

Decision No. 74763

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)
by vacuum-type and pump-type tank)
vehicles (including transportation)
for which rates are provided in)
Minimum Rate Tariff No. 13).)

Case No. 6008

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 74749, entered today in Case No. 5432, et al., the Commission found, among other things, that its minimum rate tariffs should be amended by deleting therefrom reference to city carriers and the City Carriers' Act. The decision also provided that, in order to avoid duplication of tariff distribution, Minimum Rate Tariff No. 13 should be amended by a separate order in this proceeding.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 13 (Appendix B to Decision No. 55584, as amended) is hereby further amended by incorporating therein, to become effective November 13, 1968, Fourth Revised Page 8 attached hereto and by this reference made a part hereof.

2. Tariff publications required to be made by common carriers as a result of the order herein shall be filed not earlier than the effective date of this order and shall be made effective November 13, 1968, on not less than five days' notice to the Commission and to the public. The tariff filings made pursuant to this order shall comply in

all respects with the regulation governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-A.

3. Common carriers, in establishing and maintaining the rule authorized hereinabove, are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the rule published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

4. In all other respects Decision No. 55584, as amended, shall remain in full force and effect.

The effective date of this order shall be twenty-four days after the date hereof.

Dated at San Francisco, California, this 1st day of October, 1968.

William J. Lyons
President

John E. ...

William ...

August ...

Paul P. Morrissey
Commissioners

SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)	Item No.
<p style="text-align: center;">COLLECT ON DELIVERY (C.O.D.) SHIPMENTS (Items Nos. 120, 121 and 122)</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 2845 of the Civil Code of the State of California.</p>	<p>120</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.

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.

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

8. The bond prescribed herein shall not be required of carriers while engaged as independent-contractor sub-haulers; or ** 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. 121)

ø Change)
** Reference to) Decision No. 74763
"city" eliminated)

EFFECTIVE NOVEMBER 13, 1968

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 23