

Chapter PSC 60

INTERCHANGE AND LEASE OF MOTOR VEHICLES

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PSC 60.01 Applicability. No common or contract motor carrier operating under any certificate or license issued by the public service commission of Wisconsin under chapter 194, Wis. Stats., including section 194.20 thereof, shall lease or interchange any motor vehicles which will be operated on the highways of Wisconsin without complying with the following rules, except for motor vehicles qualifying under the following exemptions and conditions:

(2) Motor vehicles utilized wholly or in part in the transportation of railway express traffic, or in substituted motor-for-rail transportation of railroad freight moving between points that are railroad stations on railroad billing.

(3) Motor vehicles other than a power unit (trailers and semi-trailers), provided that such equipment is not drawn by a power unit leased from the lessor of such equipment.

(4) Equipment while utilized in interstate transportation only, and operated solely and exclusively within any municipality, contiguous municipality or commercial zone as defined by the interstate commerce commission.

(5) Authorized interstate or intrastate carriers of household goods as defined by the interstate commerce commission and this commission, respectively, as long as such rules are postponed by the interstate commerce commission or unless otherwise ordered by this commission.

(6) Authorized carriers who file evidence with this commission that their operations in interstate commerce exclusively are performed in conformity with a plan approved by the interstate commerce commission exempting them from interstate commerce commission lease and interchange rules.

History: 1-2-56; r. (1), Register, November, 1962, No. 83, eff. 1-1-63.

PSC 60.02 Definitions. (1) "Authorized carrier" means a person authorized to engage in transportation of property as a common or contract carrier under the provisions of chapter 194, Wis. Stats.

(2) "Motor vehicle" means any automobile, truck, trailer, semi-trailer, or tractor.

(3) "Interchange of motor vehicles" means the physical exchange of motor vehicles between common carriers, or the receipt by one such carrier of motor vehicles from another such carrier at a point or points which both carriers are authorized to serve either in single- or joint-line service, in furtherance of a through movement of traffic.

(4) "Regular employee" means a person who is engaged regularly in full-time employment for any authorized carrier.

(5) "Agent" means a person (other than a regular employee) duly authorized to act for and on behalf of an authorized carrier.

(6) "Owner of motor vehicle" means the person who has legal title to a motor vehicle or who has furnished evidence to the motor vehicle department that a bonafide agreement between such person and a licensed dealer or manufacturer has been executed and includes an option to purchase such motor vehicles or the buyer under a conditional sales contract or the person who is named as the registered owner of a motor vehicle in the current records of the motor vehicle department of Wisconsin or of the agency of any other state which has jurisdiction over title to motor vehicles.

(7) "Lessee" means any common or contract carrier who has leased a motor vehicle as provided for in these rules.

History: 1-2-56; am. (6) Register, November, 1962, No. 83, eff. 1-1-63.

PSC 60.03 Lease of motor vehicle. A lease for the use of a motor vehicle, except interchanged vehicles subject to Wis. Adm. Code section PSC 60.04 hereof, must comply with each of the following requirements:

(1) Shall be in writing and signed by the parties thereto, or their regular employees or agents duly authorized to act for them in the execution of contracts, leases, or other arrangements. Must show the identification number of the motor vehicle, or if no such number has been issued, the motor or serial number properly designated.

(2) Shall provide for the exclusive possession, control, and use of the motor vehicle involved, by the authorized carrier and the complete assumption by such authorized carrier of full responsibility to the public, the shippers, the public service commission, and the motor vehicle department of Wisconsin during the entire period of the lease.

(3) Shall specify the time the lease begins and the time or the circumstances on which it ends, and the method of determining the compensation for the use of the motor vehicle involved.

(3a) Shall be completed on forms, a sample copy of which form has previously been filed with the public service commission.

(4) Shall be executed in triplicate. The original shall be retained by the authorized carrier, one copy shall be retained by the owner of the motor vehicle, and one copy shall be carried on the motor vehicle specified therein during the entire period of the lease unless a certificate as provided in Wis. Adm. Code subsection PSC 60.03(5) is carried in lieu thereof, and such lease or certificate shall be made available for inspection immediately upon the request of any law enforcement officer.

(5) Unless a copy of the lease is carried on the motor vehicle as provided in Wis. Adm. Code subsection PSC 60.03(4), the lessee shall prepare a statement certifying that the motor vehicle is being operated by it, specifying the name of the owner, the specific description of the motor vehicle, the date of the lease, the period thereof, and any restrictions therein relative to the commodities to be transported, which certificate shall be carried with the motor vehicle while such motor vehicle is being operated by or for such lessee.

History: 1-2-56; am. (1), (2), (4) and (5); cr. (3a), Register, November, 1962, No. 83, eff. 1-1-63.

PSC 60.04 Interchange of motor vehicles. An agreement for the interchange of a motor vehicle as defined in Wis. Adm. Code subsection PSC 60.02 (3) must comply with the following requirements:

(1) **AGREEMENT PROVIDING FOR INTERCHANGE.** A contract or other arrangement for interchange shall be made between the carrier which owns or is in legal possession of the motor vehicle and the carrier proposing to acquire the use thereof; shall be in writing and signed by the parties to the contract or agreement, or their regular employees, or agents duly authorized to act for them; shall specifically describe the motor vehicle to be interchanged, the specific point of interchange, and the use to be made of such motor vehicle by the carrier which receives it through interchange, while in its possession; shall state the consideration for the use of the motor vehicle. A copy of such agreement shall be carried on the vehicle unless a certified statement similar to that provided for in Wis. Adm. Code subsection PSC 60.03 (5) is carried in lieu thereof, and such document shall be made available for inspection immediately upon the request of any law enforcement officer.

(2) **THROUGH MOVEMENT INVOLVING MORE THAN TWO CARRIERS.** For the purpose of this rule (Wis. Adm. Code subsection PSC 60.04 (1)), a lessee of equipment on a through movement involving more than two carriers, shall be considered the owner of the equipment for the purpose of leasing the equipment for movement to destination or for return to the originating carrier.

History: 1-2-56; am. (1), Register, November, 1962, No. 83, eff. 1-1-63.

PSC 60.05 Prohibited practice. No motor vehicle leased or interchanged under the provisions of Wis. Adm. Code chapter PSC 60 may be operated by the lessee in private motor carriage unless the driver is a regular employee of the lessee.

History: 1-2-56; r. and recr. Register, November, 1962, No. 83, eff. 1-1-63.

PSC 60.06 Agreement meeting ICC rules. Any lease or interchange agreement meeting the requirements of interstate commerce commission rules in cases involving interstate commerce, will be deemed sufficient to meet the requirements of Wis. Adm. Code subsections PSC 60.03 (1), (2), and (3), and PSC 60.04 (2) of these rules, notwithstanding any provision herein to the contrary.

PSC 60.07 Applicability, specific and general. If any provision of these rules or the application thereof to any person or circumstance is held invalid as applied to any specific factual situation, the remainder of these rules and their application to any other person or circumstance shall not be affected thereby.

PSC 60.08 History: 1-2-56; r. Register, November, 1962, No. 83, eff. 1-1-63.