

DSC 65

Filed June 13, 1962
1:30 P.M.

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Proposed Rules by the Commission for
Regulation of Operations of Motor
Vehicle Rental Companies

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MC-1674

Order
dated May 18, 1962

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, Edward T. Kaveny, Secretary of the Public Service Commission of Wisconsin, do hereby certify that I have compared the annexed copy of the decision with the original decision of the Public Service Commission of Wisconsin in the above-entitled matter, now on file in the office of said Commission, and that the same is a true copy of such original decision and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Commission at its office in the City of Madison, this 12th day of June, A.D. 19 62

Edward T. Kaveny
Secretary

PUBLIC SERVICE COMMISSION OF WISCONSIN

ORDER OF THE PUBLIC SERVICE COMMISSION
ADOPTING RULES

Pursuant to authority vested in the Public Service Commission by sections 194.44 and 227.014, Wis. Stats., the Public Service Commission hereby adopts the following rules:

Chapter PSC 65 of the Wisconsin Administrative Code is created to read:

Chapter PSC 65

RENTAL COMPANIES

PSC 65.01 Applicability. Except in accordance with the following rules, no rental company, as defined herein, shall engage in the business of renting to others any motor vehicles for which lessor permits have been issued under the provisions of sections 194.04(3)(c) and 194.44(2), Wis. Stats., and which are to be operated upon public highways of Wisconsin in intrastate commerce.

PSC 65.02 Definitions. (1) "Rental company", as used herein, means a "lessor" or "leasing company" referred to in sections 194.04(3)(c) and 194.44(2), Wis. Stats.

It includes every person regularly engaged in the business of leasing motor vehicles without drivers or leasing trailers to be hauled or propelled by a motor vehicle. These rules do not apply to the renting of automobiles or trailers used therewith when such vehicles are operated in private motor carriage.

(2) "Renter" means a person renting motor vehicles from a rental company.

PSC 65.03 Registration. Each rental company, before engaging in such business, shall file an application with the Public Service Commission on forms prescribed by it and secure an identifying registration number. Said registration number will be issued after such investigation as the Commission may deem necessary, either with or without hearing. The Commission, after giving applicant opportunity to be heard, may attach to such rental company registration such conditions as may be deemed necessary to accomplish the purpose of section 194.44(2), Wis. Stats.

PSC 65.04 Operating Requirements. All rental companies shall comply with the following conditions:

(1) Have an established place of business where facilities shall be available for the public to obtain service.

(2) Have title in its name for all motor vehicles used in the rental business or furnish evidence to the Motor

Vehicle Department that a bona fide agreement between the rental company and a licensed dealer or manufacturer has been executed and includes an option to purchase such motor vehicles.

(3) Furnish motor vehicles on demand to all qualified customers without discrimination. This provision shall not prohibit the rental company from establishing such reasonable operating standards as are necessary in the conduct of its business nor require such company to furnish equipment beyond its ability so to do.

(4) Negotiate a rental agreement which shall comply with each of the following requirements:

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

(b) Provide for the exclusive possession, control, and use of the motor vehicle involved by the renter for the entire period of the agreement and the complete assumption by such renter of full responsibility to the public and any regulatory body having jurisdiction. This provision shall not prohibit a rental company from obtaining possession of the motor vehicle for purposes of maintenance, repairs, or because of violation of the rental agreement.

(c) Specify the time the rental agreement begins, the time or the circumstances on which it ends, and the method of determining the compensation for the use of the motor vehicle involved. The rental agreement shall also specify that public liability and property damage insurance furnished by the rental company is in no case less than the amounts specified in section 194.41, Wis. Stats. The actual limits of such insurance coverage shall be made available to the renter upon request.

(d) Be completed on forms, a sample copy of which form has previously been filed with the Public Service Commission.

(e) Be executed in triplicate. The original shall be retained by the rental company, one copy shall be retained by the renter, and one copy shall be carried on the motor vehicle specified therein during the entire period of the agreement and made available to any law-enforcement officer upon demand.

PSC 65.05 Prohibited Practices. No rental company shall:

(1) Furnish any service or protection to a renter except those directly related to the maintenance and operating condition of the motor vehicle and public liability and property damage insurance as required by section 194.41, Wis. Stats. This section shall not prohibit the rental

company from providing additional insurance coverage on the motor vehicle but shall not in any way authorize insurance protection for the cargo carried.

(2) Directly or indirectly and with the intent to evade this prohibition, procure drivers for vehicles rented or directly or indirectly and with the intent to evade this prohibition exercise any positive control over drivers of such rented vehicles.

(3) Authorize renter to subrent vehicle to another.

(4) Hold itself out to be responsible for drivers' wages, payroll, unemployment compensation, social security tax, income withholding tax, or any taxes that are normally due by reason of an employe-employer relationship.

PSC 65.06 Contract and Common Motor Carriers.

No person holding a Wisconsin intrastate contract motor carrier license or common motor carrier of property or of passengers certificate shall be granted a rental company registration except as otherwise authorized by the Commission upon application and for good cause shown.

PSC 65.07 Records. (1) All rental companies shall make available to the Public Service Commission and the Motor Vehicle Department upon request all records pertaining to the rental company business.

(2) All records pertaining to the rental company business shall be preserved for a period of not less than six years.

PSC 65.08 Revocation. Failure to comply with any of the requirements herein will subject a rental company to the penalties provided by section 194.17, Wis. Stats., or to revocation proceedings under the provisions of section 194.46, Wis. Stats.

The rules contained herein shall take effect on August 1, 1962, as provided in section 227.026(1) (Introductory paragraph).

Dated: May 18, 1962

PUBLIC SERVICE COMMISSION

Edward P. Kaveny
Secretary