

ORIGINAL

Decision No. 68965

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 fresh or green fruits and vegetables)
and related items (commodities for)
which rates are provided in Minimum)
Rate Tariff No. 3).

Case No. 5438

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 68779, dated March 23, 1965, in Case No. 7402, the Commission adopted General Order No. 84-F 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-F and that the tariff changes should be made effective concurrently with the effective date of said general order.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 3 (Appendix "C" of Decision No. 33977, as amended) is hereby further amended by incorporating therein, to become effective June 1, 1965, the pages which are attached hereto and by this reference made a part hereof, viz.:

Ninth Revised Page 17
First Revised Page 17-A
First Revised Page 17-B

2. Common carriers subject both to General Order No. 84-F and to said Decision No. 33977, as amended, to the extent that they

elect to transport collect on delivery (C.O.D.) shipments, are 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 June 1, 1965.

4. In all other respects the aforesaid Decision No. 33977, 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 27th day of April, 1965.

Frederick B. Holbrook
President
Arthur E. Mitchell
Vice President
William B. Bennett
Commissioners

I dissent.
George H. Traver

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p data-bbox="553 407 1148 479" style="text-align: center;">COLLECT ON DELIVERY (C.O.D.) SHIPMENTS (Items Nos. 190, 191 and 192)</p> <p data-bbox="261 504 1428 670">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 data-bbox="261 695 1428 886">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 data-bbox="261 912 1428 1370">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 data-bbox="261 1396 1428 1740">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 2845 of the Civil Code of the State of California.</p> <p data-bbox="261 1765 1428 1905">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 data-bbox="261 1931 1428 2071">6. Claims arising from failure to remit C.O.D. moneys may be filed by any person or persons to whom an amount may be due directly against the surety company and any suits against the surety must be commenced within one year from the date the shipment was tendered.</p>

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§7. The name and address of the surety company may be obtained from the Public Utilities Commission, State Building, San Francisco, California 94102.

Δ8. The bond proscribed 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.

(Continued in Item No. 191.)

∅ Change	}	Decision No. 68965
Δ Change, neither increase, nor reduction		

EFFECTIVE JUNE 1, 1965

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 438

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p data-bbox="413 394 1346 471" style="text-align: center;">COLLECT ON DELIVERY (C.O.D.) SHIPMENTS (Continued) (Items Nos. 190, 191 and 192)</p> <p data-bbox="272 484 1197 522">69. Every carrier handling C.O.D. shipments shall:</p> <ul style="list-style-type: none"><li data-bbox="371 547 1420 777">(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.<li data-bbox="371 802 1387 930">(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:<ul style="list-style-type: none"><li data-bbox="462 955 1123 993">(1) Number and date of freight bill.<li data-bbox="462 993 1371 1057">(2) Name and address of consignor or other person designated as payee.<li data-bbox="462 1057 1090 1095">(3) Name and address of consignee.<li data-bbox="462 1095 974 1133">(4) Date shipment delivered.<li data-bbox="462 1133 1156 1172">(5) Amount of C.O.D. moneys collected.<li data-bbox="462 1172 1040 1210">(6) Date C.O.D. moneys remitted.<li data-bbox="462 1210 1387 1261">(7) Check number or other identification of remittance to payee.<li data-bbox="371 1274 1445 1605">(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.<li data-bbox="371 1630 1453 1770">(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.<li data-bbox="371 1796 1470 2178">(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.

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(f) Not make a C.O.D. shipment part of a split delivery shipment.

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(Continued in Item No. 192)

ø Change)	Decision No. 68965
** Paragraph eliminated)	

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San Francisco, California.

Correction No. 439

Item
No.

SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL
APPLICATION (Continued)

COLLECT ON DELIVERY (C.O.D.) SHIPMENTS (Concluded)
(Items Nos. 190, 191 and 192)

10. 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.

11. 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.

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12. The charges for collecting and remitting the amount of C.O.D. bills collected on C.O.D. shipments shall be as follows:

When the amount collected is	Charge for collecting and remitting will be
Not over \$20.00	\$0.81
Over 20.00 not over 25.00	0.85
Over 25.00 not over 40.00	0.98
Over 40.00 not over 50.00	1.06
Over 50.00 not over 60.00	1.32
Over 60.00 not over 80.00	1.38
Over 80.00 not over 100.00	1.44
Over 100.00 not over 102.50	1.78
Over 102.50 not over 105.00	1.84
Over 105.00 not over 110.00	1.91
Over 110.00 not over 120.00	1.96
Over 120.00 not over 140.00	2.04
Over 140.00 not over 150.00	2.09
Over 150.00 not over 160.00	2.24
Over 160.00 not over 180.00	2.29
Over 180.00 not over 200.00	2.32
Over 200.00 not over 250.00	2.62
Over 250.00 not over 300.00	3.01
Over 300.00 not over 350.00	3.41
Over 350.00 not over 400.00	3.79
Over 400.00 not over 450.00	4.19
Over 450.00 not over 500.00	4.60
Over 500.00 not over 550.00	4.97
Over 550.00 not over 600.00	5.34
Over 600.00 not over 650.00	5.75
Over 650.00 not over 700.00	6.14

Over	700.00	not over	750.00	-----	6.54
Over	750.00	not over	800.00	-----	6.92
Over	800.00	not over	850.00	-----	7.33
Over	850.00	not over	900.00	-----	7.71
Over	900.00	not over	950.00	-----	8.10
Over	950.00	not over	1,000.00	-----	8.48
Over	1,000.00 at rate of \$8.48 per \$1,000.00.				

Δ Change, neither increase, } Decision No. 68965
nor reduction }

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