

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.

(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; r. (5), Register, December, 1963, No. 156, eff. 1-1-69.

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, road tractor or truck tractor.

(3) "Interchange of motor vehicles" means the physical exchange of motor vehicles between common carriers, (including interstate carriers operating under interstate irregular route motor common carrier authority issued by the interstate commerce commission) 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 Wisconsin department of transportation, division of motor vehicles, that a bona-fide 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 Wisconsin department of transportation, division of motor vehicles, 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; am. (2), (3) and (6), Register, December, 1968, No. 156, eff. 1-1-69.

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. Shall show the year, make and identification, motor or serial number of the motor vehicle as shown on the registration card issued for such vehicle.

(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, and all regulatory agencies having jurisdiction, during the entire period of the lease, except that a lease for the use of vehicles by authorized interstate or intrastate carriers of household goods as defined by the interstate commerce commission and the public service commission of Wisconsin, respectively, and while being used to transport such household goods exclusively, are required to comply with this subsection only while such vehicle is being operated by them. This exception shall apply as long as a similar exception is in effect by the interstate commerce commission or unless otherwise ordered by the public service commission of Wisconsin.

(2a) The provisions of Wis. Adm. Code subsection PSC 60.03 (2) shall not prohibit sub-leasing of the vehicle by a lessee to an authorized carrier if the original lease provides for such sub-leasing and further provided that a copy of the original lease as well as the sub-lease is carried on the vehicle as provided in Wis. Adm. Code, subsection 60.03 (4). Such sub-lessee is hereby prohibited from leasing the vehicle to another.

(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 of Wisconsin unless the vehicle is rented from a rental company which has complied with the provisions of Wis. Adm. Code chapter PSC 65.

(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:

- (a) The motor vehicle is being operated by the lessee,
- (b) The name of the owner,
- (c) The specific description of the motor vehicle as shown on the lease,
- (d) The date of the lease,
- (e) The period of the lease,
- (f) Any restrictions as to commodities to be transported,
- (g) The location of the premises where the original of the lease is kept by the authorized carrier.

This certificate shall be carried on the motor vehicle specified therein during the entire period of the lease (unless a copy of the lease is carried) and shall be made available for inspection immediately upon the request of any law enforcement officer.

History: 1-2-56; am. (1), (2), (4) and (5); cr. (3a), Register, November, 1962, No. 33, eff. 1-1-63; am. (1), (2), (3a), and (5); cr. (2a), Register, December, 1968, No. 156, eff. 1-1-69.

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; and:

(a) 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,

(b) Shall specify the year, make and identification of the motor vehicle as shown on the registration card issued for such vehicle,

(c) Shall show the specific point of interchange,

(d) Shall show the use to be made of such motor vehicle by the carrier which receives it through interchange, while in its possession,

(e) Shall state the consideration for the use of the motor vehicle,

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

(g) A copy of such agreement shall be carried on the vehicle unless a certified statement including all information required by items (a), (b), (c), and (d) above and the date and time of the assumption of responsibility, is carried in lieu thereof. The document which is carried 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; am. (1), Register, December, 1968, No. 156, eff. 1-1-69.

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 and except where the owner of the motor vehicle is prohibited from driving under the provisions of section 194.01 (15), Wis. Stats.

History: 1-2-56; r. and recr. Register, November, 1962, No. 83, eff. 1-1-63; am. Register, December, 1968, No. 156, eff. 1-1-69.

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 (1) and (2) of these rules, notwithstanding any provision herein to the contrary.

History: 1-2-56; am. Register, December, 1968, No. 156, eff. 1-1-69.

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.

PSC 60.09 Sample forms. The following forms are provided to assist carriers in complying with this order. These forms set forth only the basic elements to be contained in a lease as prescribed in Wis. Adm. Code subsections PSC 60.03 (1), (2), (2a), (3), (4), and (5). Any additional provisions to be incorporated in the lease which are not inconsistent with these provisions will be acceptable. These forms are offered only as examples meeting the basic requirements.

MOTOR VEHICLE LEASE AGREEMENT

This lease agreement, made and entered into the ___ day of ___ 19___, by and between ___ of ___ (the registered owner of the motor vehicle described below, hereinafter called the lessor) and ___ of ___ hereinafter called the lessee.

Witnesseth, that the lessor hereby leases to the lessee the following motor vehicle equipment:

Make SAMPLE Model Year Identification number

for a term beginning ___ and ending ___ upon the following terms:

1. The motor vehicle equipment described above shall be in the exclusive possession, control and use of the lessee during the term of this lease, and the lessee hereby assumes full responsibility to the public, the shippers, and all regulatory agencies having jurisdiction, for the operation of said motor vehicle equipment during the entire period of the lease.

2. The lessee agrees to pay to the lessor, and the lessor agrees to accept in full payment for the use of the said motor vehicle equipment, a rental upon the following basis:

ONLY

3. This agreement shall constitute a receipt by the lessee for the possession and use of the motor vehicle equipment described herein.

Executed in triplicate, this ___ day of ___, 19___.

Distribution of copies (Wis. Adm. Code subsection PSC 60.03 (4)) By Lessor

1. Lessee's file. 2. Lessor's file. 3. To be carried on motor vehicle. By Lessee

A sample copy (non-negotiated) of all lease forms used (including this example form) must be previously filed as prescribed in Wis. Adm. Code subsection PSC 60.03 (3a).

CERTIFICATE OF MOTOR VEHICLE EQUIPMENT LEASE
(Not applicable as certificate of interchange, see PSC 60.04 (1) (g))

This is to certify the following described motor vehicle:

Make _____ Model _____ Year _____

_____ Identification number

is owned by _____ (lessor) and is being operated by

SAMPLE (lessee) under the provisions of a lease dated

_____, 19____, with a term beginning _____, 19____,

and ending _____, 19____. COPY

The negotiated lease is on file in the offices of the lessee at _____

_____ ONLY
The following (if any) commodity restrictions will apply:

Dated this _____ day of _____, 19____ at

Lessee _____

History: Cr. Register, December, 1968, No. 156, eff. 1-1-69.