

**Docket TV-130079**  
**June 19, 2013, Draft Rules**

**WAC 480-14 MOTOR CARRIERS, EXCLUDING  
HOUSEHOLD GOODS CARRIERS AND COMMON CARRIER BROKERS**

**WAC 480-14-230 Suspension and cancellation of a permit.**

A common carrier may not operate any of its equipment while its permit is suspended or canceled.

(1) Involuntary suspension.

(a) The commission may suspend or cancel a carrier's permit if the carrier fails to maintain evidence that it has ~~the required level of~~ insurance in effect for its operations as required by WAC 480-14-250.

(b) The commission will make a good faith effort to notify a carrier that its evidence of insurance is likely to become invalid. The commission ~~will~~ may suspend or cancel any carrier who fails to maintain evidence of current insurance as required by WAC 480-14-250, whether or not it is able to provide advance notice.

(2) Voluntary cancellation. A carrier may request that its permit be canceled. The commission will enter an order canceling the permit. The commission will reinstate the permit, provided the carrier meets current entry requirements, if the carrier applies for reinstatement and pays the application fee within ten months of cancellation.

(3) Involuntary cancellation. The commission may cancel a permit because the carrier fails to:

(a) Pay required regulatory fees.

(b) Demonstrate that the carrier has corrected the conditions leading to suspension within the time defined in the order of suspension.

(c) Provide information as required by the commission or submits false, misleading or inaccurate information.

(d) Maintain evidence of insurance as required by WAC 480-14-250.

(4) Cancellation hearing. The commission will hold a hearing prior to canceling a carrier's authority, pursuant to RCW 81.80.280, except when cancellation results from:

(a) ~~Failure to~~ maintain evidence of current insurance as required by WAC 480-14-250 and an adjudication or brief adjudication was held or was available to the carrier.

(b) ~~Failure to~~ correct causes of a suspension in which an adjudication or brief adjudication was held or was available to the carrier.

(5) A carrier whose permit is cancelled may apply for reinstatement under WAC 480-14-220, or may apply for a new permit under WAC 480-14-180, if the carrier has corrected the causes of cancellation.

**WAC 480-14-250 Insurance requirements.**

(1) Required insurance coverage. Each applicant for common carrier authority and each common carrier must file with the commission evidence of currently effective liability and property damage insurance written by a company authorized to write such insurance in the state of Washington, covering each motor vehicle as defined in RCW 81.80.010 used or to be used under the permit.

(a) For vehicles with gross vehicle weight ratings of ten thousand pounds or more, filings must be for the amount shown on the following table:

Category of Carrier Operation	Filing Required
1. Property (nonhazardous)	\$750,000
2. Hazardous substances, as defined in 49 Code of Federal Regulations (C.F.R.) 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Division 1.1, 1.2 and 1.3 materials, Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material, in bulk Division 2.1 or 2.2; or highway route controlled quantities of a Class 7 material, as defined in 49 C.F.R. 173.403	\$5,000,000
3. Oil listed in 49 C.F.R. 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 C.F.R. 171.8 and listed in 49 C.F.R. 172.101, but not mentioned in 2. above or in 4. below	\$1,000,000
4. Any quantity of Division 1.1, 1.2, or 1.3 material; any quantity of a Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; or highway route controlled quantities of a Class 7 material, as defined in 49 C.F.R. 173.403 material, as defined in 49 C.F.R. 173.403	\$5,000,000

(b) For vehicles with gross vehicle weight ratings less than ten thousand pounds, filings shall be for the amounts shown on the following table:

Category of Carrier Operation	Filing Required
1. Property (nonhazardous)	\$300,000
2. Property (hazardous); any quantity of Division 1.1, 1.2, or 1.3 material; any quantity of a Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; or highway route controlled quantities of a Class 7 material, as defined in 49 C.F.R. 173.403	\$5,000,000

(c) Insurance requirements do not apply to taxicabs whose only operation subject to commission jurisdiction is the operation of small parcel general freight service under a permit issued pursuant to chapter 81.80 RCW. Those taxicabs must comply with the provisions of RCW 46.72.040 and 46.72.050 in lieu of the above. However, all carriers must comply with the reporting requirements of this section.

(d) The commission may dismiss an application or suspend or cancel a permit if a carrier does not file proof that such insurance is in full force and effect.

(e) Carriers must submit evidence of insurance by ~~either~~ a Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance (Form E), Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond (Form G) or a written binder evidencing the required coverage. A binder may not be effective for longer than sixty days, during which time the carrier must file the Form E or Form G.

(2) Continuing proof of insurance. A carrier must file evidence of continued insurance with

the commission not less than ten days prior to the termination date of the current insurance.

(3) Insurance endorsement. All liability and property damage insurance policies issued to common carriers must carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) Insurance termination. All insurance policies issued under the requirements of chapter 81.80 RCW must provide that the coverage continues in full force and effect unless and until canceled by at least thirty days' written notice served on the insured and the commission by the insurance company. The thirty days' notice must commence to run from the date notice is actually received by the commission.

(a) An insurance binder may be canceled on ten days' written notice.

(b) The carrier or carrier's insurance company must notify the commission of cancellation or expiration ~~on forms prescribed by the commission~~ by filing a Notice of Cancellation (Form K) no less than thirty days before the cancellation or expiration effective date.

(c) The carrier or carrier's insurance company must provide notice of cancellation or expiration not more than sixty days before the termination date, except binders which may be canceled on ten days' written notice.

## WAC 480-15 HOUSEHOLD GOODS CARRIERS

### **480-15-065 Address or telephone change.**

If a carrier changes its physical or mailing business address, e-mail address or telephone number, it must immediately notify the commission in writing at the address listed in WAC ~~480-15-060~~480-07-125.

### **480-15-180 Carrier operations that require a household goods permit.**

A carrier must receive a permit from the commission before transporting household goods, for compensation, by motor vehicle (~~including a rental truck~~) over public roads between two points within the state, or before advertising, soliciting, offering, or entering into an agreement to transport household goods.

### **480-15-186 Application required for new authority to operate as a household goods carrier.**

An applicant must complete a household goods moving company permit application and meet the criteria for a provisional permit and, after the ~~six-month~~provisional period has passed, meet the criteria for a permanent permit, as described in WAC ~~480-15-185~~305, to receive new ~~be eligible for any of the following:~~

- (1) New authority to operate as a household goods carrier.
- (2) ~~Transfer of existing authority, except as described in WAC 480-15-187. If the holder of a permit wishes to transfer the permit, the person or entity receiving the permit must file an application as described in this section. For the purposes of this section and WAC 480-15-187, the person or entity receiving the permit is the applicant.~~
- (3) ~~Acquisition of control of existing authority.~~
- (4) ~~Additional authority for an existing household goods permit.~~

### **480-15-187 Transfer of an existing permit.**

(1) If the holder of a permit wishes to transfer the permit, the person or entity receiving the permit must complete a household goods moving company permit application on a form provided by the commission. The person or entity receiving the permit is the applicant. The applicant must meet the criteria for a provisional permit and, after the provisional period has passed, meet the criteria for a permanent permit as described in WAC 480-15-305 unless the applicant qualifies for the exceptions described in (2) or (3) below. file an application as described in this section. For the purposes of WAC 480-15-186 and this section, the person or entity receiving the permit is the applicant.

(2) ~~If the transfer is due to one of the following reasons, the commission will grant an application to transfer existing permanent authority, or acquire control of existing permanent authority, to the applicant without requiring a provisional permit, public notice, or comment if provided that the applicant is fit, willing, and able to provide service and the applicant has filed to transfer or acquire control of permanent authority for any one of the following reasons:~~

(a) A partnership has dissolved due to the death, bankruptcy or withdrawal of a partner and that partner's interest is being transferred to a spouse or to one or more remaining partners.

(b) A shareholder in a corporation has died and that shareholder's interest is being transferred to a surviving spouse or one or more surviving shareholders.

(c) A sole proprietor has died, the sole proprietor devised or bequeathed the company by will, and the applicant is seeking transfer of the permit in accordance with the bequest or devise set forth in the will.

(d) An individual has incorporated and the same individual remains the majority shareholder.

(e) An individual has added a partner but the same individual remains the majority partner.

(f) A corporation has dissolved and the interest is being transferred to the majority shareholder.

(g) A partnership has dissolved and the interest is being transferred to the majority partner.

(h) A partnership has incorporated, and the partners are the majority shareholders.

(i) Ownership is being transferred from one corporation to another corporation when both are wholly owned by the same shareholders.

(32) The commission will grant an application for permanent authority without requiring a provisional permit after the application has been published on the application docket subject to comment for thirty days if the applicant is fit, willing, and able to provide service, the applicant has filed to transfer or acquire control of permanent authority, and all of the following conditions exist:

(a) Ownership or control of a permit is being transferred to any shareholder, partner, family member, employee, or other person familiar with the company's operations and the household goods moving services provided.

(b) The permit has been actively used by the current owner to provide household goods moving services during the twelve-month period prior to the application.

(c) The application includes a certified statement from the applicant and the current owner explaining why the transfer of ownership or control is necessary to ensure the company's economic viability.

(d) The application includes a certified statement from the applicant and the current owner describing the steps taken by the parties to ensure that safe operations and continuity of service to customers is maintained.

**480-15-230 Application fees.**

Application fees are:

Type of Permit Application:	Fee:
Provisional and permanent authority. The fee for provisional, and then permanent, authority is a one-time fee	\$550.00
Transfer or acquisition of authority under WAC 480-15-186 and 480-15-187	\$250.00
Permit reinstatement under WAC 480-15-450	\$250.00
Name change only	\$35.00

#### **480-15-302 Provisional authority.**

The commission will grant provisional authority to any applicant that meets the following criteria:

(1) The applicant has properly completed the household goods moving company permit application.

(2) The application does not contain any indication of fraud, misrepresentation, or erroneous information.

(3) The applicant has provided a copy of a valid ~~Washington state~~ driver's license or government-issued photo identification card for each person named in the application associated with the proposed moving company.

(4) The applicant has provided evidence that the applicant possesses sufficient financial resources to operate a moving company. The commission will accept as evidence the completed financial statement form included in the household goods moving company permit application or the alternative documents listed on the financial statement form.

(5) The applicant has met the liability and cargo insurance requirements of WAC 480-15-530 and 480-15-550.

(6) The applicant has provided evidence of compliance with state tax, labor, employment, business, and vehicle licensing laws and rules. The commission will accept valid account numbers that staff can verify, showing the applicant has established accounts with other state agencies, as evidence.

(7) The applicant has provided evidence of its enrollment in a drug and alcohol testing program, or evidence that it has in place its own drug and alcohol testing program, if required by WAC 480-15-570. The commission will accept proof of enrollment in a program, or a detailed description of the applicant's own program, as evidence.

(8) Commission staff has completed a criminal background check on each person named in the application associated with the proposed moving company.

(a) The commission will not grant provisional authority if any named person has, within the past five years, been convicted of any crime involving theft, burglary, sexual misconduct, identity theft, fraud, false statements, or the manufacture, sale, or distribution of a controlled substance.

(b) If a person named in the application has been convicted of any crime involving theft, burglary, sexual misconduct, identity theft, fraud, false statements, or the manufacture, sale, or distribution of a controlled substance more than five years prior to the date of the application and the commission determines that the nature or extent of the crime(s) will likely interfere with the proper operation of a household goods moving company, the commission will deny operating authority to the applicant.

(9) The applicant owns or leases the equipment necessary to provide household goods moving services.

(10) The commission has not denied a household goods moving company permit application within the previous six months filed by the same applicant or by any other person named on the application.

(11) The commission has not canceled, for cause, a permit held by the applicant, or by any other person named on the application, within the previous ~~one year~~ twelve months.

(12) The applicant has filed with the application at least three completed statements of

support for the proposed service.

(13) No other circumstances exist that cause the commission to deny the application.

#### **480-15-305 Permanent authority.**

(1) The commission will grant permanent authority to any applicant that meets the following criteria:

(4a) The applicant has met all of the criteria required for a provisional permit as described in WAC 480-15-302.

(2b) The applicant has completed a provisional period of not less than six months and not more than eighteen months unless the commission determines that for good cause the provisional period should be extended beyond eighteen months. Good cause may include, among other circumstances, a carrier that has not yet made an intrastate move or a carrier that has not yet achieved a satisfactory safety rating but is making substantial progress toward a satisfactory rating.

(3c) The applicant has attended a commission-sponsored household goods carrier training class.

(4d) The applicant has provided commission staff with evidence that the applicant has completed a criminal background check on each person it employs or intends to employ ~~that will have contact with a customer or a customer's residence.~~ The commission will not grant permanent authority if any employee has, within the past five years, been convicted of any crime involving theft, burglary, sexual misconduct, identity theft, fraud, false statements, or the manufacture, sale, or distribution of a controlled substance.

(5e) The applicant has received a satisfactory safety rating in a safety review conducted by commission safety staff.

(6f) The applicant has no outstanding commission-issued monetary penalties.

(7g) The applicant has paid all outstanding fees or other amounts due to the commission.

(8h) The applicant has met all other commission regulatory requirements, including any requirements set by statute, rule, tariff, or order.

(9i) The applicant has no unresolved consumer complaints on file with the commission.

(10j) No other circumstances exist that cause the commission to deny permanent authority.

(2) The commission will not grant permanent authority if an employee has been convicted of any crime involving theft, burglary, sexual misconduct, identity theft, fraud, false statements, or the manufacture, sale, or distribution of a controlled substance more than five years prior to the date of the application and the commission determines that the nature or extent of the crime(s) will likely interfere with the proper operation of a household goods moving company.

(3) If the carrier has not completed the requirements for permanent authority within eighteen months, the commission will cancel the provisional permit and dismiss the application for permanent authority, unless the commission determines that for good cause the provisional period should be extended beyond eighteen months. Good cause may include, among other circumstances, a carrier that has not yet made an intrastate move or a carrier that has not yet achieved a satisfactory safety rating but is making substantial progress toward a satisfactory rating.

**480-15-400 Changing the name on a permit-name.**

(1) Carriers must file a name change application to change the name on a permit-name, ~~corporate name or trade name~~ or to add a trade name to the permit.

(2) Carriers must include the application fee (as shown in WAC 480-15-230), copies of any corporate minutes authorizing the name change and proof that the carrier has properly registered the new name with the department of licensing, office of the secretary of state or other agencies as may be required.

(3) Carriers must also submit to the commission a Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance (Form E) or Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond (Form G) in its changed name and proof of required cargo insurance (Certificate of Liability Insurance or Form H Uniform Motor Carrier Cargo Certification of Insurance) in its changed name.

~~(34)~~ Carriers must file an application to transfer ~~or acquire control of~~ permanent authority if the name change is the result of a change in ownership or controlling interest.

(45) Carriers may not advertise or operate under the proposed name change until the commission approves the application.

**480-15-420 Voluntary cancellation of a permit.**

If a carrier no longer wants to use its permit, the carrier may send the commission a written request that it be canceled. The cancellation request must include the carrier's name, address and permit number. The commission will issue an order canceling the permit, ~~effective on the date of the order.~~

**480-15-430 Involuntary suspension of a permit.**

(1) The commission may suspend a permit without the carrier's authorization for good cause. Good cause includes, but is not limited to, the carrier:

(a) Failing to maintain evidence of required cargo insurance coverage for all areas of its operations as required by WAC 480-15-550.

(b) Failing to maintain evidence of required liability insurance coverage for all areas of its operations as required by WAC 480-15-530.

(c) Failing to comply with the rates and rules contained in the commission-published tariff.

(d) Failing or refusing to comply with applicable laws and commission rules pertaining to operations of household goods carriers, including safety requirements set in law or rule.

(e) Allowing others to transport goods under the carrier's permit authority.

(f) Committing fraud.

(g) Failing to meet the requirements of WAC 480-15-555, Criminal background checks for prospective employees.

(2) The commission may suspend a permit without an opportunity for hearing if there is imminent danger to the public health, safety or welfare and there is insufficient time to conduct a hearing.

(3) The commission will send the carrier notice of its action to suspend the carrier's permit. The suspension begins on the effective date listed in the notice.

(4) A carrier may contest the suspension of its permit by requesting a hearing or brief adjudicative proceeding. Chapter 480-07 WAC describes the procedures for such hearings.

(5) The commission will lift the suspension of the permit after the carrier corrects all



conditions leading to the suspension.

**480-15-450 Involuntary cancellation of a permit.**

(1) The commission may cancel a permit without the carrier's authorization for good cause. Good cause includes, but is not limited to, the carrier:

- (a) Failing to file an annual report or pay required regulatory fees.
- (b) Failing to correct, within the time frame specified in the suspension order, all conditions that led to the suspension of a permit.

(c) Failing to maintain evidence of required liability insurance coverage for all areas of its operations as required by WAC 480-15-530.

(d) Failing to maintain evidence of required cargo insurance coverage for all areas of its operations as required by WAC 480-15-550.

~~(ee) Failing or refusing to comply with applicable laws and commission rules pertaining to operations of household goods carriers, including safety requirements set in law or rule.~~

~~(ef) Failing to supply information necessary to the commission for the performance of its regulatory functions when the commission requests the carrier to do so.~~

~~(eg) Submitting false, misleading or inaccurate information.~~

~~(fh) Allowing others to transport goods under the carrier's permit authority.~~

~~(gi) Operating in a manner that constitutes unfair or deceptive business practices.~~

~~(hj) Committing fraud.~~

(k) Failing to meet the requirements of WAC 480-15-555, Criminal background checks for prospective employees.

(2) The commission will hold a hearing prior to canceling a permit unless the permit is subject to cancellation because the carrier:

(a) Failed to maintain evidence of current liability insurance as required by WAC 480-15-530 or failed to maintain evidence of current cargo insurance as required by WAC 480-15-550 and an adjudication or brief adjudication was held or was available to the carrier.

(b) Failed to correct causes of a suspension in which an adjudication or brief adjudication was held or was available to the carrier. ~~failed, within the time frame specified by a suspension order, to correct the causes of the suspension. In that case:~~

~~—(a) The commission will send the carrier notice of the date the commission will cancel a permit. The commission will enter an order canceling the permit thirty days after the service date of the notice.~~

~~—(b) A carrier may contest the cancellation of its permit by requesting a hearing or brief adjudicative proceeding. Chapter 480-07 WAC describes the procedures for such hearings.~~

(3) When the commission has canceled a household goods carrier permit, the carrier must, when directed by the commission, provide notice to every customer that its permit has been canceled, and provide proof of such notice to the commission.

(4) If the permit is canceled and the carrier corrects all conditions that led to cancellation of the permit, the carrier may apply for reinstatement.

(a) To reinstate the permit within thirty days of cancellation, the carrier must file an application for reinstatement and pay the applicable reinstatement fees as stated in WAC 480-15-230.

(b) If the carrier files an application for reinstatement after thirty days of cancellation, the application will be considered in all aspects to be an application for new authority and will be subject to all terms and conditions specified in WAC 480-15-~~302240~~ for new entrants.

#### **480-15-530 Public liability and property damage insurance.**

(1) Before operating under a household goods permit, carriers must have public liability and property damage insurance covering every motor vehicle used in its operations. The commission will not issue a permit for authority to operate without acceptable proof of required insurance coverage. Carriers must maintain the required public liability and property damage insurance at all times for every motor vehicle used in Washington intrastate operations.

(a) The policy must be written by an insurance company authorized to write insurance in Washington state.

(b) The policy must include the Uniform Motor Carrier Bodily Injury and Property Damage Liability ~~Endorsement~~ Certificate of Insurance, (Form ~~FE~~) or Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond (Form G).

(c) The commission ~~will~~ may suspend or cancel the permit of ~~for thirty days and subsequently cancel~~ any carrier operating without proof of required insurance coverage.

(2) The minimum limits of required public liability and property damage insurance for motor vehicles operated by household goods carriers are as follows:

(a) At least three hundred thousand dollars in combined single limit coverage for motor vehicles with a gross vehicle weight rating of less than ten thousand pounds.

(b) At least seven hundred fifty thousand dollars in combined single limit coverage for motor vehicles with a gross vehicle weight rating of ten thousand pounds or more.

(3) Carriers must file a Uniform Motor Carrier Bodily Injury and Property Damage ~~and Public-Liability~~ Certificate of Insurance (Form E) or Uniform Motor Carrier Bodily Injury and Property Damage ~~and Public-Liability~~ Surety Bond (Form G) as a condition of maintaining a household goods permit.

(a) The Form E or Form G filing must be issued in exactly the same name as the carrier's permit.

(b) The Form E or Form G filing must be continuous, until canceled by a Notice of Cancellation (Form K) filed with the commission no less than thirty days before the cancellation effective date.

(4) The commission will accept an insurance certificate or binder for up to sixty days. A certificate or binder may be canceled by filing written notice with the commission at least ten days before the cancellation effective date. A certificate or binder must be replaced by a Form E or Form G within sixty days of filing, or before the expiration date, whichever occurs first.

(a) Certificates or binders must include all of the following:

(i) The commission as the named certificate holder.

(ii) The carrier's name, exactly as it appears on the permit or application, as the insured.

(iii) The insurance company name.

(iv) The insurance policy number.

(v) The effective and expiration dates.

(vi) The insurance limits of coverage.

#### **480-15-550 Cargo insurance.**

(1) Carriers must have cargo insurance coverage at the levels prescribed in subsection (2) of this section to protect all household goods transported under the permit. The commission will not issue a permit for authority to operate without acceptable proof of required cargo insurance coverage.

- (2) The minimum limits of required cargo insurance are:
- (a) Ten thousand dollars for household goods transported in motor vehicles with a gross vehicle weight rating of less than ten thousand pounds.
  - (b) Twenty thousand dollars for household goods transported in motor vehicles with a gross vehicle weight rating of ten thousand pounds or more.
- (3) Carriers must provide proof of required cargo insurance (Certificate of Liability Insurance or Form H Uniform Motor Carrier Cargo Certification of Insurance) when they apply for a permit. In addition, carriers must have proof of cargo insurance at their main office available for inspection by commission representatives.
- (4) The commission may suspend ~~and subsequently~~ or cancel the permit of any carrier operating without required cargo insurance coverage.

#### NEW SECTION

#### **480-15-555 Criminal background checks for prospective employees.**

- (1) Each carrier must complete a criminal background check for every person the carrier intends to hire.
- (2) The carrier must keep evidence that it has completed a criminal background check for every person the carrier intends to hire for as long as that person is employed and for three years thereafter.
- (3) No carrier may hire a person who has been convicted of any crime involving theft, burglary, sexual misconduct, identity theft, fraud, false statements, or the manufacture, sale, or distribution of a controlled substance within the past five years.

#### **480-15-590 Leasing vehicles.**

- ~~—(1) A carrier must file enter into an equipment lease agreement ~~and receive commission approval~~ before operating a leased motor vehicle. The carrier must ensure that all of the following conditions are met: ~~must meet all of the following requirements:~~~~
- ~~—(a) File a completed form provided by the commission or use an alternate form containing the same information.~~
- ~~—(b) Sign the form and ensure the lessor signs the form.~~
- ~~—(c) Submit two copies to the commission.~~
- ~~—(d) Clearly mark "master lease" if the carrier intends to use a master lease instead of submitting individual leases.~~
- ~~—(2) A carrier is not required to file a lease for approval on an emergency substitution of a disabled vehicle.~~
- (1) The carrier signs the form and ensures the lessor signs the form.
- (2) The carrier marks "master lease" if the carrier intends to use a master lease instead of individual leases.
- (3) A copy of the lease is carried in all leased motor vehicles.
- (4) Copies of all leases are kept in the carrier's permanent files for at least one year after the lease expires.
- (5) The carrier gives a copy of the lease to the owner of the leased motor vehicle.
- (6) The carrier takes possession, control and use of the motor vehicle during the period of the lease agreement.

(7) The leased motor vehicle is properly insured as specified in WAC 480-15-530 and 480-15-550.

(8) The carrier properly identifies the motor vehicle as specified in RCW 81.80.305.

(9) The carrier charges appropriate tariff rates and charges.

(10) The driver of the leased motor vehicle is on the carrier's payroll during the leased period.

(11) The leased motor vehicle is operated in compliance with laws and rules as specified in WAC 480-15-560 and WAC 480-15-570.

(12) The driver of the leased motor vehicle is subject to the company's alcohol and controlled substance policies.

(13) The carrier and the owner of the leased motor vehicle specify on the lease form who is responsible for all expenses relating to the leased motor vehicles.

(14) The carrier complies with the terms of the lease.

#### **480-15-600 Lease responsibilities.**

~~—When entering into a lease agreement, the carrier must ensure that all of the following conditions are met:~~

~~—(1) A copy of the approved lease is carried in all leased motor vehicles.~~

~~—(2) Copies of all approved leases are kept in the carrier's permanent files for at least one year after the lease expires.~~

~~—(3) The carrier gives a copy of the approved lease to the owner of the leased motor vehicle.~~

~~—(4) The carrier takes possession, control and use of the motor vehicle during the period of the lease agreement.~~

~~—(5) The carrier maintains insurance on the leased motor vehicle as specified in WAC 480-15-530 and 480-15-550.~~

~~—(6) The carrier properly identifies the motor vehicle as specified in RCW 81.80.305.~~

~~—(7) The carrier charges appropriate tariff rates and charges.~~

~~—(8) The driver of the leased motor vehicle is on the carrier's payroll during the leased period.~~

~~—(9) The carrier complies with all safety rules.~~

~~—(10) The carrier and the owner of the leased motor vehicle specify on the lease form who is responsible for all expenses relating to the leased motor vehicles.~~

~~—(11) The carrier complies with the terms of the approved lease.~~

#### **480-15-620 Information household goods carriers must provide to customers.**

(1) Carriers must give each customer a copy of the commission publication, "~~Your~~ *Consumer Guide to Moving in Washington State*" at the time the carrier gives the customer a written estimate.

(2) The language contained in the publication is prescribed by the commission and may not be changed by the carrier.

(3) The commission will provide carriers the prescribed language but will not provide copies of the publication. Carriers are responsible for making sufficient copies for their needs.

(4) Carriers may access the prescribed language through the commission's web site at [www.utc.wa.gov](http://www.utc.wa.gov) or by contacting the commission at 360-664-1222.

#### **480-15-630 Estimates.**

Every carrier is required to provide a written estimate to every customer prior to moving a shipment of household goods and must issue a written supplemental estimate when required by commission rule or tariff. The carrier must provide estimates by following the requirements set in the commission-published tariff covering household goods movers. The initial estimate may be a binding or nonbinding estimate.

(1) A binding estimate is the promise of a guaranteed cost of a move from the carrier to the customer. The carrier is bound to charge only the amount of the estimate and no more.

(2) A nonbinding estimate is an estimate of the amount the carrier will charge to move a customer's household goods. The customer may pay charges in excess of the estimate.

(3) A supplemental estimate is in addition to any other estimate. A supplemental estimate is required if the circumstances surrounding the move change in a way that causes rates or charges to increase. The customer must accept and sign the supplemental estimate prior to additional work being performed.

(4) A carrier may provide the hourly rate it charges and the amount of time it believes it will take to make the move. A carrier may provide the rate per unit of weight it charges and the total weight it believes a shipment weighs. However, the carrier must provide a written binding or nonbinding estimate before making the move.

(5) A carrier may not conduct a move until it has visually inspected the goods to be shipped, unless the customer completes a web site calculation or hard-copy calculation sheet as described in subsection (6) of this section, and the carrier has provided a written binding or nonbinding estimate to the customer.

(6) A carrier may provide an estimate based on a customer-completed web site calculation or customer completed hard-copy calculation sheet if:

(a) The estimate contains all of the elements required by the tariff.

(b) The customer electronically "signs" the information provided on the web site by entering the customer's name and the date the information was filled out on the screen. The date must be present and must be entered by the customer.

(c) The carrier provides the customer with a current copy of the ~~brochure~~ commission publication, "Your Consumer Guide to Moving in Washington State."

(d) The estimate discloses at the web site or on the hard-copy calculation sheet that:

(i) The estimate is not binding.

(ii) The cost of the move may exceed the estimate.

(iii) The customer will be required to pay up to one hundred ten percent of the estimate upon delivery. Carriers must allow customers at least thirty days from the date of delivery to pay amounts in excess of the one hundred ten percent.

(iv) The customer is not required to pay more than one hundred twenty-five percent of the estimate regardless of the total cost unless the carrier issues and the customer accepts a supplemental estimate.

(7) The carrier must complete the estimates as required by tariff.

(8) All written estimates must be signed and dated by both the carrier and customer prior to the move. If the carrier completes the estimate on the day of the move, the carrier may not charge the customer for travel time to the point of origin or the time spent completing the estimate.

#### **480-15-890 Commission-referred complaints.**

When commission staff refers a customer complaint to a carrier, the carrier must:

(1) Provide its initial response to commission staff within five business days from the date commission staff referred the complaint to the carrier. The carrier's response must include the results of its investigation into the informal complaint and any document related to the move requested by staff. The carrier may request and commission staff may allow, if warranted, an extension to the initial response due date.

(2) Respond to commission staff inquiries requesting additional information or documentation relevant to the informal complaint within ~~five~~two business days.

(3) Keep commission staff currently informed of any progress made in resolving a claim for loss or damages not resolved within the first ninety-day period of the claim by informing staff in writing, for each thirty-day period thereafter, of the reason for failure to resolve the claim.

#### **480-15-900 Requirements for interstate operations.**

General requirements: No household goods carrier may operate any motor vehicle or combination of motor vehicles over the public roads of this state in interstate commerce unless the carrier has met all of the following requirements:

(1) Obtained the appropriate operating authority from the U.S. Department of Transportation (~~USDOT~~)Federal Motor Carrier Safety Administration (FMCSA) or its successor agency.

(2) Obtained valid insurance as required by ~~USDOT~~FMCSA.

(3) Participated in any program administered by the commission for registering, paying fees or otherwise regulating interstate motor freight carriers as provided by ~~USDOT~~FMCSA or its successor agency.