

Chapter PSC 19

REQUIREMENTS AND PROCEDURES TO BE FOLLOWED BY COMMON MOTOR CARRIERS AND OR PUBLIC CONTRACT MOTOR CARRIERS IN HANDLING LOSS AND DAMAGE CLAIMS INVOLVING INTRASTATE COMMERCE

PSC 19.01 Requirements and procedures to be followed in the handling of loss and damage claims

PSC 19.01 Requirements and procedures to be followed in the handling of loss and damage claims. Every common motor carrier and/or contract motor carrier performing transportation authorized by an item to serve the public in intrastate commerce subject to the provisions of chapter 194, Wis. Stats., upon the receipt of a notice in writing of loss of, or damage to, cargo during transportation shall:

(1) Acknowledge receipt in writing within 15 days. Acknowledgment shall either inform the claimant that his notice has been accepted for processing as a claim or point out the deficiencies which prevent it from being recorded as a claim. Upon the receipt of an official and properly documented claim the carrier shall cause the date of receipt to be recorded on such claim.

(2) Commence an investigation to determine whether the carrier acknowledges or denies liability for the loss or damage.

(3) Maintain a separate consecutively numbered file on each claim for loss or damage and shall keep in the file all documents, acknowledgments, instruments, correspondence, memoranda and other writings relating to the claim. If a carrier keeps a single register of claims filed and records therein both interstate and intrastate claims, such procedure shall be acceptable. Such claim files shall be made available for inspection immediately upon request by any authorized law enforcement officer or public service commission personnel.

(4) Either acknowledge or deny liability for the loss or damage, in writing, outlining the reasons if denied in whole or in part, within 120 days after receipt of the original claim; provided that, if for reasons beyond the control of the carrier the claim cannot be processed and disposed of within 120 days after the receipt thereof, the carrier shall at that time advise the claimant in writing of the status of the claim and the reasons for the delay in making final disposition thereof and shall answer all further inquiries from the claimant or the public service commission within 15 days after such inquiry is made of the carrier. Payment by the carrier shall not be withheld or postponed pending receipt of payment or acknowledgment of liability by connecting carriers except for good cause shown.

History: Cr. Register, April, 1971, No. 184, eff. 5-1-71.