

WAC 480-15

DRAFT FOR COMMENT

PROPOSED LANGUAGE WITH STRIKEOUTS

**PROPOSED LANGUAGE
GENERAL INFORMATION
WAC 480-15-010 through 035**

Proposed language with strike-outs

480-15-010 Purpose and application.

(1) These rules implement the policies in RCW 81.80.020 as they apply to household goods carriers. The rules establish standards for public safety, fair competitive practices, just and reasonable charges, nondiscriminatory application of rates, adequate and dependable service and consumer protection, as well as compliance with statutes, rules and commission orders.

(2) This chapter applies to all intrastate household goods carriers.

(3) Nothing in this chapter relieves any household goods carrier from its duties and obligations under the laws of the state of Washington including, but not limited to, public utility, labor, employment, and other taxes, and business and vehicle licensing requirements.

480-15-020 Definitions.

For the purpose of this chapter, the words, terms, and phrases in this section have the following meaning:

(1) **Accessory services:** Any service provided by a household goods carrier that supplements, or is secondary to, the transportation of household goods. Examples include packing, unpacking, wrapping or protecting a portion of the shipment or providing special equipment or services such as hoisting.

(2) **Agent:** A permitted carrier, who, under the provisions of a formal written agreement, performs services on behalf of another permitted carrier.

(3) **Application docket:** A commission publication listing applications requesting operating authority.

(4) **Authority:** The rights granted to a common carrier to transport household goods.

(5) **Binding Estimate:** The written estimate the carrier gives to the customer in advance of the move and by which both the carrier and customer are bound. The carrier may not charge any amount other than the binding estimate and the customer must pay the amount of the binding estimate.

(6) **Cancellation:** An act by the commission to terminate a household goods carrier's authority.

(7) **Carrier:** A company performing household goods moves.

(8) **Commission:** The Washington utilities and transportation commission.

(9) **Customer:** Anyone who hires a household goods carrier. (10) **Filing:** Any application, petition, tariff proposal, annual report, comment, complaint, pleading or other document submitted to the commission. (11) **Household goods:** Transportation of the goods must be arranged and paid for by the customer or by another individual on behalf of the customer. The personal effects and property used, or to be used, in a residence when transported between residences or between a residence and a storage facility with the intent to later transport to a residence. Transportation of the goods must

be arranged and paid for by the customer or by another individual on behalf of the customer.

(12) **Local move:** A move taking place within the limits of a city or town or moves specifically defined as local in commission rules.

(13) **Long distance move:** A move not meeting the definition of a local

move.(14) **Motor vehicle or Vehicle:** Any motor truck, tractor or other self-propelled vehicle, any trailer, semi-trailer or any combination of such vehicles moving as a single

unit. (15) **Nonbinding Estimate:** The written estimate the carrier gives to the customer in advance of the move.

(16) **Permit:** A document issued by the commission describing the authority granted to a household goods carrier

(17) **Person:** Any individual, firm, corporation, company, or partnership.

(18) **Shipment:** A load of household goods moved by a carrier.

(19) **State :** The state of Washington.

(20) **Supplemental Estimate:** An amendment to the original written non-binding estimate, necessary when the circumstances of a move change in a way that changes the cost of the move.

(21) **Suspension:** Also includes suspend, suspended, suspending: An act by the commission to temporarily withhold a household goods carrier's authority.

(22) **Tariff:** A publication containing rates and charges carriers must assessed on shipments of household goods and the rules that govern how rates and charges are assessed.

480-15-035 Exemptions from rules.

(1) The commission may grant an exemption of any rule in this chapter when doing so is consistent with the public interest, the purposes underlying regulation and applicable statutes.

(2) To request a rule exemption, a carrier must file with the commission a written request identifying the rule for which an exemption is sought and giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the company requesting the exemption and other interested persons of the date the commission will consider the request.

(4) The commission will issue an order granting or denying the request or setting it for hearing, pursuant to chapter 480-07 WAC.

480-15-XXX Payment to the commission

Carriers or other persons may pay required fees, penalties or other assessments by money order, check, certified check, credit or debit card or by electronic payment payable to the utilities and transportation commission. The commission will accept cash if a payment is made in person. The commission accepts only United States funds.

480-15-XXX 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.

480-15-XXX Commission proceedings

The commission's rules governing administrative practices and procedures are in WAC 480-07. When a rule in this chapter is different than a rule in WAC 480-07, the rule in this chapter applies to household goods carriers.

**PROPOSED LANGUAGE
CONTACTING THE COMMISSION
WAC 480-15-060 through 120**

Proposed language with strike-outs

**PROPOSED LANGUAGE
COMMISSION COMPLIANCE POLICY AND PROGRAM
WAC 480-15-130 through 160**

Proposed language with strikeouts

**PROPOSED LANGUAGE
PERMITS
WAC 480-15-170 through 480-15-460**

Proposed language with strike-outs

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

(1) A carrier must receive a permit from the commission before transporting household goods, for compensation, by motor vehicle over public roads between two points within the state for compensation, unless the carrier is operating in the territory described in (a) or (b) below:

(a) A carrier does not need a permit to operate exclusively between points within the limits of a city or town with a population of less than ten thousand, unless it borders a city or town with a population of greater than ten thousand.

(b) A carrier does not need a permit to operate exclusively between points within a city with a population between ten thousand and thirty thousand if the commission has issued an order exempting transportation within that city from regulation. As of March 2007, these cities included:

- (i) Cities of Edmonds, Mountlake Terrace, Mercer Island, Kent and Auburn, all exempted by commission general orders 178, effective March 3, 1965 and R-66, effective May 8, 1974.
- (ii) City of Ellensburg, exempted by commission general order 199, effective April 17, 1968.

480-15-185, Types of household goods permits

The commission may issue any of the following types of permits:

- (a) **Emergency temporary authority** for a period of thirty days or less when there is an urgent need for service and time or circumstances do not reasonably allow filing and processing an application for temporary authority.
- (b) **Temporary authority** for up to one hundred eighty days to meet a short-term public need or until the commission makes a decision on the pending application for permanent authority. The applicant must be fit, willing and able and the proposed service must be in the public interest.
- (c) **Permanent authority** has no expiration date or renewal requirement when the applicant is fit, willing and able to provide service and meets the current or future public convenience and necessity standards.

480-15-230, Application fees.

Application fees are:

Type of Permit Application:	Fee:
Emergency temporary authority	\$50.00
Temporary authority	\$250.00
Permanent authority	\$550.00
Transfer or acquisition of authority under WAC 480-15-335	\$250.00

Permit reinstatement (under provisions of WAC 480-15-460)	\$250.00
Name change only	\$35.00

480-15-270, Emergency temporary authority.

1. The commission may grant an application for emergency temporary authority to operate up to 30 days to meet an urgent public need when time or circumstances do not reasonably allow filing and processing a temporary permit application. The applicant must do all of the following:
 - a. Provide a certified statement of support identifying the need.
 - b. Complete the application
 - c. Pay the application fee.
 - d. Furnish a list of vehicles the applicant will use under emergency temporary authority.
 - e. Furnish proof of public liability and property damage insurance.

480-15-280, Temporary authority.

- (1) An applicant must apply for temporary authority to provide service to meet a short-term need. If the commission grants the application, the temporary authority will allow the applicant to provide service as a household goods carrier for up to 180 days.
- (2) The commission will grant or deny an application for temporary authority after conducting a complete review of the application, supporting statements, reports or other information necessary to determine fitness and determining whether granting the application is in the public interest.
- (3) When determining if an applicant is fit, willing and able to provide the proposed service the commission will consider any information provided by the applicant and other members of the public regarding:
 - (a) The applicant's experience in the industry.
 - (b) The applicant's knowledge of safety regulations.
 - (c) The applicant's financial resources.
 - (d) The applicant's equipment resources.
 - (e) The applicant's compliance with tax, labor, employment, business and vehicle licensing laws and rules.
 - (f) Whether the applicant has been cited for violation of state law or commission rules.
 - (g) Whether the applicant has been convicted of a Class A or Class B Felony.
 - (h) Whether the applicant has previously been denied authority on the basis of fitness.
 - (i) Whether the applicant has had permit authority canceled.
- (4) When determining if the proposed service is in the public interest, the commission will consider any information provided by the applicant, customers and other members of the public supporting the proposed service. The commission will also consider whether

granting the temporary authority will:

- (a) Enhance choices available to consumers.
- (j) Promote a viable yet competitive household goods industry.
- (k) Fill an unmet need for service.
- (l) Allow the commission to more efficiently regulate the household goods industry.
- (m) Provide increased consumer protection through regulation.
- (5) Applicants, customers and other members of the public must submit statements

and reports that:

- (a) Include their full name, address, phone number.
- (b) State that the information submitted is true and accurate.
- (c) Are signed and show the location and date they were signed.

480-15-285, Rejecting an application for temporary authority.

The commission will reject an application for temporary authority if filed within six months of a denial of a previous application or within one year of cancellation of a permit under WAC 480-15-320 or 480-15-450(1)(c) through (1)(f).

480-15-290, Granting temporary authority.

After reviewing the application, supporting statements and reports, the commission will issue an order granting or denying the application for temporary authority. An order granting temporary authority may include specific terms and conditions the applicant must satisfy before beginning or while operating under authority, such as specific training, safety audits or reporting. The commission publishes an application docket listing temporary authority it has granted or denied.

480-15-310, Commenting on actions regarding temporary authority.

(1) The commission publishes an application docket listing temporary authority it has granted or denied. The commission mails the docket to each applicant and, upon written request, to any other person interested in application proceedings.

(2) Anyone wishing to comment on an action on the docket that grants or denies temporary authority may file written comments within ten days following publication. Comments must include the commenter's full name, address, telephone number, fax number and permit number, if applicable. Comments must indicate support for, or protest of, the temporary authority for any one or more of the following reasons:

- (a) Fitness.
- (b) Public interest.
- (c) Levels of service.
- (d) Business practices.
- (e) Safety.
- (f) Operation of equipment.

(3) The commission may, at its discretion, hold a brief adjudicative proceeding on an action for temporary authority because it received comments that protest the action. See WAC 480-07 for rules governing brief adjudicative proceedings.

480-15-320, Canceling a temporary permit.

The commission may cancel a temporary permit at any time if it determines any of the following conditions exist:

- (1) The permit was not issued in the public interest.
- (2) The approval of the temporary authority was based on fraud, misrepresentation or erroneous information from the applicant.
- (3) The commission finds cause to cancel the permit under the circumstances described in WAC 480-15-450.

480-15-330, Permanent authority.

(1) An applicant must apply for permanent authority if he or she is requesting any of the following:

- (a) New original authority.
- (b) Transfer of existing authority, except as described in WAC 480-15-335..
- (c) Acquisition of control of existing authority.
- (d) Additional authority for an existing household goods permit.

(2) The commission will grant or deny an application for permanent authority after it conducts a complete review of the application, supporting statements, reports or other information necessary to determine fitness, public interest and current or future public convenience and necessity. If the commission grants the application, the applicant will provide service as a household goods carrier on a provisional basis for at least six months. During this time, the commission will evaluate whether the applicant has met the criteria to obtain permanent authority.

(3) Some transfers of existing permanent authority are not subject to the requirements in this rule. WAC 480-15-260 lists the exceptions

(4) When determining if an applicant is fit, willing and able to provide the proposed service, the commission will consider statements and reports including any information provided by the applicant and other members of the public regarding:

(a) The applicant's experience in the industry, knowledge of safety regulations, financial resources and equipment and compliance with tax, labor, employment, business, and vehicle licensing laws.

(b) Whether the applicant has been cited for violation of state law, commission rules, convicted of a Class A or Class B Felony, or previously has been denied authority on the basis of fitness.

(c) The results of any compliance reviews, audits, inspection reports and consumer complaints filed against the applicant.

(5) When determining if the proposed service is in the public interest the commission will consider statements and reports, including any information provided by the applicant and other members of the public supporting the proposed service, and whether granting the permanent authority will:

- (a) Enhance choices available to consumers.
- (b) Promote a viable yet competitive household goods industry.
- (c) Fill an unmet need for service.
- (d) Allow the commission to more efficiently regulate the household goods industry.
- (e) Provide increased consumer protection through regulation.

(6) When determining if the proposed service is needed to satisfy the current or future public convenience and necessity, the commission will consider any information

provided by the applicant, customers and other members of the public supporting the proposed service and any reports relating to the operations conducted under temporary authority including, but not limited to, the following:

- (a) The number of customers served.
- (b) The nature of the service provided.
- (c) Customer satisfaction.
- (d) Statements regarding future need for services.

480-15-335, Exceptions to permanent authority application process.

(1) The commission will grant an application to transfer to acquire control of existing permanent authority without requiring temporary operations, public notice or comment if 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 and the interest is being transferred as property of the estate.

(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.

(2) The commission will grant an application for permanent authority without requiring temporary operations 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.

480-15-340, Commenting on an application for permanent authority.

(1) The commission publishes applications for permanent authority in the application docket that it mails to each applicant and, upon written request, to any other person interested in application proceedings.

(2) Anyone having an interest in a permanent authority application appearing on the docket may file written comments within thirty days following publication, unless the application is published in conjunction with a grant of temporary authority. In that case, comments will be accepted for one hundred eighty days or the full term of the temporary permit.

(3) Comments may either support or protest the application. Comments must include the commenter's full name, address, telephone number, fax number and permit number, if available. Comments must be signed and indicate the place and date when they were signed. Comments must indicate support for, or protest of, the permanent authority for any one or more of the following reasons:

- (a) Fitness.
- (b) Public interest.
- (c) Levels of service.
- (d) Business practices.
- (e) Safety.
- (f) Operation of equipment.
- (g) Current or future public need for service.

(4) A comment protesting an application will not, on its own, cause the commission to set the matter for a hearing.

480-15-350, Setting an application for hearing.

The commission may hold a hearing or brief adjudicative proceeding on any application for permanent authority if it is necessary to resolve outstanding issues or concerns related to fitness, public interest, public convenience and necessity or any other issue resulting from a compliance review, audit, inspection report, complaint or public comment. See WAC 480-07 for rules governing hearings and brief adjudicative proceedings.

480-15-360, Retaining copies of the permit.

Carriers must keep the original permit in their main office and carry a copy in each vehicle used to transport household goods. Carriers must show a copy of the permit to any law enforcement or compliance officer who asks to see it.

480-15-370, Lost or destroyed permit.

Carriers may write to the commission and request replacement of a lost or destroyed permit. The commission will issue a replacement permit at no charge.

480-15-380, Allowing others to use permit authority.

Carriers may not allow others to transport household goods under their permit authority. Only the lawful permit holder may conduct operations under a household goods permit.

Carriers may not lease permit authority, but may lease vehicles from others for use in their own operations pursuant to the leasing rules in WAC 480-15-590 and 480-15-600.

480-15-390, Permit names or trade names.

(1) Carriers must conduct operations under the exact name shown on their household goods permit. If a carrier does business under a trade or assumed name, that name must also appear on the permit.

(2) Carriers may not operate under a name that is similar to another carrier unless one of the following conditions applies:

(a) The carrier whose name is similar has given written permission to use the name.

(b) The commission authorizes use of the similar name. Before authorizing use of a similar name, the commission must first determine that the use of the similar name will not mislead the shipping public or result in unfair or destructive competitive practices.

480-15-400, Changing a permit name.

(1) Carriers must file a name change application to change the 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 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.

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

480-15-410, Voluntary suspension of a permit.

(1) If a carrier is unable to use its permit due to medical reasons or because of active military service, it may request the authority be voluntarily suspended.

(2) The carrier must send its request to the commission in writing and include the following information:

(a) Name, address and permit number.

(b) The reason for the request (e.g., medical statement, military orders).

(c) The date voluntary suspension is scheduled to begin.

(d) The length of time the carrier will be unable to use the permit.

(e) A statement that no household goods transportation will occur under the permit while it is suspended.

(3) The commission will issue an order suspending the permit. The order will set the length of time and the terms of suspension.

(4) To activate a suspended permit, a carrier must send the commission a letter advising that it is ready to resume household goods service and agree to conduct operations in compliance with all laws and rules. The carrier must satisfy any outstanding filing requirements before the commission will issue an order lifting the suspension.

(5) If the carrier does not activate the permit before the suspension period expires, the commission may cancel the permit.

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

If a carrier no longer wants to use its permit, the carrier may send the original permit to the commission with 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 the date of the order.

480-15-430, Involuntary suspension.

(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.

(b) Failing to maintain evidence of required liability insurance coverage for all areas of its operations.

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

(d) Failing or refusing to comply with commission rules that protect public safety.

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

(f) Operating in a manner that harms the rights of the shipping public.

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

(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 notice to any carrier 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. WAC 480-07 describes the procedures for such hearings.

(4) 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) Continuing to violate applicable laws and rules affecting public safety or welfare.

(d) Repeatedly failing or refusing to comply with applicable laws and rules pertaining to operations of household goods carriers.

(e) Failing to supply information necessary to the commission for the performance of its regulatory functions when requested by the commission to do so.

(f) Submitting false, misleading or inaccurate information.

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

(2) The commission will hold a hearing prior to canceling a permit unless the permit is

subject to cancellation because 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 notice to any carrier of the date the commission will cancel a permit. The commission will enter an order canceling the permit 30 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. WAC 480-07 describes the procedures for such hearings.

(3) If after the permit is cancelled the carrier corrects all conditions that led to the 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 480-15-240 for new entrants.

(4) A small business as defined in WAC 480-15-020 may apply for reinstatement of a canceled permit within 60 days by correcting all conditions that led to cancellation and filing an application for reinstatement and paying reinstatement fees.

(a) A small business that applies for reinstatement after sixty days 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 480-15-240 for new entrants.

**PROPOSED LANGUAGE
RULE BOOKS
WAC 480-15-470**

Proposed language with strike-outs

**PROPOSED LANGUAGE
ANNUAL REPORTS AND REGULATORY FEES
WAC 480-15-480**

Proposed language with strike-outs

480-15-480 Annual reports and regulatory fees.

(1) An annual report is a year end statement that discloses information to the commission about regulated companies.

(a) Carriers must report financial information as required in the annual report forms.

(b) The commission will mail annual report forms and instructions to each household goods permit holder at its address of record. If a carrier does not receive an annual report form, it is its responsibility to contact the commission and request the form.

(2) A regulatory fee is an annual assessment paid by each household goods carrier to cover the costs of regulating the household goods industry. The commission reviews the costs of regulating the industry and sets fees proportionate to costs, although not above the maximum amount allowed by law.

(3) Regulatory fees are calculated as a percentage of intrastate gross operating revenues generated from the transportation of household goods during the prior calendar year. For example:

Gross operating revenue	\$100,000
Times the regulatory fee percentage	.0025
Equals the regulatory fee due	\$250

(4) Carriers must file annual reports and pay regulatory fees by May 1st of each year based on the prior year operations. The commission must receive both the annual report and the regulatory fee payment no later than May 1.

(a) The commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month after that, for any regulatory fees not received by May 1.

(b) The commission may issue penalty assessments or cancel a carrier's permit for failure to pay regulatory fees or file annual reports.

**PROPOSED LANGUAGE
GENERAL TARIFF REQUIREMENTS
WAC 480-15-490, 500, 510, 520**

Proposed language with strike-outs

480-15-490 Tariff and rates, general.

(1) A tariff is a publication containing the rates and charges that household goods carriers must assess on shipments of household goods, including rules that govern how rates and charges are assessed.

(2) The commission publishes tariffs all household goods carriers must use and allows household goods carriers to file individual tariffs if the commission finds it is impractical to publish tariffs for certain commodities or services.

(3) All household goods carriers are required to follow the terms, conditions, rates and all other requirements imposed by the commission-published tariff.

(4) The commission will set minimum and maximum rates carriers may charge within the tariff. The commission will adjust the maximum rates and charges June 1 of each year by an index calculated using the first-quarter implicit price deflator (IPD) of the gross domestic product as follows:

$$\text{Index for Current Year} = \frac{\text{IPD for Previous Year First Quarter}}{\text{IPD for Current Year First Quarter}}$$

Example: Using the following data:

IPD for Previous Year First Quarter	102.35
IPD for Current Year First Quarter	103.83

Index for Current Year is calculated as follows:

IPD for Current Year First Quarter	103.83	
Divided by IPD for Previous Year First Quarter	102.35	
Equals Index for Current Year	=	1.0145

Maximum Rate or Charge is calculated as follows:

Maximum Rate for Previous Year	\$ 100.00	
Multiplied by Index for Current Year	x 1.0145	
Equals the Maximum Rate for Current Year	= \$	101.45

Round the maximum rate to the next \$.01, with

\$.005 and greater rounded up and less than \$.005 rounded down. Mileage rates are rounded to the next \$.0001.

(a) The minimum rate or charge is fixed at no less than forty percent below the maximum rate or charge established in (b)(i) of this subsection.

(5) Every household goods permit holder must purchase at least one copy of the current tariff, and pay applicable tariff maintenance fees. Any interested person may purchase a copy by paying the applicable fees in advance.

480-15-500 Tariff maintenance and fees.

(1) The commission charges tariff maintenance fees on an annual basis.

(2) The commission will bill any applicable tariff maintenance fees by December 1 of each year. Companies and other tariff subscribers must pay the bill by December 31.

(a) If a tariff subscriber does not have a permit and fails to pay the maintenance fee by December 31, the commission will cancel the tariff subscription. To reinstate a subscription, the tariff subscriber must purchase a new original copy of the tariff and pay all applicable maintenance fees.

(b) If a tariff subscriber has a permit and fails to pay tariff fees by December 31, the commission may take administrative action against the household goods carrier to suspend or cancel the permit, or to assess penalties.

480-15-510 Changing commission-published tariffs.

(1) Companies holding temporary or permanent household goods authority may propose changes to the tariff. In addition, the commission may, on its own motion, propose tariff changes.

(2) Companies must send all proposed changes to the commission's mailing address. Proposed changes must meet all of the following:

(a) Be in writing.

(b) Identify the tariff item to be changed.

(c) Fully describe the proposed change,

(d) State clearly the reason(s) for the proposed change.

(e) Include any information or documents that justify the proposed change (the person proposing the change must prove the change is just and reasonable).

(f) Identify the name, address, title, telephone number, permit number and fax number (if any) of the person we should contact regarding the proposal.

(3) When the commission receives a proposed tariff change, it will:

(a) Assign a docket number.

(b) Schedule each docketed proposal for tariff change for consideration at a regularly scheduled open public meeting.

(c) Notify other interested persons of the date when it will consider the tariff change. (d) Process each application for tariff change under the procedures set forth in chapter 480-07 WAC.

(4) Approved changes are not effective until the commission publishes and distributes a revised tariff page with a stated effective date.

480-15-520 Individual carrier tariffs.

(1) To file an individual tariff or to amend an approved individual tariff already on file with the commission, a carrier must submit all of the following:

(a) A cover letter requesting permission to publish and file an individual tariff. The letter must describe the reasons the carrier believes permission should be granted. The letter should state the reasons it is impractical for us to publish a tariff for the commodities or services contained in the proposed tariff.

(b) Two copies of the proposed tariff. The proposed tariff must comply with the tariff drafting standards in WAC 480-149. The proposed tariff must contain all rates, charges, and rules the company will use if granted approval to publish and file an individual tariff.

(c) Data showing that the rates and charges contained in the proposed tariff are fair, just, reasonable and sufficient. (2) When an individual carrier filed tariff is approved, the commission will issue an order stating the date on which the rates become effective. The commission will return one copy of the tariff marked "approved" to the company.

**PROPOSED LANGUAGE
INSURANCE
WAC 480-15-530, 540, 550**

Proposed language with strike-outs

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.

(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, Form E.

(c) The commission will suspend for 30 days and then 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 Property Damage and Public Liability Certificate of Insurance (Form E) as a condition of maintaining a household goods permit.

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

(b) The Form E 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.

(c) Carriers may file a Uniform Motor Carrier Property Damage and Public Liability Surety Bond (Form G) instead of the Form E.

(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 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 (2), below, 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 when they apply for a permit. In addition, carriers must have proof of cargo insurance at your main office available for inspection by commission representatives.

(4) The commission may cancel the permit of any carrier operating without required cargo insurance coverage.

**PROPOSED LANGUAGE
SAFETY REQUIREMENTS
WAC 480-15-560, 570, 580**

Proposed language with strike-outs

480-15-560 Equipment safety requirements.

- (1) All carriers must comply with all of the following requirements:
 - (a) Maintain all vehicles in a safe and sanitary condition.
 - (b) Maintain vehicles free of defects likely to result in an accident or breakdown.
 - (c) Maintain vehicles consistent with The North American Uniform Out Of Service Criteria as adopted in WAC 480-15-999.
 - (d) Make vehicles available for inspection by commission representatives.

- (2) 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.
 - (iv) Permanent. *Exception:* Carriers may use temporary markings on vehicles operating under a lease.
 - (b) Carriers with both intrastate and interstate authority must display either the commission permit number, federal permit number or both on the power unit.
- (3) Carriers must comply with all of the following requirements:
 - (a) All state and local motor vehicle safety laws and rules including, but not limited to, those contained in this chapter.
 - (b) 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:
 - (i) 49 CFR Part 390: Safety Regulations, General; except:
 - (A) Exempt motor carrier: Any person operating a motor vehicle exempt from certain provisions of RCW Title 81 as defined in RCW 81.80.040.
 - (B) Motor carrier: Any common carrier, exempt carrier and private carrier as defined in WAC 480-15-020.
 - (C) Motor vehicle: Any vehicle, machine, tractor, trailer or semi-trailer propelled or drawn by mechanical power, or any combination of such vehicles, used on the public roads to transport household goods.
 - (D) Private carrier: Persons who transport their own household goods, transport household goods bought or sold by them or transport household goods purely as an incidental adjunct to an established business.
 - (E) Commercial motor vehicle: 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.
 - (F) Director: the commission.
 - (i) 49 CFR Part 392: Driving of Motor Vehicles.

- (ii) 49 CFR Part 393: Parts and Accessories Necessary for Safe Operation.
- (iii) 49 CFR Part 396: Inspection, Repair, and Maintenance. (4) All motor vehicles must be equipped with mud flaps which effectively reduce the spray or splash of water from the road. 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.

480-15-570 Driver safety requirements.

(1) No household goods carrier shall employ or allow any driver to operate a motor vehicle who fails to meet minimum criteria related to all of the following requirements:

- (a) All state and local laws and rules governing driver safety, including, but not limited to, the rules in this chapter.
- (b) The North American Uniform Out Of Service Criteria as adopted in WAC 480-15-999.

(c) 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:

(i) 49 CFR Part 390: Safety Regulations, General; except the following definitions will apply:

(A) Exempt motor carrier: Any person operating a motor vehicle exempt from certain provisions of RCW Title 81 as defined in RCW 81.80.040.

(B) Motor carrier: Any common carrier, exempt carrier and private carrier as defined in WAC 480-15-020.

(C) Motor vehicle: Any vehicle, machine, tractor, trailer or semi-trailer propelled or drawn by mechanical power, or any combination of such vehicles, used on the public roads to transport household goods.

(D) Private carrier: Persons who transport their own household goods, transport household goods bought or sold by them or transport household goods purely as an incidental adjunct to an established business.

(E) Commercial motor vehicle: 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.

(F) Director: the commission.

(ii) 49 CFR Part 382: Controlled Substance and Alcohol Use and Testing.

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

(iv) 49 CFR Part 391: Qualification of Drivers.

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

(2) Operations that are exclusively intrastate commerce are not subject to the following provisions:

(a) 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.

(b) 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.

**PROPOSED LANGUAGE
LEASES
WAC 480-15-590 and 600**

Proposed language with strike-outs

480-15-590 Leasing Vehicles

(1) A carrier must file an equipment lease agreement and receive commission approval before operating a leased motor vehicle. The carrier 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.

480-15-600 Lease Responsibilities

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 WAC 480-15-560(3).
- (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.

**PROPOSED LANGUAGE
ADVERTISING
WAC 480-15-610**

Proposed language with strike-outs

480-15-610 Advertising

(1) Carriers must include the commission-issued permit number, name or trade name as recorded at the commission, business address and business telephone number in any advertising for household goods moving services. Advertising includes, but is not limited to:

- Advertisements in telephone books, newspapers, correspondence, cards, or any other written document.
- Signs, posters or similar displays.
- Web sites or other on-line advertising.

(2) Advertisements may not be misleading, false or deceptive.

(3) Carriers may advertise services provided as an agent of, or connecting carrier to, another household goods carrier if it includes the name and permit number of the other household goods carrier in its advertising.

(3) Carriers may not advertise services or rates and charges that conflict with those in the tariff.

**PROPOSED LANGUAGE
ESTIMATES
WAC 480-15-630 through 700**

Proposed Language with strike-outs

480-15-630, Estimates.

Every carrier is required to provide an estimate to every customer prior to moving a shipment of household goods and must issue a supplement 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 it will cost a carrier 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.

(4) All estimates must be in writing. No carrier may provide a verbal estimate.

(a) A carrier may provide the hourly rate it charges or the rate per unit of weight it charges, but may not provide a verbal estimate of the amount of time it will take or the estimated weight of a shipment.

(b) A carrier may provide an estimate based on a customer-completed website calculation or customer completed hard-copy calculation sheet provided it discloses at the website or on the hard-copy calculation sheet that:

(i) The estimate is not binding.

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

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

(iv) The customer will be required to pay up to 110% of the estimate upon delivery and must pay the balance within 30 days of delivery.

(v) The customer is not required to pay more than 125% of the estimate regardless of the total cost unless the carrier issues and the customer accepts a supplemental estimate.

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

(6) All estimates must be signed by both the carrier and the customer prior to the move.

480-15-660, Supplemental estimates.

- (1) Carriers must provide a written supplemental estimate if the circumstances surrounding the move change in any way to cause the rates or charges to increase.
- (2) When providing a supplemental estimate, a carrier may not apply a higher rate to the articles and services identified in the original estimate. A carrier may choose to use a higher rate for new services or additional articles not included in the original estimate.
- (3) The carrier must complete the supplemental estimate as required by tariff.
- (4) The carrier and the customer must sign the supplemental estimate or the additional work cannot be performed.

**PROPOSED LANGUAGE
BILL OF LADING
WAC 480-15-710 through 740**

**Proposed Language with strike-outs
WAC 480-15-710 through 740**

480-15-710 Bill of lading.

(1) A bill of lading is a shipping document issued by the household goods carrier, signed by both the customer and the household goods carrier that establishes a legal contract terms and conditions for a shipment of household goods.

(2) The carrier must issue a bill of lading for each shipment of household goods it transports.

(3) The carrier must include the information in a bill of lading as described in the commission's tariff.

(4) The carrier must keep the bill of lading and all associated documents for three years from the date the move was completed.

**PROPOSED LANGUAGE
WEIGHT
WAC 480-15-750, 760, 770**

Proposed language with strike-outs

WAC 480-15-750 Weight

Carriers must follow the requirements of the tariff as it applies to weight of the shipment.

**PROPOSED LANGUAGE
PICK-UP AND DELIVERY
WAC 480-15-780 and 480-15-790**

Proposed language with strike-outs

~~WAC 480-15-780, When may I refuse to provide service to a shipper?~~

~~—You may refuse to provide service to a shipper if:~~

~~—(1) The move will cause you to travel outside of the service territory listed on your permit;~~

~~—(2) Service to a shipper will adversely affect service to other shippers, subject to review by the commission;~~

~~—(3) The shipper fails to provide accurate and verifiable information necessary to establish the shipper's identity;~~

~~—(4) The shipper uses an alias or false name with intent to deceive;~~

~~—(5) The service is hazardous, or where, because of the condition of the streets, alleys or roads, it is impracticable or dangerous to persons or property to operate a motor vehicle;~~

~~—(6) When driving onto private property, in your judgment, driveways or roads are improperly constructed or maintained, or without adequate space to turn around, or have other unsafe conditions;~~

~~—(7) Satisfactory service cannot be given, or providing service would adversely affect the health or safety of your employees;~~

~~—(8) You do not have suitable equipment necessary to perform the service.~~

~~WAC 480-15-790, When must I not refuse service?~~

~~—You must not refuse service due to discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation, age, or the presence of any sensory, mental or physical handicap.~~

**PROPOSED LANGUAGE
CUSTOMER COMPLAINTS AND CLAIMS
WAC 480-15-800 through 880**

**Proposed Language with strike-outs
WAC 480-15-800 through 880**

480-15-800 Customer complaints and claims

If a customer is not satisfied with the carrier's service:

- (1) The carrier must provide the customer with all information and forms necessary to file a complaint or claim.
- (2) The customer must file a claim for loss or damage within nine months from the actual delivery date. In the case of failure to make delivery, the claim must be filed within nine months after a reasonable time for delivery has elapsed.
- (3) Complaints must contain sufficient information to identify the property involved. A copy of the original bill of lading must accompany the claim.
- (4) The customer must pay all proper charges for the move prior to filing a claim for loss or damage.

480-15-810 Resolving customer complaints or claims

When the carrier receives a complaint or claim, it must:

1. Notify the customer, in writing, within ten working days that it has received the claim or complaint.
2. Investigate the complaint or claim.
3. Advise the customer of the resolution of the complaint or claim in writing.
4. If it is a loss or damage claim, pay the claim, refuse the claim, or make a compromise offer within one hundred twenty days.
 - a. If the carrier cannot resolve a loss or damage claim within one hundred twenty days, it must, for each sixty-day period until the claim is settled, inform the customer, in writing, of the reason it failed to resolve the claim or clearly state its final offer or denial and close the claim.
 - b. Maintain a copy of the written correspondence required in (4)(a) in the complaint or claim file.
5. The carrier may satisfy any claim by reimbursing the customer or repairing or replacing the property lost or damaged with materials of like kind, quality, and condition.
6. Advise the customer, once the complaint or claim is closed and if the customer remains dissatisfied, of the availability of the commission for further review by providing the commission's toll-free number and mailing address: 1-800-562-6150; P.O. Box 47250, Olympia, Washington 98504-7250.
7. A suit against the carrier for loss, damage, overcharge, injury or delay must be instituted within two years and one day from the date the carrier notifies the customer that the carrier has disallowed the customer's claim.

480-15-830 Complaint and claim records retention

Carriers must keep all records and papers relating to complaints or claims for three years after the date the complaint or claim is resolved. Carriers must include, at a minimum, the following information in a claim or complaint file:

- (1) The date the claim or complaint was received.
- (2) The name, address and telephone number of the customer.
- (3) Detailed information about the dispute.
- (4) Details of any action the carrier has taken in response to the claim or complaint.
- (5) The date the claim or complaint was resolved and a description of the final resolution.

**PROPOSED LANGUAGE
COMMISSION-REFERRED COMPLAINTS
WAC 480-15-890**

Proposed language with strike-outs

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 business days.

(3) Keep commission staff currently informed of any progress made in resolving a complaint for loss or damages not resolved within the first 120 day period by informing staff in writing, for each sixty-day period, of the reason for failure to resolve the claim.

**PROPOSED LANGUAGE
INTERSTATE OPERATIONS
WAC 480-15-900 through 940**

Proposed language with strike-outs

480-15-900 Requirements for interstate operations

(1) **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:

(a) Obtained the appropriate operating authority from the U.S. Department of Transportation (USDOT) or its successor agency, if operating as a registered carrier.

(b) Obtained valid insurance as required by USDOT.

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