

Decision No. 65838

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)	Case No. 5437
to the transportation of sand, rock,)	
gravel and related items (commodi-)	
ties for which rates are provided)	
in Minimum Rate Tariff No. 7).)	

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. 7 (Appendix "A" of Decision No. 32566, as amended) is hereby further amended by incorporating therein, to become effective October 1, 1963, Third Revised Page 4-3 attached hereto and by this reference made a part hereof.

2. In all other respects the aforesaid Decision No. 32566, 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.

William B. Bennett
President
Paul C. Hill
Conrad O. F. Page
George H. Trover
Frederick B. Hilshoff
Commissioners

Item
No.

SECTION NO. 1 - RULES AND REGULATIONS (Continued)

COLLECT ON DELIVERY (C.O.D.) SHIPMENTS

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.

2. 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.
- (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.
- (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.
- (e) Notify the consignor immediately if a C.O.D. shipment is refused or cannot be delivered because of circumstances beyond the carrier's control. In the event of such non-delivery, and pursuant to the consignor's instructions, the shipment shall either be returned to the consignor subject to double the outbound freight charges for the round-trip movement, or delivered to another consignee subject to the applicable distance rate, in addition to the original rate, from the point of non-delivery to the new destination.
(See Note)

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NOTE.-If hourly rates are applicable on deliveries involving C.O.D. shipments, such hourly rates shall supersede the rates otherwise provided for in this subparagraph.

3. The bond prescribed in General Order No. 84-D shall not be required of carriers while engaged as independent-contractor subhaulers; carriers while engaged in transporting property for which rates are provided in Minimum Rate Tariff No. 7; 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.

Change, Decision No. 65838

EFFECTIVE OCTOBER 1, 1963

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 980