65840

Decision No. _____

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 property within San Diego County) (transportation for which rates are) provided in Minimum Rate Tariff No. 9-A).)

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 tariff 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,

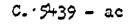
IT IS ORDERED that:

1. Minimum Rate Tariff No. 9-A (Appendix "B" of Decision No. 55256, 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.:

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2. Common carriers subject both to General Order No. 84-D and to said Decision No. 55256, as amended, to the extent that they elect to transport collect on delivery (C.O.D.) shipments, are

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

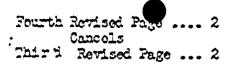
3. Tariff publications required to be made by common carriers as a result of the order herein may be made effective not earlier than the tenth day after the effective date of this order on not less than ten days' notice to the Commission and to the public and shall be made effective not later than October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

4. In all other respects the aforesaid Decision No. 55256, 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 _____ day of August, 1963.

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MINIMUM RATE TARIFF NO. 9-4

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ARRANGEMENT OF TARIFF

This is a loose-leaf tariif arranged as follows:

SECTION NO. 1 - Rules and Regulations SECTION NO. 2 - Rate Bases and Class Rates SECTION NO. 3 - Equipment Rates, Rules and Regulations

TABLE OF CONTENTS	Item Number Except as Shown (Inclusive)
Correction Number Checking Sheet	$ \begin{array}{c ccccccccccccccccccccccccccccccccccc$
¢ Change) Decision No. 65840	
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MINIMUM RATE TARIFF NO. 9-A

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SECTION NO. 1 - RULES AND REGULITIONS (Continued)	Item No.
&COLLECT ON DELIVERY (C.O.D.) SHIPMENTS (Items Nos. 170 and 171)	
1. A collect on delivery shipment, hereinafter referred to as a C.O.D. shipment, means a snipment upon which the con- signor has attached, as a condition of delivery, the collec- tion of a specific sum or sums of moneys by the carrier making delivery thereon and the return of said moneys to the consign- or or other payee designated by the consignor.	
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.	
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 cov- ered 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.	ø170
4. The term of the bond shall include: that any person or persons to whom an amount may be due on any C.U.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 fil- ing; 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 2845 of the Civil Code of the State of California.	
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 Sam Francisco, such cancellation to become effective thirty days after receipt of said notice by the Commission.	

The bond prescribed herein shall not be required 6_ 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. 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: Number and date of freight bill.
 Name and address of consignor or other person designated as payee. (3) (4) Name and address of consignee. Date shipment delivered. Amount of C.O.D. moneys collected. Date C.O.D. moneys remitted. (6)(7) Check number or other identification of remittance to payee. (Continued in Item No. 171) & Change, Decision No. 65540 EFFECTIVE OCTOBER 1, 1963 Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No.99

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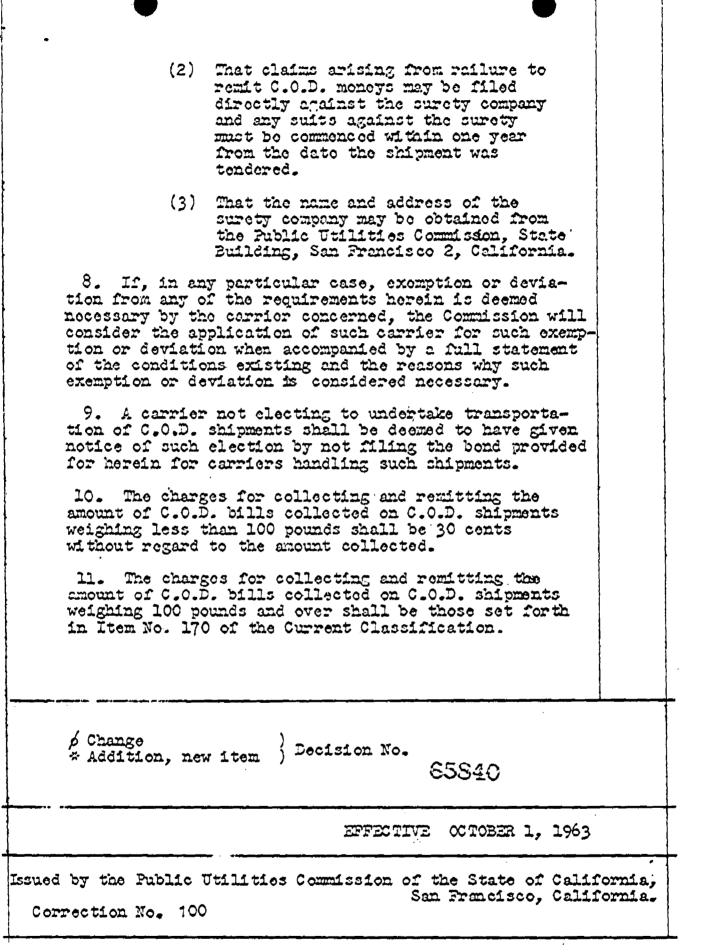
MINIMUM RATE TARIFF NO.9-A

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	SECTIO	N NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
	6C OLLEX	CT ON DELIVERY (C.O.D.) SHIFTINTS (Concluded) (Items Nos. 170 and 171)	
7 •		carrier handling C.O.D. shipments shall: tinued)	
	(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 collec- tions to consignor, or to other persons designated by the consignor on such ship- ments, 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. ship- ments shall refer to or otherwise identify the C.O.D. shipment or shipments covered by the remittance.	*2 77
	(d)	Not accept checks or drafts (other than cortified checks, cashier's checks, or money orders) in payment of C.O.D.charges unless authority has been received from the consignor.	*171
	(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 consigner the carrier may attempt sub- sequent deliveries, the charge for each such delivery, or attempted delivery, being determined by the applicable freight charges from carrier's termi- nal to the point of destination. The carrier may also return the shipment to the consigner upon his request, subject to a charge equal to the appli- cable freight charges on the original outbound movement.	
	(f)	Not make a C.O.D. shipment part of a split delivery shipment.	
	(g)	 Have recorded on, or appended to, the shipper's copy of its C.O.D. shipping document, the following information: (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. 	

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