

Decision No. 65836

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into)
the rates, rules, regulations, charges,)
allowances and practices of all common)
carriers, highway carriers and city)
carriers relating to the transportation)
of livestock and related items (com-)
modities for which rates are provided)
in Minimum Rate Tariff No. 3-A).)

Case No. 5433

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 65244 dated April 16, 1963, in Case No. 7402, the Commission adopted General Order No. 84-D and found, among other things, that the Commission's minimum rate tariffs should be amended by establishing therein the rules governing C.O.D. shipments as set forth in General Order No. 84-D; and that the tariff changes should be made effective concurrently with the effective date of said general order.

Good cause appearing,

IT IS ORDERED that:

1. Minimum Rate Tariff No. 3-A (Appendix "A" of Decision No. 55587, as amended) is hereby further amended by incorporating therein, to become effective October 1, 1963, the pages which are attached hereto and by this reference made a part hereof, viz.:

Second Revised Page 2
First Revised Page 14
Original Page 14-A

2. Common carriers subject both to General Order No. 84-D and to said Decision No. 55587, as amended, to the extent that they elect to transport collect on delivery (C.O.D.) shipments, are

heroby directed to establish in their tariffs provisions necessary to conform with the rules established by this order.

3. Tariff publications required to be made by common carriers as a result of the order herein may be made effective not earlier than the tenth day after the effective date of this order on not less than ten days' notice to the Commission and to the public and shall be made effective not later than October 1, 1963.

4. In all other respects the aforesaid Decision No. 55587, as amended, shall remain in full force and effect.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 6th day of August, 1963.

Dellamela Burns
President
John L. ...
Ernest ...
George J. ...
Fredrick B. ...
Commissioners

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ø Change)
 * Addition) Decision No. **65836**

EFFECTIVE OCTOBER 1, 1963

Issued by the Public Utilities Commission of the State of California,
 San Francisco, California.
 Correction No. 27

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;"><u>COLLECT ON DELIVERY (C.O.D.) SHIPMENTS</u> (Items Nos. 240 and 241)</p> <p>1. A collect on delivery shipment, hereinafter referred to as a C.O.D. shipment, means a shipment upon which the consignor has attached, as a condition of delivery, the collection of a specific sum or sums of moneys by the carrier making delivery thereon and the return of said moneys to the consignor or other payee designated by the consignor.</p> <p>2. No carrier shall handle C.O.D. shipments unless and until it has on file with the Commission a good and sufficient bond in such form as the Commission may deem proper, in a sum of not less than Two Thousand Dollars (\$2,000). The principal amount of the bond of any particular carrier may be increased from time to time where the Commission finds that the public interest so requires.</p> <p>3. The bond required by paragraph 2 hereof shall be filed by the carrier as principal and by a qualified surety insurer, authorized to do business in the State of California, as surety, payable to any person or persons to whom any amount may be due on any C.O.D. shipment transported by the carrier and not remitted to the person or persons to whom it is due within 10 days after delivery of any such C.O.D. shipment; that each bond filed pursuant to the foregoing shall specify the extent to which the carrier's operations are covered thereby; that such a bond may cover more than one operative authority held by the same carrier; that when a carrier with such a bond on file with the Commission obtains additional operative authority, said bond shall be revised or reissued to show whether or not the additional operative authority is covered thereby; and that the name of the carrier's surety company in any bond filed pursuant hereto will be made public by the Commission upon reasonable request therefor.</p> <p>4. The term of the bond shall include: that any person or persons to whom an amount may be due on any C.O.D. shipment transported by a carrier and not remitted within 10 days after delivery of said shipment may file a claim therefor with the surety; that upon the filing of the claim, the surety shall notify the Commission and the carrier in writing of such filing; that such notification to the Commission shall be addressed to the Public Utilities Commission of the State of California at its office in San Francisco; that suit against the surety shall be commenced within one year after the date the shipment was tendered to the carrier; and that the surety waives any rights it may have under Section 2245 of the Civil Code of the State of California.</p> <p>5. The bond required herein may be canceled by the surety by written notice to the Public Utilities Commission of the State of California at its office in San Francisco, such cancellation to become effective thirty days after receipt of said notice by the Commission.</p> <p>6. The bond prescribed herein shall not be required of carriers while engaged as independent-contractor subhaulers; or city carriers operating within lawfully established pickup and delivery limits as agents of a common carrier in the performance for such common carrier of transfer, pickup or delivery services provided for in the lawfully published tariffs of such common carrier.</p>	<p style="text-align: right;">240</p>

7. Every carrier handling C.O.D. shipments shall:

- (a) Establish and maintain a separate bank account or accounts wherein all moneys (other than checks or drafts payable to consignor or payee designated by consignor) collected on C.O.D. shipments will be held in trust until remitted to payee, except C.O.D. moneys which are remitted within five days after delivery.
- (b) Establish and maintain a record or records of all C.O.D. shipments in such manner and form as will plainly and readily show the following information with respect to each shipment:
 - (1) Number and date of freight bill.
 - (2) Name and address of consignor or other person designated as payee.
 - (3) Name and address of consignee.
 - (4) Date shipment delivered.
 - (5) Amount of C.O.D. moneys collected.
 - (6) Date C.O.D. moneys remitted.
 - (7) Check number or other identification of remittance to payee.

(Continued in Item No. 241)

Change, Decision No.

65836

EFFECTIVE OCTOBER 1, 1963

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 28

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p data-bbox="406 437 1233 507">§ COLLECT ON DELIVERY (C.O.D.) SHIPMENTS (Concluded) (Items Nos. 240 and 241)</p> <p data-bbox="266 567 1250 604">7. Every carrier handling C.O.D. shipments shall: (Continued)</p> <p data-bbox="348 632 1318 927">(c) Collect the full amount of the C.O.D. moneys at the time C.O.D. shipments are delivered to the consignee and remit all such collections to consignor, or to other persons designated by the consignor on such shipments, promptly and in no event later than 10 days after delivery to the consignee, unless consignor instructs otherwise in writing. All remittances for C.O.D. shipments shall refer to or otherwise identify the C.O.D. shipment or shipments covered by the remittance.</p> <p data-bbox="348 958 1270 1096">(d) Not accept checks or drafts (other than certified checks, cashier's checks, or money orders) in payment of C.O.D. charges unless authority has been received from the consignor.</p> <p data-bbox="348 1124 1308 1512">(e) Notify the consignor immediately if a C.O.D. shipment is refused or cannot be delivered on the carrier's initial attempt. Upon instructions from the consignor the carrier may attempt subsequent deliveries, the charge for each such delivery, or attempted delivery, being determined by the applicable freight charges from carrier's terminal to the point of destination, but in no event less than the rate provided for mileages of less than three miles. The carrier may also return the shipment to the consignor upon his request, subject to a charge equal to the applicable freight charges on the original outbound movement.</p> <p data-bbox="348 1544 1246 1611">(f) Not make a C.O.D. shipment part of a split delivery shipment.</p> <p data-bbox="348 1643 1263 1739">(g) Have recorded on, or appended to, the shipper's copy of its C.O.D. shipping document, the following information:</p> <ol data-bbox="437 1773 1328 2229" style="list-style-type: none"> <li data-bbox="437 1773 1294 1903">(1) That the carrier has on file with the Public Utilities Commission of the State of California a C.O.D. surety bond, with an aggregate liability of not less than \$2,000. <li data-bbox="437 1934 1294 2098">(2) That claims arising from failure to remit C.O.D. moneys may be filed directly against the surety company and any suits against the surety must be commenced within one year from the date the shipment was tendered. <li data-bbox="437 2130 1328 2229">(3) That the name and address of the surety company may be obtained from the Public Utilities Commission, State Building, San Francisco 2, California. 	<p data-bbox="1431 1210 1494 1244">*241</p>

8. If, in any particular case, exemption or deviation from any of the requirements herein is deemed necessary by the carrier concerned, the Commission will consider the application of such carrier for such exemption or deviation when accompanied by a full statement of the conditions existing and the reasons why such exemption or deviation is considered necessary.
9. A carrier not electing to undertake transportation of C.O.D. shipments shall be deemed to have given notice of such election by not filing the bond provided for herein for carriers handling such shipments.

Change)
* Addition, new item) Decision No. 65836

EFFECTIVE OCTOBER 1, 1963

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 29