

DRAFT

**Adoption by reference rulemaking - 2001
A-010827**

Chapter 480-15 Household Goods Carriers

Repeal - Moved to WAC 480-15-999

~~WAC 480-15-040—Adoption by reference.~~

~~We have adopted by reference the following publications:~~

~~—(1) "North American Uniform Out-of-Service Criteria" published by The Commercial Vehicle Safety Alliance, in effect on April 1, 1999.~~

~~—(2) The sections of "Title 49 Code of Federal Regulations," cited as 49 CFR, listed below, including all regulations and appendices and amendments to those sections in effect on October 1, 1998:~~

~~—(a) 49 CFR Part 382: Controlled Substance and Alcohol Use and Testing;~~

~~—(b) 49 CFR Part 383: Commercial Driver's License Standards; Requirements and Penalties;~~

~~—(c) 49 CFR Part 390: Safety Regulations, General;~~

~~—(d) 49 CFR Part 391: Qualification of Drivers;~~

~~—(e) 49 CFR Part 392: Driving of Motor Vehicles;~~

~~—(f) 49 CFR Part 393: Parts and Accessories Necessary for Safe Operations;~~

~~—(g) 49 CFR Part 395: Hours of Service of Drivers;~~

~~—(h) 49 CFR Part 396: Inspection, Repair, and Maintenance; and~~

~~—(i) 49 CFR Part 397: Transportation of Hazardous Materials; Driving and Parking.~~

Comments:

1. Repeal and move to 480-15-999.

Repeal - Moved to 480-15-999

~~WAC 480-15-050—Where may I get copies of documents adopted by reference?~~

~~(1) The North American Uniform Out-of-Service Criteria may be viewed at the branch of the Washington state library housed at the commission's headquarters and is available for a fee from the Commercial Vehicle Safety Alliance and third party vendors.~~

~~—(2) Title 49 of the Code of Federal Regulations may be viewed at the branch of the Washington state library housed at the commission's headquarters and is available for a fee from the GPO (Government Printing Office) and third party vendors.~~

Comments:

1. Repeal and move to 480-15-999.

Amend

WAC 480-15-560 Equipment safety requirements.

(1) What ~~is~~ are the commission's equipment safety ~~policy~~ requirements? All motor vehicles operated under the provisions of this chapter must be at all times:

- (a) Maintained in a safe and sanitary condition;
- (b) Free of defects likely to result in an accident or breakdown; and
- (c) Made available for inspection by commission representatives.

All motor vehicles having safety defects likely to result in an accident or breakdown will be placed out-of-service and taken off the road until such time as all out-of-service defects have been repaired and the motor vehicle is safe to operate.

(2) How does the commission enforce ~~this~~ these requirements ~~policy~~? Commission representatives conduct inspections of motor vehicles and safety operations. These representatives may place out-of-service any motor vehicle having a defect defined in the North American Uniform Out-Of-Service Criteria as adopted in WAC 480-15-999. No motor vehicle which has been placed out-of-service may be operated until all out-of-service defects are repaired and the motor vehicle is safe to operate.

(3) How must a household goods carrier identify its motor vehicles? A household goods carrier must display its permit name and number, as registered with the commission, on both the driver and passenger doors of all power units.

(a) All markings on the power unit must be:

- (i) Clearly legible;
- (ii) No less than three inches high;
- (iii) In a color that contrasts with the background color; and
- (iv) Permanent. Exception: You may use temporary markings on vehicles you are operating under lease.

(b) If you have both intrastate and interstate authority, you must display either your commission permit number, federal permit number, or both, on the power unit.

(4) What vehicle safety laws and rules must a household goods carrier follow?

(a) You must comply with:

(i) All state and local motor vehicle safety laws and rules including, but not limited to, those contained in this chapter;

(ii) The following parts of Title 49 of the Code of Federal Regulations (49 CFR), as adopted by reference in this chapter on the date specified in WAC 480-15-999:

(A) 49 CFR Part 390: Safety Regulations, General; except:

(I) The terms "exempt motor carrier," "motor carrier," "motor vehicle," and "private carrier" have the meanings assigned to them in this chapter;

(II) The term "commercial motor vehicle" means any motor vehicle used by a household goods carrier to transport household goods, if either the vehicle has a gross vehicle weight rating or gross combination weight rating of ten thousand one pounds or more; or if the gross vehicle weight or gross combination weight is ten thousand one pounds or more;

(III) Whenever the term "director" is used, it shall mean the commission.

- (B) 49 CFR Part 392: Driving of Motor Vehicles;
- (C) 49 CFR Part 393: Parts and Accessories Necessary for Safe Operation; and
- (D) 49 CFR Part 396: Inspection, Repair, and Maintenance.

(b) If you fail to comply with these laws and rules, the commission may issue a citation to you, place your vehicle out-of-service, and/or initiate an administrative proceeding against you. See WAC 480-15-130(3).

(5) Are household goods carriers required to equip their motor vehicles with anti-spray devices (mud flaps)?

(a) Yes, all motor vehicles must be equipped with mud flaps which effectively reduce the spray or splash of water from the road.

(b) Mud flaps must be as wide as the tires on which they are mounted, and must extend from the top of the tires down to at least the center of the axle.

Comments:

1. Clarify language in subsections (1) and (2).

2. Change in subsection (2) adds a cross-reference to 480-14-999.

3. Change in subsection (4)(a)(ii) adds a cross-reference to 480-15-999.

Amend

WAC 480-15-570 Driver safety requirements.

(1) What are the commission's driver safety requirements? No household goods carrier shall employ or allow any driver to operate a motor vehicle who fails to meet minimum criteria related to:

- (a) Driver's licensing;
- (b) Background and character;
- (c) Physical qualifications;
- (d) Hours of service; and
- (e) Controlled substances and alcohol use testing.

(2) How does the commission enforce those requirements? Commission representatives inspect driver and company safety records and documents to determine compliance with these rules. Additionally, the representatives may contact drivers during the course of investigations, inspections, or other routine commission business. The representatives may order out-of-service any driver meeting the conditions defined in the North American Uniform Out-Of-Service Criteria as adopted in WAC 480-15-999. No driver who has been placed out-of-service may operate a commercial motor vehicle until all conditions which caused the driver to be placed out-of-service are corrected.

(3) Driver qualification requirements.

(a) You must comply with:

(i) All state and local laws and rules governing driver safety, including, but not limited to, the rules in this chapter;

(ii) The following parts of Title 49 of the Code of Federal Regulations (49 CFR), as adopted

by reference in this chapter on the date specified in WAC 480-15-999:

(A) 49 CFR Part 390: Safety Regulations, General; except:

(I) The terms "exempt motor carrier," "motor carrier," "motor vehicle," and "private carrier" have the meanings assigned to them in this chapter;

(II) The term "commercial motor vehicle" means any motor vehicle used by a household goods carrier to transport household goods, if either the vehicle has a gross vehicle weight rating or gross combination weight rating of ten thousand one pounds or more; or if the gross vehicle weight or gross combination weight is ten thousand one pounds or more;

(III) Whenever the term "director" is used, it shall mean the commission.

(B) 49 CFR Part 382: Controlled Substance and Alcohol Use and Testing;

(C) 49 CFR Part 383: Commercial Driver's License Standards; Requirements and Penalties;

(D) 49 CFR Part 391: Qualification of Drivers; and

(E) 49 CFR Part 395: Hours of Service of Drivers.

(b) If you, or your driver, fail to comply with any driver safety law or rule, we may issue a citation to you or your driver, place your driver out-of-service, and/or initiate an administrative proceeding against you. See WAC 480-15-130(3).

(4) Exceptions to the requirements in this rule. The following exceptions apply:

(a) If your operations are exclusively in intrastate commerce, you are not subject to the following provisions:

(i) 49 CFR Part 391.11 (b)(1): Minimum age requirements. The minimum age for drivers of motor carriers operating solely intrastate is eighteen years of age rather than the twenty-one years of age required to operate in interstate commerce.

(ii) 49 CFR Part 391.49: Waiver of certain physical defects. This part does not apply if the driver has obtained from the Washington department of licensing a driver's license with endorsements and/or restrictions allowing operation of the motor vehicle they are driving.

(b) If you are a single vehicle owner-operator and your operations are solely intrastate, you are not subject to the following provisions:

(i) 49 CFR Part 391.21: Application for Employment;

(ii) 49 CFR Part 391.23: Investigation and Inquiries;

(iii) 49 CFR Part 391.25: Annual Review of Driving Record;

(iv) 49 CFR Part 391.27: Record of Violations;

(v) 49 CFR Part 391.31: Road Test; and

(vi) 49 CFR Part 391.33: Equivalent of Road Test.

Comments:

1. Changes in subsections (2) and (3)(a)(ii) adds cross-references to 480-15-999.

New Section

WAC 480-15-999 Adoption by reference.

In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria (CVSA)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2001.

(b) This publication is referenced in WAC 480-15-560.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2000.

(b) This publication is referenced in WAC 480-15-560 and 480-15-570.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle Office of the Government Printing Office and from various third party vendors.

Comments:

1. New section created to change the section number to be consistent through out Title 480 chapters.

2. Adoption by reference dates changed.

3. Cross-references added that identify the sections within this chapter that refer to adopted material.