

AMENDATORY SECTION (Amending Docket TV-070466, General Order R-547, filed 12/27/07, effective 1/27/08)

**WAC 480-15-020 Definitions.** For the purpose of this chapter, the words, terms, and phrases in this section have the following meaning:

**Accessorial services:** Any service provided by a household goods carrier that supplements, or is incidental 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.

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

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

**Authority:** The rights granted to a carrier to transport household goods.

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

**Carrier or household goods carrier:** A ~~((company performing household goods moves))~~ person who transports for compensation, by motor vehicle within this state, or who advertises, solicits, offers, or enters into an agreement to transport household goods.

**Commission:** The Washington utilities and transportation commission.

**Customer:** Anyone who hires a household goods carrier.

**Engaging in business as a household goods carrier:** Transporting household goods for compensation, by motor vehicle within this state, or advertising, soliciting, offering, or entering into an agreement to transport household goods.

**Estimate:**

(a) Nonbinding estimate: The written estimate the carrier gives to the customer in advance of the move. A nonbinding estimate is not binding on the mover. The final charges will be based upon the actual cost of the move and the services provided, although a carrier may not charge more than twenty-five percent over the nonbinding estimate.

(b) Binding estimate: The written estimate the carrier gives to the customer in advance of the move, signed by the carrier and the customer, 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.

(c) Supplemental estimate: An amendment to the original nonbinding estimate, necessary when the circumstances of a move change in a way from the original written estimate that increases

the cost of the move.

**Filing:** Any application, petition, tariff proposal, annual report, comment, complaint, pleading or other document submitted to the commission.

**Household goods:** The personal effects and property used, or to be used, in a residence when transported or arranged to be transported between residences or between a residence and a storage facility with the intent to later transport to a residence or when referenced in connection with advertising, soliciting, offering, or entering into an agreement for such transportation. Transportation of the goods must be arranged and paid for by the customer or by another individual, company or organization on behalf of the customer.

**Local move:** A move taking place within the limits of a city or town or moves where the shipment is transported fifty-five miles or less.

**Long distance move:** A move where the shipment is transported fifty-six miles or more.

**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.

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

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

**Shipment:** A load of household goods moved by a carrier from a single residence or as a single transaction.

**State:** The state of Washington.

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

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

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**WAC 480-15-145 Enforcement.** The commission has a number of options available to enforce its statutes, rules, orders and tariff requirements, as follows:

(1) RCW 81.04.110 allows the commission to file a complaint and hold a hearing.

(2) RCW 81.04.260 allows the commission to file in court for an immediate injunction for violations of law, commission rule, order, direction or requirement of the commission.

(3) RCW 81.04.380 allows penalties against public service companies of up to one thousand dollars for each violation for each

day the violation occurs or continues to occur.

(4) RCW 81.04.387 allows penalties against corporations, other than public service companies, of up to one thousand dollars for each offense.

(5) RCW 81.04.390 provides that violations may be treated as misdemeanors.

(6) RCW 81.04.405 allows penalties of one hundred dollars for each violation for each day the violation occurs or continues to occur. These penalties are issued through a penalty assessment with a fifteen-day response period.

(7) RCW 81.04.510 (~~and 81.80.070~~) allows the commission to issue cease and desist orders against a carrier operating without a permit.

(8) Section 4(5), chapter 94, Laws of 2009 (HB 1536), allows a penalty of up to ten thousand dollars per violation for any person who engages in business as a household goods carrier in violation of a cease and desist order.

(9) RCW 81.80.280 allows the commission to cancel, suspend, alter, or amend a permit for violations of federal or state law, or commission rule.

(~~(9) RCW 81.80.070 also~~) (10) Section 4(4), chapter 94, Laws of 2009 (HB 1536), allows a penalty of (~~one thousand five hundred~~) up to five thousand dollars to any carrier operating without a permit. If the basis for the violation is advertising, each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation.

(~~(10)~~) (11) RCW 81.80.355 provides that advertising without a permit may be treated as a misdemeanor.

(~~(11)~~) (12) RCW 81.80.357 allows a penalty of five hundred dollars for each violation when a carrier does not include its permit number, physical address, and telephone number in its advertisements.

(~~(12)~~) (13) WAC 480-120-172 allows a telecommunications company to disconnect a customer's service if that service is used for illegal purposes, such as operating without a permit issued by the commission.

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**WAC 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 (~~unless the carrier is operating in the territory described in subsection (1) or (2) of this section:~~

~~(1) Under RCW 81.80.040(1), 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.~~

~~(2) Under RCW 81.80.040(2), 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 June 2007, these cities included:~~

~~(a) Cities of Mountlake Terrace and Mercer Island, exempted by commission General Orders 178, effective March 3, 1965, and R-66, effective May 8, 1974.~~

~~(b) City of Ellensburg, exempted by commission General Order 199, effective April 17, 1968), or before advertising, soliciting, offering, or entering into an agreement to transport household goods.~~

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**WAC 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 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.

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

(e) Submitting false, misleading or inaccurate information.

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

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

(h) Committing fraud.

(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 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 480-15-240 for new entrants.

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**WAC 480-15-610 Advertising.** (1) Carriers must include the commission-issued permit number, name or trade name as recorded at the commission, (~~(business)~~) physical address and (~~(business)~~) telephone number in any advertising for household goods moving services. Advertising includes, but is not limited to:

(a) Advertisements in telephone books, newspapers, correspondence, cards, or any other written document.

(b) Signs, posters or similar displays.

(c) Web sites or other on-line advertising.

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

(3) Radio or television advertising need not contain the carrier's permit number if the carrier provides its permit number, physical address, and telephone number to the person selling the advertisement and it is recorded in the advertising contract.

(4) Carriers may advertise services provided as an agent of, or connecting carrier to, another household goods carrier if they include the name and permit number of the other household goods carrier in their advertising.

(~~(+4)~~) (5) No person may falsify a permit number or use a false or inaccurate permit number in connection with any advertisement, solicitation or any form of identification as an authorized household goods carrier.

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