such motor vehicle by the carrier which receives it through interchange, while in its possession; shall state the consideration for the use of the motor vehicle. A copy of such agreement shall be carried on the vehicle unless a certified statement similar to that provided for in section PSC 60.03 (5) is carried in lieu thereof, and such document shall be made available for inspection immediately upon the request of any law enforcement officer. A copy of interchange agreement, except as provided in section PSC 60.05, shall be mailed to the Public Service Commission of Wisconsin, Madison, Wisconsin, by the lessee within 24 hours of its execution.

(2) THROUGH MOVEMENT INVOLVING MORE THAN TWO CARRIERS. For the purpose of this rule (section PSC 60.04 (1)), a lessee of equipment on a through movement involving more than two carriers, shall be considered the owner of the equipment for the purpose of leasing the equipment for movement to destination or for return to the originating carrier.

**PSC 60.05 Reports.** In lieu of the filing of leases and agreements provided in section PSC 60.03 (4) and section PSC 60.04 (1), carriers may at their option file reports in accordance with the following conditions:

(1) Prior to the execution of any leases or agreements and subsequent to the effective date of this order, a copy of the master leases and agreements shall be filed with the commission.

(2) Monthly reports shall be filed, which reports must be received by the commission not later than the last day of the month following the month the lease or agreement is executed showing such of the following data as appears on the executed leases and agreements:

- (a) Name and address of the lessor and lessee.
- (b) Name and address of owner if other than lessor.
- (c) Identification of vehicle.
- (d) Date lease or agreement is executed.
- (e) The method of determining the compensation.
- (f) Duration of the lease and agreement, giving circumstances which initiate and terminate said lease or agreement.
- (g) If master lease or agreement so provides, the following information:

1. The origin and destination of the haul.
2. The commodity transported.

**PSC 60.06 Agreement meeting ICC rules.** Any lease or interchange agreement meeting the requirements of interstate commerce commission rules in cases involving interstate commerce, will be deemed sufficient to meet the requirements of sections PSC 60.03 (1), (2), and (3), and PSC 60.04 (2) of these rules, notwithstanding any provision herein to the contrary.

**PSC 60.07 Applicability, specific and general.** If any provision of these rules or the application thereof to any person or circumstance is held invalid as applied to any specific factual situation, the remainder of these rules and their application to any other person or circumstance shall not be affected thereby.

**PSC 60.08 Reports; form.** [Reports must be filed on forms substantially similar to form shown in this section.]

**PUBLIC SERVICE COMMISSION OF WISCONSIN**

State Office Building  
Madison 2, Wisconsin

Name of reporting carrier (lessee) \_\_\_\_\_

Date **APPENDIX C PSCW MC-1227** \_\_\_\_\_

Address \_\_\_\_\_

**LEASED OR INTERCHANGED  
VEHICLE REPORT**

Report for period \_\_\_\_\_  
19 \_\_\_\_\_ to \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_

19 \_\_\_\_\_

Wisconsin Public Service Commission Authority Number \_\_\_\_\_

*Report*

Date of Lease	Name and address of Lessor, also Owner (if other than Lessor)	Description of Vehicles				Date—Time— Point Lease Begins & Ends	Method of Compensation	Commodities Transported
		Year	Make	Engine, Serial or Fleet No.	License No. and State			
		<b>INSTRUCTIONS</b>						
		1. One copy of this report must be filed for each month and postmarked not later than the last day of the month following the month the lease or agreement is executed.						
		2. The report must be filed on forms substantially similar to the suggested form attached and shall include all information required therein.						
		3. The form used shall not exceed 8½ x 13 inches or be less than 8¼ x 11 inches in size and shall be on durable paper and clearly legible.						
		4. This report may be used only after the master form of lease or interchange agreement has been filed with the Commission, and provided the leases or interchange agreements reported hereon are in strict conformity with such master forms or interchange agreements.						
		Use separate line for each truck, tractor, and trailer and more than one line for each when necessary.						