

**Household Goods
Rule Drafting Session
Docket No. TV-971477**

Agenda

05/15/98

**County Road Administration Board
2404 Chandler Court, SW, Suite 240
Olympia, WA
Conference Room 242
9:30 - 4:00**

- I. Introduction:** Discuss/Revise Draft Ground Rules
Discuss/Revise Agenda
Review Draft Format
- II. Additional Issues:** Please review the topics below that staff has identified for the rule drafting discussion. If you would like to discuss any other issues, please notify staff in advance or bring a list of the rules by number and any suggested rule language changes to the drafting session. These will be copied and distributed at the meeting.
- III. Rule Language Drafting for the Following Issues:**
- A. Important Notice to Shippers**
 - B. Household Goods Definition**
Please bring draft language for the household goods definition that reflects your point of view.
 - C. Consumer Protection Rules**
 - 1. Underestimating Rules: page 36 - line 1308, 1310, and 1312
(Are the percentages appropriate?)
(How can we write rules that would allow carriers to work together to provide back end estimates?)
 - 2. Arbitration: Not in draft form
(Should guidelines be included in the rules regarding arbitration services?)
- IV. Revisit Issues**
Time is scheduled to revisit any issue presented earlier in the day for final comments

000605

V. Schedule; Build Agenda for Next Drafting Meeting:

- A. Small Business Economic Impact Statement (SBEIS)
Jim Lazar will be speaking on this issue on June 5, 1998

WUTC Staff Team:

Pat Dutton, Assistant Director
Bonnie Allen, Program Coordinator, Operations & Compliance
Cathie Anderson, Program Coordinator, Operations & Compliance
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Attorney General Staff: Ann Rendahl, Assistant Attorney General

WUTC HOUSEHOLD GOODS DRAFTING SESSION
Draft Ground Rules

Treat everyone with honesty, dignity and respect

Speak When Called Upon - Don't Interrupt

Offer draft language for your position; don't rebut others' suggestions

No retaliation

Limit the use of negatives

Think "outside the box"- take the initiative

Remember both the big picture and the need for detail

Seek shared understanding

Actively listen

Value everyone's input

Lead by example

Make position papers available, so all parties can share information in drafting

Take ownership in what we're doing

Don't take things personally

Participate Fully - Attend Meetings - Come Prepared

Attempt Resolution

Deal with the issue - Not the person

Address the Offense

Take a Risk

Household Goods
Rulemaking
Docket No. TV-971477

May 15, 1998

Prepared for
Public Stakeholder Drafting Session

by
Washington Utilities and Transportation Commission Staff

Draft 3-A

39	WAC 480-15-xxx	How do I apply for a permit?	10
40	WAC 480-15-xxx	What is the application fee?	10
41	Part 2.2 Emergency Temporary and Temporary Authority		11
42	WAC 480-15-xxx	When will the commission grant emergency temporary? authority?	11
43		.....
44	WAC 480-15-xxx	When will the commission grant temporary authority?	11
45	WAC 480-15-xxx	How will I know what the commission has decided?	12
46	WAC 480-15-xxx	What conditions may be attached to my temporary authority? ..	12
47	WAC 480-15-xxx	Can I comment on a decision to grant or deny temporary authority?	13
48		.....
49	WAC 480-15-xxx	Can the commission cancel a temporary permit?	13
50	Part 2.3 Permanent Authority		14
51	WAC 480-15-xxx	When will the commission grant permanent authority?	14
52	WAC 480-15-xxx	Can I comment on an application for permanent authority?	15
53	WAC 480-15-xxx	Will I be required to attend a hearing?	16
54	WAC 480-15-xxx	What are the application filing requirements for a new entrant? ..	16
55	WAC 480-15-xxx	What if I want to change my name or add authority to my	
56		household goods permit?	17
57	WAC 480-15-xxx	Table of exceptions to the permanent authority application filing	
58		requirements.	18
59	Part 2.4 Using Your Permit		19
60	WAC 480-15-xxx	Where must I keep my permit?	19
61	WAC 480-15-xxx	What if my permit is lost or destroyed?	19
62	WAC 480-15-xxx	May others operate under my permit authority?	19
63	WAC 480-15-xxx	When can I request that my permit be placed inactive?	19
64	WAC 480-15-xxx	What if I want to do business under trade name?	20
65	WAC 480-15-xxx	How do I voluntarily cancel my permit?	20
66	Part 2.5 - Advertisements		20
67	WAC 480-15-xxx	What are the requirements for household goods carrier advertising?	20
68		.....
69	WAC 480-15-xxx	What is the penalty for illegal advertising?	21
70	Part 3 - Administrative, Tariff and Rates Requirements to Transport Household		
71	Goods, for Hire within the State of Washington		22
72	Part 3.1 - Rule Books		22
73	WAC 480-15-xxx	Rule Books	22
74	Part 3.2 - Annual Reports and Regulatory Fees		22
75	WAC 480-15-xxx	What is an annual report?	22
76	WAC 480-15-xxx	What is a regulatory fee?	23
77	WAC 480-15-xxx	How do I calculate my regulatory fee?	23
78	WAC 480-15-xxx	When are my annual report and regulatory fees due?	23
79	Part 3.3 - Tariff and Rates		23
80	WAC 480-15-xxx	Tariff and Rates	24

81	WAC 480-15-xxx	Must I purchase a tariff if I am granted authority to transport household goods.	25
82			
83	WAC 480-15-xxx	Tariff maintenance	25
84	WAC 480-15-xxx	How do I get copies of current or expired tariff pages?	26
85	WAC 480-15-xxx	Amending commission-published tariffs	26
86	WAC 480-15-xxx	Who must charge rates contained in the tariff?	27
87	WAC 480-15-xxx	Carrier-published tariffs	27
88		Part 3.4 - Public Liability and Property Damage Insurance	28
89	WAC 480-15-xxx	What insurance must I carry on my vehicles?	28
90	WAC 480-15-xxx	What levels of insurance must I to carry on my vehicles?	28
91	WAC 480-15-xxx	Am I required to file proof of my insurance policy with the commission?	28
92			
93	WAC 480-15-xxx	How do I file with the commission proof of insurance?	28
94	WAC 480-15-xxx	Do I have any options if I can't get my Form E filed with the commission immediately?	28
95			
96	WAC 480-15-xxx	What happens if my insurance policy is canceled?	29

97 **Part 4 - Equipment and Safety Requirements to Transport Household Goods, for Hire, within the State of Washington** 30

98 **Part 4.1 - Equipment** 30

99			
100	WAC 480-15-xxx	How must I identify my vehicles?	30
101	WAC 480-15-xxx	What vehicle safety laws and regulations must I follow?	30
102	WAC 480-15-xxx	Are there any vehicle safety rules I do not need to follow if I am operating solely within the state of Washington?	31
103			
104	WAC 480-15-xxx	What happens if I violate a vehicle safety law or regulation? ...	31
105	WAC 480-15-xxx	Are there any additional equipment requirements in Washington state that are not required in Title 49 CFR part 393?	31
106			
107	WAC 480-15-xxx	What are the criteria for mud flaps?	31
108	WAC 480-15-xxx	How must I maintain my vehicles?	31
109	WAC 480-15-xxx	When must I make my vehicles available for inspection?	31
110	WAC 480-15-xxx	What criteria is used to determine out-of-service conditions? ...	31
111	WAC 480-15-xxx	May a vehicle be driven after it is placed out-of-service?	32
112	WAC 480-15-xxx	May I operate my vehicles if my permit is suspended?	32
113	WAC 480-15-xxx	May I lease my vehicles while my permit is suspended?	32

114 **Part 4.2 - Drivers** 32

115	WAC 480-15-xxx	If I operate solely within the state of Washington, what is the minimum required age for my drivers?	32
116			
117	WAC 480-15-xxx	If I operate solely within the state of Washington, what driver's license is acceptable for mydrivers?	32
118			
119	WAC 480-15-xxx	What driver qualifications laws and regulations must I follow?	32
120			
121	WAC 480-15-xxx	Are there any driver qualification rules I do not need to follow if I	

122		am operating solely within the state of Washington?	
123		.....	33
124	WAC 480-15-xxx	Are there any driver qualification rules I do not need to follow if I	
125		am a single vehicle owner operator and I operate solely within the	
126		state of Washington?	33
127	WAC 480-15-xxx	What criteria is used to place a driver out-of-service?	34
128	WAC 480-15-xxx	What regulations do I need to follow pertaining to hours of service?	
129		.....	34
130	WAC 480-15-xxx	Is there an exemption from the requirement of Title 49 CFR 395.8	
131		(Driver's Record of Duty Status) if a driver is operating within a	
132		100 air mile radius?	34
133	WAC 480-15-xxx	Is there an exemption from the hours of service regulations for	
134		household goods carriers operating only in intrastate commerce in a	
135		vehicle with a gross weight rating of less than 10,000 pounds? ..	34
136	Part 4.3 - Accidents	.....	34
137	WAC 480-15-xxx	When must I report a vehicle accident to the Commission?	34
138	WAC 480-15-xxx	Where must I report accidents?	35
139	WAC 480-15-xxx	What accident information am I required to keep?	35
140	Part 4.4 - Equipment Leasing	.....	35
141	WAC 480-15-xxx	May I lease vehicles?	35
142	WAC 480-15-xxx	Is there a lease form I must complete?	35
143	WAC 480-15-xxx	How do I submit a lease for commission approval?	35
144	WAC 480-15-xxx	Where do I get a copy of the lease form?	35
145	WAC 480-15-xxx	What are my responsibilities when entering into a lease?	35
146	WAC 480-15-xxx	May I submit a master lease in lieu of separate leases?	36
147	WAC 480-15-xxx	How must I identify leased equipment?	36
148	Part 5 - Carrier's Responsibilities to Shippers	.....	37
149	Part 5.1 - General Responsibilities	.....	37
150	WAC 480-15-xxx	What information must I provide to each shipper?	37
151	WAC 480-15-xxx	May I accept a personal check or credit card for payment of my	
152		moving services?	37
153	Part 5.2 - Estimates and Firm Bids	.....	37
154	WAC 480-15-xxx	What is the difference between an estimate and a firm bid?	37
155	WAC 480-15-xxx	May I give verbal estimates to prospective shippers?	37
156	WAC 480-15-xxx	What if the shipper requests a verbal estimate?	37
157	WAC 480-15-xxx	Must I give written estimates?	38
158	WAC 480-15-xxx	When may I give a written estimate for charges?	38
159	WAC 480-15-xxx	What must I include on a written estimate?	38
160	WAC 480-15-xxx	Am I required to have the shipper sign the firm bid?	39
161	WAC 480-15-xxx	How long must I keep written estimates?	39
162	WAC 480-15-xxx	What are my responsibilities to notify the shipper of the actual	
163		weight and charges of the shipment?	39

164	WAC 480-15-xxx	Must I reweigh the shipment at the point of delivery if the shipper requests it?	40
165			
166	WAC 480-15-xxx	When must I prepare a written supplemental estimate?	40
167	WAC 480-15-xxx	Must the shipper sign the supplemental estimate?	40
168	WAC 480-15-xxx	What must I do if the actual charges exceed the estimated charges?	40
169			
170	WAC 480-15-xxx	How long must I allow the shipper to pay the remaining balance?	41
171	WAC 480-15-xxx	Are there any exceptions?	41
172	WAC 480-15-xxx	When may I issue a firm bid?	41
173	Part 5.3 - Underestimates		41
174	WAC 480-15-xxx	Am I required to provide an accurate estimate?	41
175	WAC 480-15-xxx	What are the Commission guidelines in deciding to assess monetary penalties?	41
176			
177	Part 5.4 - Bills of Lading		42
178	WAC 480-15-xxx	What is a bill of lading?	42
179	WAC 480-15-xxx	Who must issue bills of lading?	42
180	WAC 480-15-xxx	Is there a specific format for bills of lading?	42
181	WAC 480-15-xxx	Is there specific information you must include on a bill of lading?	42
182	Part 5.5 - Refusal of Service		43
183	WAC 480-15-xxx	When may I refuse to provide service to a shipper?	43
184	WAC 480-15-xxx	When must I not refuse service?	43
185	Part 5.6 - Complaint and Claim Procedures		44
186	WAC 480-15-xxx	What if a shipper is not satisfied with my service?	44
187	WAC 480-15-xxx	What must I do when I receive a complaint and/or a loss or damage claim?	44
188			
189	WAC 480-15-xxx	What must I do if I cannot settle a loss or damaged property claim within 120 days?	44
190			
191	WAC 480-15-xxx	How long must I keep complaint and loss or damage claim records?	44
192			
193	WAC 480-15-xxx	Are complaint or claim records subject to Commission review and in what order must I keep the records?	44
194			
195	WAC 480-15-xxx	What additional requirements exists if a loss or damage claim involves more than one carrier?	45
196			
197	WAC 480-15-xxx	What information must be included in the complaint record?	45
198	WAC 480-15-xxx	What must I do if, after review, the shipper is still dissatisfied with the resolution of the complaint or claim?	45
199			
200	WAC 480-15-xxx	Must I respond to all written correspondence, complaints and claims?	45
201			
202	WAC 480-15-xxx	What must I do if the Commission refers a complaint to me?	45
203	Part 6 - Customer's Rights and Responsibilities		46
204	WAC 480-15-xxx	Definition of "you"	46
205	Part 6.1 - Documents and Information		46

206	WAC 480-15-xxx	What information is the household goods carrier I select required to give to me in advance of my move?	46
207			
208	WAC 480-15-xxx	May I pay for my move by personal check or credit card?	46
209	Part 6.2 - Estimates	. . . . .	46
210	WAC 480-15-xxx	May I ask a household goods carrier to provide me with a "Cost Not to Exceed" bid for moving services?	46
211			
212	Part 6.3 - Shipper Complaints	. . . . .	46
213	WAC 480-15-xxx	If I am unable to resolve the dispute with the household goods carrier, may I file a complaint with the Commission?	47
214			
215	WAC 480-15-xxx	What is an informal complaint?	47
216	WAC 480-15-xxx	How do I file an informal complaint with the Commission?	47
217	WAC 480-15-xxx	What information must I include with my informal complaint?	47
218	WAC 480-15-xxx	What if I am dissatisfied with the outcome of my informal complaint?	47
219			
220	WAC 480-15-xxx	What is a formal complaint as it relates to the Commission?	47
221	Part 7 - Interstate Operations	. . . . .	48
222	WAC 480-15-xxx	General Requirements for Interstate Operations	48
223	WAC 480-15-xxx	How Do I Register as a Registered Carrier	48
224	WAC 480-15-xxx	How Do I Register as a Registered Exempt Carrier	49
225	WAC 480-15-xxx	Registration Fee and Receipts	50
226	WAC 480-15-xxx	Insurance Requirements	50

230 **Part 1 - General**
231 **Part 1.1 - General Information**

232 *New Section*

233 **WAC 480-15-xxx Purpose and Application**

234 (1) The legislature has declared that operating as a motor carrier of freight, including
235 household goods, for compensation along the highways of this state is a business affected with
236 a public interest and should be regulated. The purpose of these rules is to carry out the policy
237 set forth in RCW 81.80.020, as it applies to household goods carriers, by establishing
238 standards for:

- 239 public safety;
- 240 fair competitive practices;
- 241 just and reasonable charges;
- 242 nondiscriminatory application of rates;
- 243 adequate and dependable service; and
- 244 consumer protection.

245 (2) This chapter applies to all carriers of household goods as defined by the laws of the state of
246 Washington.

247 *Previously interspersed throughout chapter*

248 **WAC 480-15-xxx. Definitions.**

249 For the purpose of this chapter, the following words, terms, and phrases have the following
250 meaning:

251 (1) "Application Docket" means a publication of the commission listing applications requesting
252 operating authority from the commission.

253 (2) "Authority" means a permit granting a common carrier the right to transport household
254 goods.

255 (3) "Cancellation" means

256 (4) "Commission" means the Washington utilities and transportation commission.

257 (5) "Common carrier" means any person who undertakes to transport property, including
258 household goods, for the general public by motor vehicle for compensation, including
259 transportation under special and individual contracts or agreements.

260 (6) "Containerized household goods" means....

261 (5) "Customer" means a person or entity that hires a common carrier to transport household
262 goods for compensation where the household good are owned by the person or entity.

263 (XX) "Denial" means....

264 (XX) "Dismissal" means....

- 265 (6) "Exempt carrier" means any person operating a vehicle exempted from certain provisions of
266 Title 81 RCW under RCW 81.80.040.
- 267 (XX) "Filing" means ...
- 268 (7) "Household goods carrier," means ...
- 269 (8) "Household goods," when the term is used in connection with transportation, means personal
270 effects and property used or to be used in a residence when it is a part of the equipment or supply
271 of such residence, and is transported between residences or between a residence and temporary
272 storage facility, with the intent to later transport to a residence, excluding the transportation of
273 containerized household goods.
- 274 (9) "I," means ...
- 275 (10) "Motor carrier" means "common carrier," "exempt carrier," and "private carrier."
- 276 (11) "Motor vehicle," means ...
- 277 (12) "Permit" means a grant of authority issued by the commission to a common carrier of
278 household goods under the provisions of chapter 81.80 RCW, as amended. A permit may be
279 temporary or permanent in duration, and may allow a motor carrier to transport household goods
280 throughout the state of Washington or limit the carrier to transportation of household goods in
281 specific designated areas of the state.
- 282 (13) "Private carrier" means a person who, in their own vehicle, transports only household goods
283 owned or being bought or sold by the person in good faith and only when such transportation is
284 purely and incidental adjunct to some established business owned or operated by it in good faith.
- 285 (14) "Registered carriers" means motor carriers operating in interstate or foreign commerce
286 under authority issued by the Interstate Commerce Commission, the U.S. Department of
287 Transportation, or a successor agency.
- 288 (15) "Registered exempt carriers" means motor carriers operating in interstate or foreign
289 commerce under the exemptions of the Federal Motor Carrier Act without interstate authority
290 issued by the Interstate Commerce Commission, the U.S. Department of Transportation, or a
291 successor agency.
- 292 (XX) "Revocation" means...
- 293 (16) "Shipper" means a person or entity that hires a common carrier to transport household
294 goods for compensation, where the household goods are owned by the person or entity.

295 (17) "State" means the state of Washington.

296 (17) "Suspension" means

297 (18) "Tariff" means a document published by the commission setting forth services being offered,
298 rates and charges for those services, and rules and practices governing those rates, charges, and
299 services.

300 (19) "Transport" and "Transportation" mean the for hire movement of household goods by
301 motor vehicle over the public highways, including services related to that movement, such as
302 arranging for, receipt, delivery, storage in transit, handling, packing and unpacking of household
303 goods.

304 (20) "Us" means the Washington utilities and transportation commission.

305 (21) "Vehicle" means ...

306 (22) "We" means the Washington utilities and transportation commission.

307 (23) "You" means a motor carrier, shipper, insurance company, or other person or entity, as
308 specified by rule.

309 *New Section*

310 **WAC 480-15-xxx Interpretation of Rules**

311 (1) The adoption of these rules shall in no way preclude the commission from altering or
312 amending the same, in whole or in part, or from requiring any other or additional service,
313 equipment or standard, not otherwise herein provided for either upon complaint or upon its own
314 motion, or upon the application of any party. Further, these rules shall in no way relieve any
315 carrier from any of its duties under the laws of the state of Washington.

316 (2) Cases of erroneous or doubtful interpretation of these rules by household goods carriers, or
317 any other person or corporation, are subject to appeal to the commission by any affected person.

318 (3) Any tariff provision filed by a motor carrier of residential household goods shall conform to
319 these rules. In the event of acceptance of a tariff which is in conflict with these rules, such
320 acceptance will not be deemed a waiver of these rules. Tariffs which are in conflict with these
321 rules are hereby superseded unless the commission authorizes the deviation in writing. [Comment:
322 broaden to "any filing or something like that -- not just tariffs -- and need to define what a filing
323 is.]

324 *New Section*

325 **WAC 480-15-xxx Waiver of Rules**

326 Upon proper showing of any household goods carrier, the commission may waive or modify, for
327 that carrier, the provisions of any rule in this chapter, except when the provisions are fixed by

328 statute.[Comment: needs to be rewritten.]

329 *Previously 480-12-083*

330 **WAC 480-15-xxx Adoption by Reference**

331 The commission has adopted by reference the following publications:

332 49CFR, Part 385 -- Safety Fitness Procedures

333 (1) ..[comment: need to flesh this out.]

334 **WAC 480-15-xxx Where may I get copies of the documents the commission has**
335 **adopted by reference?**

336 You may purchase copies from the following:

337 (1) CFR Title 49

338 (2) CVSA out-of service criteria[Comment: flesh out and clean up.]

339 **Part 1.2 - Contacting the Commission**

340 *Previously part of 480-12-005*

341 **WAC 480-15-xxx How may I contact the commission?**

342 You may contact the commission in writing, in person, by phone, by E-Mail, or by FAX. If you
343 are a permit holder, you should include your permit name and permit number for proper
344 identification.

345 (1) Mailing address:

346 The Secretary

347 Washington Utilities and Transportation Commission (or, WUTC)

348 P.O. Box 47250

349 Olympia, WA 98504-7250

350 (2) E-Mail address: transinfo@wutc.wa.gov

351 (3) Fax number: (360) 586-1150

352 (4) Phone number: (360) 664-1222

353 Your written communications are officially received when date stamped by the commission's
354 records management section.

355 **WAC 480-15-xxx Where is the commission located?**

356 Washington Utilities and Transportation Commission

357 1300 S Evergreen Park Drive SW

358 Olympia, WA 98504-7250

359 *Previously part of 480-12-015*
360 **WAC 480-15-xxx How do I file documents with the commission?**
361 You may file documents through the mail by sending the document to the address in WAC 480-
362 15-???. Your documents are officially received when date stamped by the commission's records
363 management section.

364 *Previously part of 480-12-020*
365 **WAC 480-15-xxx What form of payment does the commission accept?**
366 You may pay by money order, check, or certified check payable to the Washington Utilities and
367 Transportation Commission. You may also pay with cash if you make your payment in person.
368 We accept only U.S. funds.

369 *Previously 480-12-025*
370 **WAC 480-15-xxx If I change my business address, physical or mailing, must I**
371 **notify the Commission?**
372 If you change your physical or mailing business address you must notify the Commission
373 immediately, in writing

374 *Previously 480-12-003*
375 **WAC 480-15-xxx Where may I find rules relating to commission administrative**
376 **proceedings?**
377 You may find rules relating to the administrative practices and procedures for commission
378 proceedings in chapter 480-09 WAC. When a rule in this chapter is different than the instructions
379 in chapter 480-09 WAC, follow the instructions in this chapter. [Comment: clean up this rule.]

380 *This entire section (Part 1.3) is new to the household goods rules and includes statement of*
381 *policy and consolidated rules that were previously interspersed throughout the old chapter or*
382 *were only referenced in law.*

383 **Part 1.3 - Compliance with this Chapter**

384 **WAC 480-15-xxx What is the commission's compliance policy?**
385 The legislature has empowered the commission to administer and enforce the laws relating to
386 inspection of the vehicles, books, and documents of all motor carriers of property, including
387 household goods; and to prosecute violations that are found.

388 The commission's policy is to direct its efforts towards voluntary compliance with the laws and
389 rules, through a program which emphasizes education and technical assistance. The purpose of
390 the rules in this section is to carry out that policy as it applies to household goods carriers.

391 **Dutton:wants to make it clear that we need to clearly state that**
392 **continued violations will result in penalties, enforcement, etc. Don't**

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want to give message that we will continue to render technical assistance forever -- there are reasons for enforcement may take some language from 404-413 to add to purpose to make it more complete.

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Tutton: nothing in rule down through 432-449, page 7, deals with cancellation of permit. If permit is cancelled, then what -- enforcement against what is now an illegal carrier who continues to operate Need that the carriers know what will happen if they continue to operate if they are cancelled..

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Chakos -- line 448 -- three strikes you're out -- is there a number of times a carrier can be cancelled and come back into the picture?

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WAC 480-15-xxx How are these rules enforced?

The commission may authorize staff to inspect the equipment, accounts, books, papers and documents of any household goods carrier at any time. Vehicles and drivers may be placed out of service if they do not meet minimum safety standards.

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The commission's compliance program for the household goods industry includes:

- Education and Technical Assistance;
- Customer complaint investigation and informal dispute resolution;
- Informal and formal company complaint investigations;
- Driver and equipment safety compliance reviews;
- Economic (rates, charges, billing practices) compliance audits;
- Coordinated roadside enforcement and cooperative agreements with other agencies;
- Administrative penalties, and;
- Suspension or cancellation of permit authority.

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WAC 480-15-xxx Can the commission issue penalties?

The commission may assess penalties under provisions contained in Title 81.04 RCW. Penalties are intended as a tool of enforcement and remediation. The commission may assess penalties upon violations in a manner that it believes will best assure future compliance by the responding carrier and other carriers.

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The commission may also suspend or cancel a permit. Suspension and cancellation are intended for circumstances in which the commission believes education and penalties have not been or will not be effective to secure compliance, for serious actions including fraud or misrepresentation, and willful violation of legal requirements.

425 No operations may be conducted under a permit that is canceled or suspended.

426 **WAC 480-15-xxx Why would the commission suspend my permit?**

427 The commission may suspend your permit for cause. Cause includes, but is not limited to,
428 circumstances in which:

429 You fail to maintain evidence of required insurance covering your operations;

430 You fail or refuse to comply with rules or other requirements to protect the public health
431 or safety following commission staff instructions regarding compliance;

432 You commit or allow to exist an infraction of rule or law that poses an immediate public
433 health or safety danger that cannot be corrected by putting one or more vehicles out of
434 service.

435 **Tutton:** Suggest inclusion of statement that a reason for suspension is that the carrier
436 demonstrates continued disregard for tariff rules and commission published rules.

437 **WAC 480-15-xxx What if my permit is suspended for cause?**

438 The commission will provide you notice of its action to suspend your permit. The
439 suspension is effective with the service date of the notice.

440 The commission may suspend your permit without prior hearing when it believes there is
441 an imminent danger to the public health, safety or welfare, and there is insufficient time for
442 a suspension hearing.

443 You may contest suspension of your permit by requesting a brief adjudicative, or
444 adjudicative proceeding.

445 You may reinstate your suspended permit by correcting conditions leading to suspension.

446 **WAC 480-15-xxx Why would the commission cancel my permit?**

447 The commission may cancel your permit for cause. Cause includes, but is not limited to,
448 circumstances in which:

449 You fail to file your annual report or pay required regulatory fees;

450 You fail to demonstrate that conditions leading to a suspension have been corrected within
451 the time specified in the suspension order;

452 You commit or allow to exist violations of pertinent requirements of law or rule affecting
453 the public health or safety when the commission has reason to believe you would not
454 comply following a period of suspension;

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You repeatedly fail or refuse to comply with regulatory requirements or you fail to provide information, or you submit false, misleading, or inaccurate information of the sort that is necessary to the commission for performance of its functions.

459
460
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WAC 480-15-xxx What if my permit is canceled for cause?

The commission will hold a hearing prior to canceling your permit, unless your permit is being canceled because you failed to correct causes of a suspension.

462
463

You may apply to reinstate your permit if, within 30 days of the cancellation, you correct the cause of cancellation and file a reinstatement application.

464

Previously part of 480-12-005

465
466

WAC 480-15-xxx If I report a rule violation, will you keep my name and address confidential?

467
468
469

Yes, at your request, we will keep your name and address confidential when you report a rule violation. (Needs work, form ((from law)) specifies if you fear for your safety, we will keep your name confidential - must sign form. Ann will review.)

470 *These sections replace WAC 480-12-030, WAC 480-12-033, WAC 480-12-045, WAC 480-12-*
471 *050, WAC 480-12-070*

472 **Part 2 - Permits**

473 *Highlighted areas in part 2 show sections that include processes that were not shown in draft 2.*
474 *These are included to facilitate discussion*

475 **Part 2.1 - General Permit Information**

476 **WAC 480-15-xxx What is a household goods permit?**

477 A household goods permit describes the transportation services and territories that you have the
478 authority to serve in Washington state.

479 **WAC 480-15-xxx Who must have a household goods permit?**

480 You must receive a permit from us before you transport household goods:

- 481 (1) by motor vehicle;
- 482 (2) over the public highways;
- 483 (3) between points in Washington State; and
- 484 (4) for compensation.

485 NEW - for discussion

486 **WAC 480-15-xxx What area can I serve with a household goods permit?**

487 A household goods permit allows you provide service between any points in the state of
488 Washington, including between points within any city.

489 You may request authority to serve named counties, rather than the entire state of Washington

490 If you hold a household goods permit issued prior to the effective date of these rules, it will be
491 reissued to authorize service between any points in the state, unless you request otherwise.

492 NEW - for discussion

493 **WAC 480-15-xxx Are there areas I can serve without a permit?**

494 You do not need a permit to transport household goods between points entirely within the limits
495 of a city or town with a population of less than 10,000, unless the city borders a city or town with
496 a population of greater than 10,000.

497 You do not need a permit to transport household goods between points entirely within a city with
498 population of 10,000 or more and less than 30,000, if the commission has issued an order
499 exempting that city from regulation.

500 **MTM: Recommends elimination of "local cartage" and "contiguous"**

501 **Ms. Chakos: recommends "all cities within counties" be added in parantheses to**

502 the line that says "You may request authority to serve named counties, rather
503 than the entire state of Washington." There was no objection to this, consensus
504 arrived at.

505 **WAC 480-15-xxx Are there different kinds of household goods permits?**

506 We issue household goods permits for emergency temporary, temporary, and permanent
507 operating authority. We may grant:

508 (1) Emergency temporary authority for a period of thirty days or less when there is an
509 urgent need for service and time or circumstances do not reasonably allow for filing and
510 processing of an application for temporary authority.

511 (2) Temporary authority for up to 180 days to meet a short term public need or until a
512 decision is made on a pending application for permanent authority. The applicant must be
513 fit, willing, and able and the proposed service must be in the public interest.

514 (3) Permanent authority with no expiration date or renewal requirement when the
515 applicant is fit, willing, and able to provide service; when granting that service is in the
516 public interest; and when the proposed service is needed to meet a current or future need.

517 **WAC 480-15-xxx How do I apply for a permit?**

518 (1) You must complete and file an application for a permit on forms furnished by the commission.
519 You may file your application in person or by mail. (See WAC 480-15-xxx for the address)

520
521 (2) You must include all requested information, required attachments, and fees with your
522 application. (See WAC 480-15-xxx for application fees) We may not accept your application
523 until all required information is supplied and any outstanding fees or penalties are paid.

524 (3) We may reject or dismiss your application if you include false, misleading, or incomplete
525 information.

526 *Previously part of several rules.*

527 **WAC 480-15-xxx What is the application fee?**

528 The application filing fees are identified in the table below. You must submit the appropriate fee
529 with your application.

Type of Application	Fee
Emergency Temporary Authority	\$ 50.00
Temporary Authority	\$250.00
Permanent Authority	\$550.00
Permanent Authority (Under Exceptions named in WAC 480-15-xxx)	\$250.00

535	Permit Reinstatement (if filed within 30 days of cancellation date)	\$250.00
536	Name Change Only	\$ 35.00

537 **Part 2.2 Emergency Temporary and Temporary Authority**

538 **WAC 480-15-xxx When will the commission grant emergency temporary?**
539 **authority?**

540 Emergency temporary authority is granted to meet an urgent need when time or circumstances
541 do not reasonably allow for the filing and processing of a temporary permit application. We
542 may grant emergency temporary authority for up to thirty days.

543 We may grant emergency temporary authority when a qualified applicant:

- 544 (1) Provides a notarized statement of support identifying the need;
- 545 (2) Pays the application fees;
- 546 (3) Furnishes a list of vehicles; and
- 547 (4) Furnishes proof of public liability and property damage insurance.

548 **WAC 480-15-xxx When will the commission grant temporary authority?**

549 We will make a decision to grant or deny an application for temporary authority after we have
550 completed a full review of your application and any supporting statements. We will also
551 consider any reports or other information necessary to determine fitness and public interest.

552 (1) When determining if an applicant is fit willing and able to provide the proposed service we
553 will consider statements and reports relating to:

- 554 (a) The applicant's willingness to comply with laws and rules; ability to provide
555 service; knowledge and experience in the industry, business plan; financial competence;
556 Vehicles and equipment.

557 Mr. McC recommends that this paragraph be eliminated -- except should leave that willingness
558 to comply with rules and to provide service should remain. Doesn't think this is objective
559 enough. Need to have stipulated amount of net worth that is the standard for everyone now
560 and in the future.

561 AG's Consumer Protection representative objects to the above recommendation.

562 MTM agrees with Mr. McC -- says the standard should be that the number of permits should
563 be based on the population growth.

564 Mr Karp agrees with AG's recommendation that the language remain.

565 Chakos: Should say we may consider the following, but not limited to

566

WMC agrees that the language should be retained.

567

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

568

569

570

Mr. McC recommends this paragraph be eliminated. except should leave that willingness to comply with rules and to provide service should remain. Doesn't think this is objective. Need to have stipulated amount of net worth that is the standard for everyone now and in the future.

571

572

573

WMC agrees that the language remain as written.

574

AG's Consumer Protection representative objects to the above recommendation

575

MTM agrees with Mr McC -- says number of permits should be based on growth of population.

576

577

Mr. Karp agrees with AG's recommendation to retain the language.

578

(2) When determining if the proposed service is in the public interest we will consider statements and reports supporting the proposed service and if granting the temporary authority will:

579

580

581

(a) Enhance choices available to consumers, promote a viable yet competitive household goods industry, or fill an unmet need for service.

582

583

(b) Allow us to more efficiently regulate the household goods industry, and provide increased consumer protections through regulation.

584

585

(3) Your support statements from shippers and other members of the public must include their full name, address, and notarized signature.

586

587

WAC 480-15-xxx How will I know what the commission has decided?

588

After reviewing your application and supporting statements the commission will issue an order granting or denying your application for temporary authority. An order granting temporary authority may include specific terms and conditions that you must satisfy

589

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591

WAC 480-15-xxx What conditions may be attached to my temporary authority?

592

Certain conditions apply to all grants of temporary authority, others may result from our review of your application and supporting statements (refer to WAC 480-15-xxx).

593

594

(1) We may impose any of the following, or additional, conditions when granting temporary authority:

595

- 596 (a) Driver and equipment safety training;
597 (b) Rates and billing practices training;
598 (c) Surety bond, or other means to promote compliance;
599 (d) Special compliance audits;
600 (e) Special customer notices and comment forms which evaluate services;
601 (f) Other reporting as the commission may require, such as customer lists, financial
602 reporting, etc.
603 (g) Other conditions depending on the circumstances surrounding the application.

604 (2) In addition to any special conditions identified in the order, your vehicles must pass inspection
605 and be issued a valid Commercial Vehicle Safety Alliance (CVSA) inspection decal.

606 **Comments:**

607 **Albertson doesn't think we should look beyond insurance, compliance**
608 **with rules, and safe vehicles.**

609 **MTM: What fitness requirements should there be for all company**
610 **employees? All employees need to be bonded**

611 **WAC 480-15-xxx Can I comment on a decision to grant or deny temporary**
612 **authority?**

613 Yes, we publish an application docket which lists temporary authority that has been granted or
614 denied. We will mail the docket to each applicant and, upon written request, to any other person
615 interested in application proceedings.

616 Anyone who has a valid interest in an application that appears on the docket may file written
617 comments within ten days following publication. Your comments may be in the form of
618 statements supporting the application, or complaints protesting the application. Comments must
619 include your full name and address and should state the nature of your support or protest. These
620 comments specifically should address issues surrounding: fitness, public interest, levels of service,
621 safety of equipment and operations, and business practices.

622 We may grant or deny a protest without hearing. We may, at our own discretion, order a brief
623 adjudicative proceeding on the protest. WAC 480-09-500 governs application for and procedures
624 in brief adjudicative proceedings.

625 **WAC 480-15-xxx Can the commission cancel a temporary permit?**

626 Yes, we may cancel a temporary permit any time if it is determined that:

- 627 (1) The permit was not issued in the public interest, or
628 (2) The grant of temporary authority was based on fraud, misrepresentation, or
629 erroneous information from the applicant, or
630 (3) We find cause to cancel the permit under circumstances in WAC 480-15-xxx.

631 **Part 2.3 Permanent Authority**

632 **WAC 480-15-xxx When will the commission grant permanent authority?**

633 We will make a decision to grant or deny an application for permanent authority after we have
634 completed a full review of your application and any supporting statements; any reports or other
635 information necessary to determine fitness, public interest, and current or future public
636 convenience and necessity. WAC 480-15-xxx describes those applications that are not subject
637 to the provisions in this section.

638 Permanent authority applications include requests for new original authority, transfer or
639 acquisition of control of existing authority, and for extensions to add authority to an existing
640 household goods or general commodities permit granted under the provisions of WAC 480-14.

641 (1) When determining if an applicant is fit willing and able to provide the proposed service we will
642 consider statements and reports relating to:

643 (a) The applicant's willingness to comply with laws and rules; ability to provide service;
644 knowledge and experience in the industry, business plan; financial competence; vehicles
645 and equipment.

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

649 (2) When determining if the proposed service is in the public interest we will consider statements
650 and reports supporting the proposed service and if granting the permanent authority will:

651 (a) Enhance choices available to consumers, promote a viable yet competitive household
652 goods industry, or fill an unmet need for service.

653 (b) Allow the us to more efficiently regulate the household goods industry, and provide
654 increased consumer protections through regulation.

655 (3) When determining if the proposed service is needed to satisfy the current or future public
656 convenience and necessity, we will consider statements supporting the proposed service and any
657 reports relating to the operations you conducted under temporary authority, including:

- 658 (a) The number of customers you served;
659 (b) The nature of the service you provided;
660 (c) Customers' satisfaction; and,
661 (d) Statements regarding future need for your services.

662 (4) We will also consider the results of any compliance reviews, audits, inspection reports, and
663 consumer complaints filed against the applicant.

664 **Comments: McC: Add a timeline for granting of permanent authority. If there is**
665 **no opposition and comment need to have language to say the Commission will**
666 **grant a permit within 2 weeks.**

667 **WAC 480-15-xxx Can I comment on an application for permanent authority?**

668 Yes, we publish applications for permanent authority on the application docket which we mail to
669 each applicant and, upon written request, to any other person interested in application
670 proceedings. Applications that are not subject to the provisions in this rule are described in WAC
671 480-15-xxx.

672 Anyone who has a valid interest in an application that appears on the docket may file written
673 comments within 30 days following publication, unless the application is published in conjunction
674 with a grant of temporary authority. If the permanent authority application is published in
675 conjunction with a grant of temporary authority then comments will be accepted for not more
676 than 180 days

677 **MTM wants all language about PC&N removed -- thinks this bars entry by anyone other**
678 **than current carriers.**

679 **Mr. Karp: Anything less than 180 days does not allow sufficient time to fully analyze --**
680 **needs to be full 180 days probationary time, then needs to say that there can be extensions**
681 **to that period. Need to be specific that longer periods may be required to complete the**
682 **analysis.**

683 **McC: What is the definition of "valid interest?" Recommend use just the term "interest"**
684 **and eliminate the word "valid." Consensus of parties reached at this**
685 **meeting!!!!!!**

686 **WMC and MTM and Ag's agree to the 180 days' probationary period**
687 **and an additional time if necessary, and that comments will be accepted**
688 **during the the entire length of the temporary. Consensus.**

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McC: Standards that applied on the temporary process should apply on this rule too. AG's would request that lines 601 through 606 stay in the rules, and they are important for the Commission to consider when deciding to grant a permit. Mr. Karp concurs.

693

Mr. Albertson says that only the consumer should have an interest, not anyone else.

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Your comments may be in the form of statements supporting the application, or complaints protesting the application. Comments must include your full name, address, and the nature of your support or protest. Comments specifically should address issues surrounding: fitness, public interest, levels of service, safety of equipment and operations, business practices, current or future public needs for service. We may, without hearing, deny a comment protesting an application.

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WAC 480-15-xxx Will I be required to attend a hearing?

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We may request a hearing or brief adjudicative proceeding on any application if it is necessary to resolve outstanding issues or concerns relating to fitness, public interest, or public convenience and necessity. Rules governing hearings and brief adjudication proceedings are contained in WAC 480-09.

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Comments:

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AG's need to add language from (4) about audits, inspection reports, and consumer complaints filed against the applicant to this rule.

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708

McC: Mr. Albertson continues to object to allowing other carriers to comment on applications.

709

Line 621 -- use word valid again -- need to take it out.

710

McC:Line 651 -- strike language that other carriers can comment.

711

Mr. Tutton agrees that his group is included in the term "interested parties."

712

Mr. Karp: Interested parties includes current carriers.

713

Ms. Chakos concurs with Mr. Karp that it should be listed as interested parties.

714

Consensus -- interested parties is the language we will use.

715

WAC 480-15-xxx What are the application filing requirements for a new entrant?

716

New entrants must apply for both temporary and permanent authority. You are a new entrant if you do not hold a permit that contains permanent household goods authority. The following table

717

describes the filing requirements for new entrants to obtain permanent authority:

718

719	When you file an application for:	You must also file an application for:	We will:	You must meet these conditions for grant of authority:
720				
721	ORIGINAL new authority	TEMPORARY authority	Publish your application on the docket for comments from the public and other household goods carriers	Applicant must be found fit, willing, and able to provide the proposed service. The proposed service must be in the public interest. The proposed service must be required to meet the current or future public convenience and necessity.
722				
723	TRANSFER of existing authority			
724				
725	ACQUISITION of CONTROL of existing authority			
726				
727				
728	EXTENSION of existing general commodities authority			
729				
730				
731				

732 **WAC 480-15-xxx What if I want to change my name or add authority to my**
733 **household goods permit?**

734 You must file a permanent authority application if you want to add authority to your household
735 goods permit. The following table describes the filing requirements for you to obtain additional
736 authority or to change the corporate name on your permit:

737	When you file an application for:	Temporary Authority	Application Docket	Conditions for grant of authority
738				
739				

740 741 742	TRANSFER of existing authority	Operations under temporary authority are optional.	Application must be published on the application docket.	Applicant must be fit, willing, and able to provide service.
743 744 745 746	ACQUISITION of CONTROL of existing authority		Application subject to public comment for 30 days after publication	Proposed service must be in the public interest Proposed service must be required to meet current or future public need.
747 748 749 750 751	EXTENSION of existing general commodities authority			
752	Name Change	Not required	Not subject docket or public comment	Not subject to conditions

WAC 480-15-xxx Table of exceptions to the permanent authority application filing requirements.

The following table describes exceptions to the conditions under which the commission may grant transfers or acquisitions of permanent authority.

Type of Application	Exception Circumstances	Conditions for grant of Authority
Transfer	Resulting from a partnership which has dissolved because of death, bankruptcy, or withdrawal of a partner, when that partner's interest is transferred to a one or more remaining partners or a spouse.	Not subject to conditions
Transfer or Acquisition	Resulting from the death of a shareholder in a corporation where the shareholder's interest is transferred to a surviving spouse or one or more surviving shareholders.	Not subject to conditions
Transfer	Resulting from the death of a sole proprietor when interest is being transferred as property of the estate	Applicant must be fit, willing, and able to provide service.

763	Transfer	From an individual to a corporation established to incorporate the individual's business, when the individual remains the majority stockholder.	Not subject to conditions.
764	Transfer	From an individual to a partnership, when the individual remains the majority partner.	Not subject to conditions
765	Transfer	From a corporation to the majority shareholder	Not subject to conditions
766	Transfer	From a partnership to the majority partner	Not subject to conditions
767	Transfer	From a partnership to a corporation established to incorporate the partnership business, when the partners are the majority stockholders.	Not subject to conditions
768	Transfer	From one corporation to another corporation when both corporations are wholly owned by the same stockholders.	Not subject to conditions

769 **Part 2.4 Using Your Permit**

770 **WAC 480-15-xxx Where must I keep my permit?**

771 You must keep your original permit in your main office. You must also keep a copy of your
772 permit in each vehicle that moves household goods.

773 *Previously 480-12-125*

774 **WAC 480-15-xxx What if my permit is lost or destroyed?**

775 If your permit is lost or destroyed, you may write to us explaining the situation and we will
776 replace the permit at no charge.

777 *New Section*

778 **WAC 480-15-xxx May others operate under my permit authority?**

779 No, it is against the law to allow anyone else to use your permit authority. If you lease vehicles,
780 you must follow the leasing requirements contained in WAC 480-15-xxx.

781 *Previously WAC 480-12-385*

782 **WAC 480-15-xxx When can I request that my permit be placed inactive?**

783 If you are called into active military service and cannot operate your permit, then you may request
784 that it be placed inactive.

785 Your request must be sent to us in writing and must also include the following information:

- 786 (1) Name and number on your permit;
- 787 (2) Branch of the military you are entering;
- 788 (3) Date you wish the inactive status to begin;
- 789 (4) Approximate date you will reactivate the permit
- 790 (5) A statement that you will not allow your equipment to be operated while your permit
- 791 is in an inactive status.

792 To reactivate your permit you must send us a letter advising that you have completed your
793 military service, that you are ready to resume your household goods service, and that you agree to
794 will conduct operations in compliance with all applicable laws and rules.

795 *Used to be WAC 480-12-220*

796 **WAC 480-15-xxx What if I want to do business under trade name?**

797 You must conduct your operations under the name shown on your household goods permit. If
798 you operate under a trade name or assumed name, then you must register that name with us and
799 that name must appear on your permit.

800 You may not operate under a name that is similar to that of another carrier unless:

- 801 (1) The carrier whose name is similar has given you written to use the name. by the
- 802 second carrier.
- 803 (2) The commission authorizes use of the similar name. In granting authority to use the
- 804 similar name, the commission must first decide that the use of the similar name will not:
- 805 (a) Mislead the shipping public; and
- 806 (b) Result in unfair or destructive competitive practices.

807 **WAC 480-15-xxx How do I voluntarily cancel my permit?**

808 To voluntarily cancel your permit you must request cancellation in writing. We will issue an
809 order canceling your permit. Cancellation will be effective on the date of that order.

810 **Part 2.5 - Advertisements**

811 *New Section*

812 **WAC 480-15-xxx What are the requirements for household goods carrier**
813 **advertising?**

814 (1) You must include your permit number on any advertising including, but not limited to,
815 telephone books, Internet, contracts, correspondence, cards, signs, posters, paper and documents
816 which show your name and address.

817 (2) You must not include services in your advertising unless they are authorized by your permit.

818 (3) You may advertise services you provide as an agent of, or connecting carrier to, another
819 household goods carrier, if you include the other carrier's name and permit number in your
820 advertising.

821 (4) You must not advertise that you provide services at rates and charges that conflict with those
822 in the tariff.

823 *New Section*

824 **WAC 480-15-xxx What is the penalty for illegal advertising?**

825 We may issue a penalty up to five hundred dollars (\$500) for each violation of the advertising
826 requirements?

827 **Part 3 - Administrative, Tariff and Rates Requirements to Transport Household**
828 **Goods, for Hire within the State of Washington**

829 *Part 3.1 from draft 2 was deleted and the following section were renumbered beginning*
830 *with part 3.1. These rules were reduced and combined. No significant changes were*
831 *made except for in Part 3.3. See that section for discussion.*

832 **Part 3.1 - Rule Books**
833 **WAC 480-15-xxx Rule Books**

834 **(1) What is a rule book?** A rule book is a reprint of the complete set of Washington
835 Administrative Codes (WAC) governing the operations of intrastate household goods carriers.

836 **(2) How do I get a rule book?** You may request a rule book by contacting our Olympia office.
837 The first copy of the rule book is free, however, we may charge a fee for multiple copy requests.
838 We automatically send a rule book to anyone who applies for a household goods permit.

839 **(3) How do I get a rule book update?** We automatically send annual rule book updates (if
840 changes occur) to everyone who has a household goods permit. You may also request a current
841 rule book anytime by contacting our Olympia office.

842 **(4) Is the rule book copyrighted?** The rule book is not copyrighted. You do not need our
843 permission to copy or reproduce it.

844 **Part 3.2 - Annual Reports and Regulatory Fees**

845 *New Section*

846 **WAC 480-15-xxx What is an annual report?**

847 **(1)**An annual report is an end of year statement that discloses to the commission financial,
848 equipment, operating, and management information about you and the operations you conducted
849 under your household goods permit. The report includes a statement of oath to certify that the
850 information you are reporting is accurate.

851 **(2)** You must report your financial information according to the Uniform system of Accounts
852 established by the commission for household goods carriers.

853 **(3)** The commission mails annual report forms and instructions to each household goods permit
854 holder at their address of record. If you do not receive an annual report form, it is your
855 responsibility to contact the commission and request the form.

856 *New section*

857 **WAC 480-15-xxx What is a regulatory fee?**

858 (1) Each household goods carrier that we regulate must pay an annual regulatory fee to cover the
859 cost of regulation. The maximum regulatory fee is set in law at one-fourth of one percent of
860 gross operating revenue generated from your intrastate transportation of household goods.

861 (2) The commission may reduce the fee by general order. Each year we review the costs of
862 regulating the household goods industry and set the next year's fee accordingly.

863 *Previously part of 480-12-600*

864 **WAC 480-15-xxx How do I calculate my regulatory fee?**

865 Your regulatory fee is a calculation based on a percentage of your intrastate gross operating
866 revenues generated from the transportation of household goods during the prior calendar year.

867 For example: Gross Operating Revenue \$600,000.00 x
868 Regulatory Fee Percentage .0025 =
869 Regulatory Fee Due \$ 1,500.00

870 *Previously part of 480-12-600*

871 **WAC 480-15-xxx When are my annual report and regulatory fees due?**

872 (1) Your annual report and regulatory fee must be filed no later than May first of the year
873 following the year being reported.

874 (2) If your regulatory fee payment is late, we will assess a late penalty of two percent of the
875 amount due, plus one percent interest for each month after that.

876 (3) If you do not file your annual report and pay your regulatory fee, we may cancel your permit
877 under the provisions listed in WAC 480-15-xxx.

878 **Part 3.3 - Tariff and Rates**

879 Mr. Mover: Suggestion made to eliminate the word
880 "tariff" and find a word that is more consumer-friendly.
881 Would need to indicate in a new rule that although the
882 statute uses the word "tariff" we as a Commission use the
883 the term "rates and rules" to mean "tariff" as referred to in

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the statute. Mr. Tutton wants to keep the term “tariff.” Mr. Karp suggests that we keep the word “tariff” but that we use the term in a user-friendly context in consumer information (fact sheets, etc.) Use terms “rates, rules and terms of operation.”

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WAC 480-15-xxx Tariff and Rates

(1) What is a tariff? A tariff is a publication containing the rates and charges that must be assessed on shipments of household goods, with rules and regulations that govern how rates are assessed.

(2) Who publishes tariffs? We publish household goods tariffs to be used by all household goods carriers. The tariffs are published under the provisions of RCW 81.80.130 and RCW 81.80.150. The rates and charges contained in the tariffs are set through a hearing process and established by commission order. By law, the rates contained in the tariffs may be minimum rates, maximum rates or minimum and maximum rates.

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- Mr. Karp recommends the rule state that the Commission policy be maximum rate and that the current rates be those declared to be the maximum rates until there is a tariff proceeding.
- WMC disagrees with the policy being maximum rates. Likes language as it exists in draft.
- Mr. McC agrees with Mr. Karp.

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Exception: We may allow household goods carriers to publish and file tariffs as they relate to designated commodities and services, if we determine it is impractical for us to publish tariffs for those commodities or services. (Example: we have in the past allowed carriers who limit their services to the transportation of pianos and/or organs to publish and file individual tariffs.) See rule WAC 480-12-xxx for rules relating to the filing of tariffs by individual carriers.

(3) Who must have tariffs? You must keep a current copy of the tariff in your main office, and in each billing office.

(4) May anyone other than carriers purchase a tariff? Yes, any person may purchase a copy by paying the applicable fees in advance.

914 **(5) Is the tariff the only publication I need to use in determining rates?**

915 No, we may adopt other agency's or organization's publications. If we do, we will notify tariff
916 subscribers by sending them an amended household goods tariff title page. (Example: Mileage
917 Guide.)

918 **(6) Where may the public view tariffs?** Tariffs are public documents and must be
919 made available for public viewing at the household goods carrier's main office and any billing
920 office. Tariffs may also be viewed at the Commission's headquarters office.

921 **(7) How much does a tariff cost?** The cost of tariffs may change periodically
922 depending on our costs for compiling, distributing and maintaining them. To find out the current
923 cost of a tariff, you may contact the commission as described in WAC 480-15-???

924 **WAC 480-15-xxx Must I purchase a tariff if I am granted authority to transport**
925 **household goods.**

926 (1) You must purchase a tariff and pay the applicable maintenance service fee before we
927 will issue you a permit.

928 (2) If you are obtaining a permit by transfer, we may waive tariff and maintenance fees if
929 the seller of the permit certifies on the application that its tariff is current will be transferred to
930 you.

931 **WAC 480-15-xxx Tariff maintenance**

932 **(1) What is a tariff maintenance fee?** A tariff maintenance fee compensates us for
933 compiling, printing and distributing amended tariff pages. The tariff maintenance fee must be paid
934 in advance.

935 **(2) Do I always have to pay full maintenance fees?** No, the annual maintenance
936 fee is payable in advance on a prorated basis depending upon the month in which you purchase a
937 tariff. See the example below:

Month in which maintenance service is purchased	Percentage of total maintenance fee payable
January, February, March	100%
April, May, June	75%
July, August, September	50%
October, November, December	25%

938
939
940
941
942
943
944
945

946 **(3) How am I billed for my annual tariff maintenance fees?** By December 1 of
947 each year, we will bill tariff subscribers for the next year's annual tariff maintenance service. Tariff
948 subscribers must submit maintenance fees to us by December 31.

949 **(4) What happens if a tariff subscriber fails to pay its annual maintenance**
950 **fees by December 31?**

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

954 (b) If a tariff subscriber has a permit and fails to pay tariff fees by December 31, we may
955 take administrative action against the household goods carrier. The administrative action may be
956 in the form of monetary penalty assessments, suspension of permit authority, or institution of a
957 hearing to show cause why permit authority should not be canceled.

958 **(5) If a tariff subscriber cancels its subscription, is the subscriber entitled**
959 **to a refund?** Yes, upon written request we will refund prepaid tariff maintenance fees to those
960 subscribers who cancel their tariff subscriptions. Refunds are based on a prorated formula of one-
961 twelfth the amount of the fee prepaid, times the number of whole months remaining in the
962 calendar year.

963 **WAC 480-15-xxx How do I get copies of current or expired tariff pages?**

964 Upon request and payment of the appropriate copy fees, we will supply you with current or
965 expired single tariff pages. Copies of entire expired tariffs, or entire tariffs applicable on a specific
966 date in the past, are not generally available.

967 **WAC 480-15-xxx Amending commission-published tariffs**

968 **(1) Who may propose changes to the tariff?** Companies holding permanent or
969 temporary household goods permits may propose changes to the tariff. We may, on our own
970 motion, propose amendments to the tariff

971 **(2) How do I propose changes to the tariff?** All proposed changes must be sent to
972 the commission's official address and must:

- 973 (a) Be in writing;
974 (b) Identify the rates, rules or classification to be changed;
975 (c) Fully describe the proposed change;
976 (d) Clearly state the reason(s) for the proposed change;
977 (e) Include any information or documents that justify the proposed change (the person
978 proposing the change must prove the change is just and reasonable); and,
979 (f) Identify the name, address, company affiliation, telephone number, and fax number (if
980 any) of the person we should contact regarding the proposal.

981 **(3) How does the Commission consider proposals for tariff changes?** (a)
982 When we receive a proposed tariff change, we will assign a docket number to the proposal.

983 (b) We will set for hearing each docketed proposal for tariff change at one of our
984 regularly scheduled open public meetings. We will notify you and other interested persons of the
985 date when we will consider the tariff change.

986 (c) We will process each application for tariff change under the procedures established for
987 processing tariff changes in Chapter 480-09 WAC.

988 (d) Changes we approve are not effective until we publish and distribute a revised tariff
989 page. We will identify the effective date of the change on the revised page.

990 **WAC 480-15-xxx Who must charge rates contained in the tariff?**

991 All household goods carriers must charge the rates and comply with the rules contained in the
992 tariff unless we have approved, in writing, deviation from the tariff.

993 **WAC 480-15-xxx Carrier-published tariffs**

994 (1) **What is the procedure for filing a carrier-published tariff?** (a) You must submit
995 to us:

996 (i) Two copies of the proposed tariff. The proposed tariff must comply with the
997 minimum tariff drafting standards we prescribe in WAC 480-149 (Tariff Circular 6). Copies of
998 WAC 480-149 may be requested from our Records Center. The tariff must contain all rates,
999 charges, rules and regulations you will be using if you are granted permission to publish and file
1000 an individual tariff. Once approved it is unlawful for you to assess rates and charges which are
1001 higher, lower or different from those contained in your lawfully filed tariff.

1002 (ii) A cover letter requesting commission permission to publish and file an individual
1003 tariff. The letter must describe the reasons you believe this permission should be granted. We are
1004 allowed, by statute, to allow carriers to file individual tariffs if we find that it impractical for us to
1005 publish a tariff for a specific commodity or service. Your letter should state the reasons you
1006 believe it is impractical for the commission to publish a tariff for the commodities and/or services
1007 contained in your proposed tariff.

1008 (iii) Data showing that the rates contained in the proposed tariff are fair, just, reasonable
1009 and sufficient.

1010 (b) When we receive a proposed tariff change, we will assign a docket number to the
1011 proposal.

1012 (i) We will set for hearing each docketed proposal for tariff change at one of our regularly
1013 scheduled open public meetings.

1014 (ii) We will consider your request for permission to publish and file an individual tariff at
1015 an open public meeting.

1016 (iii) We will notify you in writing as to the disposition of your filing, and if the filing is
1017 approved, the date upon which you may begin assessing the rates contained in the tariff.

1018 (c) Once approved, amendments to the tariff, will be handled through the same process as
1019 that shown above for commission-published tariffs.

1020 **Part 3.4 - Public Liability and Property Damage Insurance**

1021 *Previously included in WAC 480-12-350 - 355, 360, 365, and 370*

1022 **WAC 480-15-xxx What insurance must I carry on my vehicles?**

1023 You must carry and maintain public liability and property damage insurance covering each motor
1024 vehicle you use, or you will use, to transport household goods in the state of Washington. The
1025 policy must carry a uniform motor carrier bodily injury and property damage liability
1026 endorsement. [Comment: Rewrite]

1027 *Previously included in WAC 480-12-350 - 355, 360, 365, and 370*

1028 **WAC 480-15-xxx What levels of insurance must I to carry on my vehicles?**

1029 The minimum levels of required insurance you must carry depends on the gross vehicle weight
1030 rating as follows:

- 1031 (1) Vehicles with gross vehicle weight ratings of less than ten thousand pounds must
1032 have combined single limit coverage of at least \$300,000;
- 1033 (2) Vehicles with gross vehicle weight ratings of ten thousand pounds or more must
1034 have combined single limit coverage of at least \$750,000.

1035 *Previously included in WAC 480-12-350 - 355, 360, 365, and 370*

1036 **WAC 480-15-xxx Am I required to file proof of my insurance policy with the**
1037 **commission?**

1038 Yes, you must file and maintain with the commission proof of effective insurance written by a
1039 company authorized to write insurance in the state of Washington.

1040 *Previously included in WAC 480-12-350 - 355, 360, 365, and 370*

1041 **WAC 480-15-xxx How do I file with the commission proof of insurance?**

1042 You must file with us a Form E "Uniform Motor Carrier Bodily Injury and Property Damage
1043 Liability Certificate of Insurance." This is the standard motor carrier insurance form recognized
1044 by the insurance industry and it is issued by the insurance company. In most cases your insurance
1045 agent must request that the insurance company file the Form E. You may file a Form G Surety
1046 Bond instead of a Form E. [Comment: Bonnie will check on the official title of the Form G.]

1047 *Previously included in WAC 480-12-350 - 355, 360, 365, and 370*

1048 **WAC 480-15-xxx Do I have any options if I can't get my Form E filed with the**
1049 **commission immediately?**

1050 If you cannot immediately file your Form E, we will accept for a period of up to 60 days an
1051 insurance certificate, or binder, issued by your insurance agent. A Form E must replace the binder
1052 within 60 days. Insurance certificates or binders must include:

- 1053 (1) the name of the insuring company;

- 1054 (2) the insurance policy number;
- 1055 (3) your name as it appears on your permit or application;
- 1056 (4) the amount of insurance coverage;
- 1057 (5) the effective dates; and
- 1058 (6) the commission as named certificate holder.

1059 *Previously included in WAC 480-12-350 - 355, 360, 365, and 370*

1060 **WAC 480-15-xxx What happens if my insurance policy is canceled?**

1061 (1) If you have a filed Form E, your insurance company must file with the commission a
1062 cancellation notice not more than 60 days, and not less than 30 days, before the cancellation date.
1063 The 30 days notice period begins from the date we receive your cancellation notice from the
1064 insurance company.

1065 (2) If you have a filed binder or certificate of insurance, it may be canceled on 10 days written
1066 notice from the insurance agent or insurance company.

1067 (3) It is your responsibility to keep your insurance in full force and effect. If your insurance is
1068 canceled:

- 1069 (a) your application for a permit may be dismissed;
- 1070 (b) if you have a permit, it will be suspended and may be canceled.

1071 **[Comment: need to clean up and clarify this rule. Add process]**

1072 **Part 4 - Equipment and Safety Requirements to Transport Household**
1073 **Goods, for Hire, within the State of Washington [Comment: reorganize**
1074 **this section.]**

1075 **Part 4.1 - Equipment**
1076 *Formally WAC 480-12-180*

1077 **WAC 480-15-xxx How must I identify my vehicles?**

1078 (1) You must display your permit name and number, as registered with the commission, on both
1079 the driver and passenger doors of all power units. All markings on the power unit must be:

- 1080 (a) clearly legible;
1081 (b) no less than 3 inches high;
1082 (c) in a color that contrasts with the background color; and
1083 (d) permanent.

1084 (2) If you have both intrastate and interstate household goods authority, you must display either
1085 your Commission permit number, federal permit number, or both on the power unit.

1086 **WAC 480-15-xxx What vehicle safety laws and regulations must I follow?**

1087 (1) You must follow all laws and regulations of the state of Washington, including, but not
1088 limited to, the regulations in this chapter, when operating as a household goods carrier under
1089 chapter 81.80 RCW.

1090 (2) You must comply with the following parts of the Title 49 of the Code of Federal
1091 Regulations Title 49 (49 CFR), as adopted by the Washington Utilities and Transportation
1092 Commission:

- 1093 (a) Title 49 CFR Part 392: Driving of motor vehicles.
1094
1095 (b) Title 49 CFR Part 393: Parts and accessories necessary for safe operation.

1096 (c) Title 49 CFR Part 396: Inspection, Repair, and Maintenance.

1097 (d) Title 49 CFR Part 397: Transportation of Hazardous materials; Driving and
1098 Parking rules.

1099 (3) Please refer to WAC 480-15-??? to determine the dates of adoption by reference.

1100 **WAC 480-15-xxx Are there any vehicle safety rules I do not need to follow if I am**

1101 **operating solely within the state of Washington?**

1102 Yes, if you are operating solely within the state of Washington, you are not subject to the
1103 following provisions:

1104 (1) Title 49 CFR Part 392.2: Applicable operating rules. [Comment: rewrite and tell why.]

1105
1106 **WAC 480-15-xxx What happens if I violate a vehicle safety law or regulation?**

1107 If you violate or fail to comply with any motor vehicle safety law or regulation, we may issue a
1108 citation, place your vehicle out of service, assess a penalty against you or initiate a proceeding to
1109 cancel your permit. [Comment: may need to move to a compliance section and can we do more
1110 than one at a time, needs to be reworded.]

1111 **WAC 480-15-xxx Are there any additional equipment requirements in**
1112 **Washington state that are not required in Title 49 CFR part**
1113 **393?**

1114 Yes, all vehicles must be equipped with mud flaps, at the rear. This equipment must effectively
1115 reduce the spray or splash of water from the road. [Comment: reword and combine with one
1116 above -- are there exceptions and additions to CFR's.]

1117 **WAC 480-15-xxx What are the criteria for mud flaps?**

1118 Mud flaps must be as wide as the tires where they are mounted, and must extend from the top of
1119 the tires down to at least the center of the axle.

1120 *Formally WAC 480-12-165 and WAC 480-12-185*

1121 **WAC 480-15-xxx How must I maintain my vehicles?**

1122 You must maintain all vehicles in a safe and sanitary condition at all times.

1123 **WAC 480-15-xxx When must I make my vehicles available for inspection?**

1124 You must have your vehicles available to us for inspection at all times.

1125 **WAC 480-15-xxx What criteria is used to determine out-of-service conditions?**

1126 The criteria for placing a vehicle out-of-service is defined in the North American Uniform out-of-
1127 service criteria. This document is published by the Commercial Vehicle Safety Alliance (CVSA)
1128 and can be viewed at the Commission headquarters.

1129 **WAC 480-15-xxx Where may I get a copy of the out-of-service criteria?**

1130 You may purchase a copy of the out-of-service criteria by contacting CVSA directly at the
1131 location identified in WAC 480-15-???. [Redundant -- already covered in adoption by reference.]

1132 **WAC 480-15-xxx May a vehicle be driven after it is placed out-of-service?**
1133 No, once a vehicle is placed out-of-service it may not be driven until all required repairs are
1134 completed.

1135 Formally WAC 480-12-170

1136 **WAC 480-15-xxx May I operate my vehicles if my permit is suspended?**
1137 No, if you operate your vehicles while your permit is suspended, it may be grounds for
1138 cancellation of your permit.

1139 **WAC 480-15-xxx May I lease my vehicles while my permit is suspended?**
1140 Yes, you may lease your vehicles providing you make application to us and receive approval prior
1141 to operation.[Comment -- move to compliance section.]

1142 **Part 4.2 - Drivers**

1143 **WAC 480-15-xxx If I operate solely within the state of Washington, what is the**
1144 **minimum required age for my drivers?**
1145 If you operate solely within the state of Washington, eighteen years old is the minimum required
1146 age for your drivers.

1147 **WAC 480-15-xxx If I operate solely within the state of Washington, what driver's**
1148 **license is acceptable for mydrivers?**
1149 If you operate solely within the state of Washington, your drivers must have the proper driver's
1150 license endorsement and restrictions, if any, from the Washington department of licensing for the
1151 type of vehicle the person is driving.

1152 **WAC 480-15-xxx What driver qualifications laws and regulations must I follow?**
1153 (1) You must follow all laws and regulations of the state of Washington, including, but not
1154 limited to, the regulations in this chapter, when operating as a household goods carrier under
1155 chapter 81.80 RCW.

1156 (2) You must comply with the following United States Department of Transportation rules and
1157 regulations set forth in the Code of Federal Regulations Title 49, as adopted by the Washington
1158 Utilities and Transportation Commission:

1159 (a) Title 49 CFR Part 382: Controlled substance and alcohol use and testing.

1160 (b) Title 49 CFR Part 383: Commercial driver's license standards; Requirements and

1161 Penalties.

1162 (c) Title 49 CFR Part 391: Qualification of drivers.

1163 (3) Please refer to WAC 480-15-??? to determine the dates of adoption by reference.

1164 **WAC 480-15-xxx Are there any driver qualification rules I do not need to follow**
1165 **if I am operating solely within the state of Washington?**

1166 Yes, if you are operating solely within the state of Washington, you are not subject to the
1167 following provisions::

1168 (1) Title 49 CFR Part 391.11:b, 1: The minimum age requirements is at least 21 years
1169 old. (We allow your employees to drive if they are
1170 at least 18 years old.)

1171 (2) Title 49 CFR Part 391.49: Waiver of certain physical defects. Part 391.19 shall
1172 not apply if the driver has obtained from the
1173 Department of Licensing the proper drivers license
1174 endorsement and restrictions (if any) for the
1175 operation of the motor vehicle they are driving.

1176 (3) Title 49 CFR Part 391: If your vehicle has a manufacturer's gross vehicle
1177 weight rating of less than ten thousand pounds, you
1178 are not required to comply with Part 391, unless the
1179 vehicle is transporting hazardous materials that
1180 require the vehicle to be placarded.

1181 **WAC 480-15-xxx Are there any driver qualification rules I do not need to follow**
1182 **if I am a single vehicle owner operator and I operate solely**
1183 **within the state of Washington?**

1184 Yes, if you are a single vehicle owner operator and you operate solely within the state of
1185 Washington, you are not subject to the following provisions:

1186 (1) Title 49 CFR Part 391.21: Application for Employment.
1187 (2) Title 49 CFR Part 391.23: Investigation and Inquiries.
1188 (3) Title 49 CFR Part 391.25: Annual Review of Driving Record.
1189 (4) Title 49 CFR Part 391.27: Record of Violations.
1190 (5) Title 49 CFR Part 391.31: Road Test.
1191 (6) Title 49 CFR Part 391.33: Equivalent of Road Test.

1192 **WAC 480-15-xxx What criteria is used to place a driver out-of-service?**
1193 The criteria used to place a driver out-of-service is defined in the North American Uniform out-
1194 of-service criteria. Copies of this document may be viewed at the commission.

1195 *Formally WAC 480-12-190*

1196 **WAC 480-15-xxx What regulations do I need to follow pertaining to hours of**
1197 **service?**

1198 You must follow Title 49 CFR part 395 titled Hours Of Service Of Drivers. Refer to WAC 480-
1199 15-??? to determine the adoption date.

1200 **WAC 480-15-xxx Is there an exemption from the requirement of Title 49 CFR**
1201 **395.8 (Driver's Record of Duty Status) if a driver is operating**
1202 **within a 100 air mile radius?**

1203 Yes, drivers operating within a 100 air mile radius have the option of following Title 49 Code Of
1204 Federal Regulations part 395.1 (e) - 100 mile radius driver.

1205 **WAC 480-15-xxx Is there an exemption from the hours of service regulations for**
1206 **household goods carriers operating only in intrastate**
1207 **commerce in a vehicle with a gross weight rating of less than**
1208 **10,000 pounds?**

1209 Yes, you are exempt from Title 49 CFR Part 395, Hours of Service of Drivers, if you operating a
1210 vehicle under 10,000 pounds unless you are transporting a hazardous material that is required to
1211 be placarded. [Comment: need to cleanup, reorganize, combine, mirror equipment rules
1212 layout.]

1213 **Comment: Need to add rules on CR's -- probably in Compliance Section.**

1214 **Part 4.3 - Accidents**

1215 *Formally WAC 480-12-200*

1216 **WAC 480-15-xxx When must I report a vehicle accident to the Commission?**

1217 You must report the following types of vehicle accidents to the Commission, within 24 hours, if:

- 1218 (1) The accident results in an injury to any person.
1219 (2) The accident results in the death of any person.
1220 (3) The driver receives a citation for a moving traffic violation.
1221 (4) As a result of the accident, damage to any vehicle is severe enough to require the
1222 vehicle to be transported from the scene by a tow truck or other motor vehicle.
1223 (5) The vehicle was carrying hazardous materials which required it to be placarded.

1224 **WAC 480-15-xxx Where must I report accidents?**
1225 You must report accidents to us by phone at the following number: 1-800-562-6150 (intrastate
1226 only) or by any means identified in WAC 480-15-???.

1227 **WAC 480-15-xxx What accident information am I required to keep?**
1228 You must, for the period of one year from the date of the accident, maintain copies of written
1229 reports of all accidents. These documents must be maintained at the carrier's office and are
1230 subject to inspection by us.
1231 **[Comment: move to compliance rules section. Combine with rules above]**

1232 *Previously WAC 480-12-210*
1233 **Part 4.4 - Equipment Leasing** [Comment: need to combine all the leasing rules into a single
1234 rule, if possible.]

1235 **WAC 480-15-xxx May I lease vehicles?**
1236 Yes, you may lease vehicles with commission approval.

1237 **WAC 480-15-xxx Is there a lease form I must complete?**
1238 Yes, we have a lease form you must submit to us for approval. Both you and the owner of the
1239 leased equipment must sign the lease form. We will not consider requests for lease approval
1240 unless the form is completed in its entirety. [Comment: can carrier use its own form if it meets the
1241 requirements of our form?]

1242 **WAC 480-15-xxx When must I submit the lease form?**
1243 You must submit the completed lease form to us for approval before beginning operation of the
1244 leased vehicle.

1245 **WAC 480-15-xxx How do I submit a lease for commission approval?**
1246 You must submit a copy of the completed lease form by mail, or fax, or hand delivery?

1247 **WAC 480-15-xxx Where do I get a copy of the lease form?**
1248 You may ask us for the form by any means identified in WAC 480-15-???.

1249 **WAC 480-15-xxx What are my responsibilities when entering into a lease?**
1250 When entering into a lease, it is your responsibility to ensure:

- 1251 (1) A copy of the approved lease is kept in all leased vehicles;
1252 (2) Copies of all approved leases are kept in your permanent files for at least one year
1253 after the lease expires;

- 1254 (3) You give a copy of the approved lease to the owner of the leased vehicle;
1255 (4) You have complete possession, control and use of the equipment during the period of
1256 the lease agreement;
1257 (5) You provide insurance, on the leased vehicle, as specified in WAC 480-15-???;
1258 (6) The appropriate tariff charges are billed and collected;
1259 (7) The driver of the leased equipment is on your payroll during the leased period;
1260 (8) You comply with all safety rules pertaining to the operation of the leased vehicles;
1261 (9) You and the owner of the leased equipment specify on the lease form who is
1262 responsible for all expenses relating to the leased vehicles;
1263 (10) You comply with the terms of the approved lease.

1264 **WAC 480-15-xxx May I submit a master lease in lieu of separate leases?**

1265 Yes, you may submit a master lease in lieu of separate leases by indicating on the form that it is a
1266 master lease.

1267 **WAC 480-15-xxx How must I identify leased equipment?**

1268 You must identify the leased equipment during the lease period as required by WAC 480-15-
1269 XXX, except you may using either permanent markings or temporary placards. Upon
1270 cancellation of a lease agreement, you must remove your markings from the leased equipment
1271 before returning the equipment to the owner.

1272 **Part 5 - Carrier's Responsibilities to Shippers**

1273 **Part 5.1 - General Responsibilities** [*Comment: seems odd to have only one rule in a*
1274 *section -- is there anything else that should be here?]* [*Comment: may want to move it to another*
1275 *section.*]

1276 *Previously part of 480-12-445*

1277 **WAC 480-15-xxx What information must I provide to each shipper?**

1278 You must provide each shipper with a copy of the commission's brochure, "Your Rights and
1279 Responsibilities as a Moving Company Customer";

1280 (1) at the time you issue a written estimate;

1281 (2) at the time you issue a firm bid; or

1282 (3) prior to loading a shipment, if you issue neither a written estimate or a firm bid.

1283 The brochure is available from the commission.

1284 *New Section*

1285 **WAC 480-15-xxx May I accept a personal check or credit card for payment of my**
1286 **moving services?**

1287 Yes, at your option, you may accept a personal check or credit card for payment of your moving
1288 services. You always have the right to require payment by cashier's check or money order.

1289 *Previously WAC 480-12-435*

1290 **Part 5.2 - Estimates and Firm Bids**

1291 **WAC 480-15-xxx What is the difference between an estimate and a firm bid?**

1292 An estimate is a written summary of the actual charges you would bill to a shipper for a proposed
1293 move. A firm bid is a written warranty that you will not bill the shipper more than the estimated
1294 charges for a specific move.

1295 **WAC 480-15-xxx May I give verbal estimates to prospective shippers?**

1296 No, you must not give verbal estimates to shippers.

1297 **WAC 480-15-xxx What if the shipper requests a verbal estimate?**

1298 You must tell the shipper that verbal estimates are prohibited. However, you are allowed to tell
1299 the shipper the applicable legal rates.

1300 **McC: Wants verbal estimates to be allowed.**

1301 **Mr. Karp: Back end of estimate -- movers call on other carriers to do the back end check**
1302 **for them -- build the cost of this procedure into the rate basis. Win-win for consumer and**
1303 **movers. Commission would allow carriers to charge for an estimate.**

1304 **One concern: (MTM) refusal of companies to work together.**
1305 **Diana -- suggestion, not mandatory? -- should take a look at it. Test program to see how it**
1306 **works.**
1307 **Tutton -- his concerns are that it is done on the interstate basis -- but within the family a**
1308 **United carrier for another United carrier. Don't have those relationships in the State --**
1309 **competitors giving information to one another. Will discuss with his members to gauge**
1310 **what his member's ideas are on these issues.**
1311 **Ms. Chakos -- could enhance partnering between parties when they realize how they could**
1312 **benefit all involved. Could foster growth in rapport.**
1313 **Cullen -- provides better estimates and ensures that the information from the shipper is**
1314 **accurate.**
1315 **Mr. Crow: How about the "back end" company forwarding photographs to the**
1316 **originating company.**

1317 **Move this issue to the next session.**

1318 **WAC 480-15-xxx Must I give written estimates?**

1319 Yes, if the shipper requests a written estimate, you must provide it.

1320 **WAC 480-15-xxx When may I give a written estimate for charges?**

1321 You may provide your customer with a written estimate only after you, or your representative,
1322 have visually inspected the goods to be shipped.

1323 **WAC 480-15-xxx What must I include on a written estimate?**

1324 Your written estimate must include the following information:

- 1325 (1) The name, address and telephone number of the household goods carrier who will
1326 perform the service;
- 1327 (2) The name, company affiliation, title and telephone number of the person preparing the
1328 estimate;
- 1329 (3) The name of the shipper and the receiver;
- 1330 (4) The complete physical address of the origin, destination and any intermediate stops of
1331 the proposed movement;
- 1332 (5) The total mileage between the origin and destination, including any intermediate
1333 stops.
- 1334 (6) The applicable rates and charges;
- 1335 (7) A list of the articles upon which the estimate is based;

- 1336 (8) The estimated cubic footage for each article;
1337 (9) The estimated total weight of the shipment, based upon a formula of not less than 7
1338 pounds per cubic foot (example: a box one foot by one foot by one foot = seven pounds);
1339 (10) An itemized statement of all known accessorial services to be performed, articles
1340 supplied, and their charges;
1341 (11) An estimate of the total charges, including transportation and accessorial charges;
1342 (12) A printed statement on the first page of the estimate, in contrasting lettering, and not
1343 less than eight-point bold or full-faced type, as follows:

1344 **IMPORTANT NOTICE**

1345 This estimate covers only the articles and services listed. It is not a warranty or
1346 representation that the actual charges will not exceed the amount of the estimate.
1347 Household goods carriers are required by law to collect transportation and other incidental
1348 charges computed on the basis of rates shown in their lawfully published tariffs, except as
1349 provided below:

1350 *[(1) When a household goods carrier underestimates a move by more than 25 percent for*
1351 *hourly rated moves, its written estimate becomes binding. The carrier may not collect the*
1352 *tariff rated charges, but is limited in its collection to the amount of the estimate.*

1353 *(2) In hourly rated moves, an exception will be made for incidents that affect the number*
1354 *of hours involved in the move which are outside the control of the carrier (i.e., natural*
1355 *disasters or traffic conditions that were unknown to the carrier at the time the carrier left*
1356 *the terminal to begin the move).]*

1357

1358 **WAC 480-15-xxx Am I required to have the shipper sign the firm bid?**

1359 Yes, a shipper must sign a firm bid prior to the move.

1360 **WAC 480-15-xxx How long must I keep written estimates?**

1361 You must keep written estimates in your files for three years.

1362 **WAC 480-15-xxx What are my responsibilities to notify the shipper of the actual**
1363 **weight and charges of the shipment?**

1364 If the shipper requests notification of the actual weight and charges of the shipment following
1365 pick-up, you must notify the shipper by whatever means you and the shipper agree upon,
1366 immediately after weighing the shipment. You are responsible for the cost of notification.

1367 **WAC 480-15-xxx Must I reweigh the shipment at the point of delivery if the**
1368 **shipper requests it?**

1369 Yes, upon shipper request, you must reweigh the shipment at the point of delivery. The shipper is
1370 responsible for the cost of reweighing the shipment. Prior to reweighing the shipment, you must
1371 notify the shipper of the cost of reweighing.

1372 **WAC 480-15-xxx When must I prepare a written supplemental estimate?**

1373 You must provide a written supplemental estimate to the shipper if you have given the shipper a
1374 written estimate and the circumstances surrounding the move change in any way to cause the
1375 estimated charges to increase.

1376 **WAC 480-15-xxx Must the shipper sign the supplemental estimate?**

1377 Yes, the shipper must sign the supplemental estimate.

1378 **WAC 480-15-xxx What must I do if the actual charges exceed the estimated**
1379 **charges?**

1380 If the actual charges exceed the estimated charges, you must release the shipment when the
1381 shipper pays you 110 percent of the estimated charges.

1382 Comments: Mr. Karp believes rates/charges assessed shippers should be capped at 110% of a
1383 non-binding estimate or an supplemental estimates thereto.

1384 McC: 10% cap doesn't make sense, because you never get to see both ends of a job. Too many
1385 variables. Or the shipper doesn't do everything that they said they would do.

1386 AG's -- believes this will protect shippers against "lowballing."

1387 **Mr. Tutton: Estimate and supplemental estimate forms require signatures by**
1388 **both parties. This sets up a contract between parties. Supplemental estimate**
1389 **provides full information to the shipper that additional charges will accrue.**
1390 **Release freight at 110% -- have 30 days to make up difference. Getting**
1391 **shipper sign supplemental is sometimes problematic.**

1392 **Add rules: Important notice to shippers. Discuss at next session.**

1393 **McC: Verbal estimates should be allowed.**

1394 **If rates change to banded or maximum rates, how will this impact estimating**

1395

process?

1396 **WAC 480-15-xxx How long must I allow the shipper to pay the remaining**
1397 **balance?**

1398 If the actual charges exceed the estimated charges and the shipper has paid you 110 percent of the
1399 estimated charges, you must allow the shipper 30 days to pay the remaining balance.

1400 **WAC 480-15-xxx Are there any exceptions?**

1401 Yes, the provisions of WAC 480-15-xxx through 480-15-xxx do not apply when the shipment is
1402 delivered to the carrier's warehouse, for storage, at the request of the shipper.

1403 **WAC 480-15-xxx When may I issue a firm bid?**

1404 ...

1405 **Part 5.3 - Underestimates**

1406 *Previously WAC 480-12-455*

1407 **WAC 480-15-xxx Am I required to provide an accurate estimate?**

1408 Yes, it is your responsibility to issue, to the shipper, an accurate estimate. One of our main
1409 concerns is to ensure that shippers may base their moving decisions on accurate information. This
1410 can not occur unless you provide an accurate estimate.

1411
1412 **WAC 480-15-xxx What will happen if I under estimate a household goods**
1413 **move?**

1414 We may take administrative action against household goods carriers who fail to provide accurate
1415 estimates including:

- 1416 (1) assessing penalties of up to \$1,000, per incident, under RCW 81.80.132;
- 1417 (2) suspending your permit;
- 1418 (3) initiating a proceeding to cancel your permit;
- 1419 (4) denying permanent authority to carriers operating under temporary authority; or
- 1420 (5) limiting collection of excess charges.

1421 **WAC 480-15-xxx What are the Commission guidelines in deciding to assess**
1422 **monetary penalties?**

1423 The Commission may assess monetary penalties when:

- 1424 (1) On distance rated moves, the actual total charges exceed the estimated charges by
- 1425 15%;
- 1426 (2) On an hourly rated moves,

- 1427 (a) the actual time charges exceed the estimated time charges by 25%; or,
1428 (b) the actual charges for accessorial and other services not related to time
1429 charges exceed the estimated charges for those services by 15%. [Comment:
1430 combine with rule above and cleanup.]

1431 **Part 5.4 - Bills of Lading** [Comment: consolidate into less rules.]

1432 *Used to be WAC 480-12-260 **Bills of Lading***

1433 **WAC 480-15-xxx What is a bill of lading?**

1434 A bill of lading is a shipping document issued by the household goods carrier, signed by both the
1435 shipper and the household goods carrier, that establishes the contract terms and conditions
1436 applying on a shipment of household goods

1437 **WAC 480-15-xxx Who must issue bills of lading?**

1438 You must issue a bill of lading for each load of household goods you transport.

1439 **WAC 480-15-xxx Is there a specific format for bills of lading?**

1440 We require you to use the bill of lading format shown in our published tariff.

1441 **WAC 480-15-xxx Is there specific information you must include on a bill of**
1442 **lading?**

1443 You must list on the bill of lading all information necessary to determine tariff rates. Any element
1444 that you used in determining transportation charges must be clearly shown on the bill of lading.

1445 This information includes, but is not limited to:

- 1446 (1) The date the shipment was packed, loaded, transported, delivered, unloaded and
1447 unpacked.
- 1448 (2) The number and size of each type of carton, crate, or container used in packing the
1449 shipper's goods.
- 1450 (3) The exact address at which the shipment, or any part of that shipment, was loaded or
1451 unloaded.
- 1452 (4) The nature of any special services performed on behalf of the shipper.
- 1453 (5) The name, address and total charges of any third party services incurred on behalf of
1454 the shipper.
- 1455 (6) Any special circumstances that entered into the determination of transportation
1456 charges. (An example: detours or road conditions that required you to take a circuitous
1457 route, thus incurring additional mileage charges.)
- 1458 (7) The start time, stop time, and any interruptions for each person involved in or on a
1459 shipment rated under hourly rates.
- 1460 (8) On any shipments where the shipper did not receive a written estimate, you must
1461 make a notation on the bill of lading that the shipper was given a copy of the "Important

1462 Notice to Shippers” (Rights and Responsibilities brochure). The shipper must initial, on or
1463 near your notation on the bill of lading, signifying receipt of the information.

1464 **Part 5.5 - Refusal of Service** [Comment: need some more guidelines, time frames,
1465 etc.]

1466 *New rule*

1467 **WAC 480-15-xxx When may I refuse to provide service to a shipper?**

1468 You may refuse to provide service to a shipper if:

- 1469 (1) The move will cause you to travel outside of the service area listed on your permit;
- 1470 (2) Service to a shipper will adversely affect service to other shippers, subject to
1471 review by the Commission;
- 1472 (3) There is reason to believe the shipper is attempting to obtain service by fraudulent
1473 means;
- 1474 (4) The shipper fails to provide accurate and verifiable information necessary to
1475 establish the shipper’s identity;
- 1476 (5) The shipper uses an alias or false name with intent to deceive;
- 1477 (6) The service is hazardous, or where, because of the condition of the streets, alleys
1478 or roads, it is impracticable or dangerous to persons or property to operate
1479 vehicles;
- 1480 (7) You may refuse to drive into private property when, in your judgment, driveways
1481 or roads are improperly constructed or maintained or without adequate turn
1482 around or have other unsafe conditions;
- 1483 (8) Satisfactory service cannot be given or providing service would adversely affect
1484 the health or safety of your employees.

1485 **Dutton: What does (3) mean? Strike number 3. Enough protection still contained in other**
1486 **items. Concensus between parties.**

1487 **WAC 480-15-xxx When must I not refuse service?**

1488 You must not refuse service due to discrimination on the basis of race, creed, color, national
1489 origin, sex, marital status, sexual orientation, age, or the presence of any sensory, mental or
1490 physical handicap.

1491 In this 3rd draft, Part 5.6 and Part 5.7 have been combined into one section (Part 5.6) and
1492 reorganized into a more logical flow of the process - no significant changes since draft 2 have
1493 been made to this section. One minor change has been made in the last rule in this section.
1494 Item 1. was changed from 30 days to five business days.

1495 **Part 5.6 - Complaint and Claim Procedures**

1496 *Previously part of 480-12-235*

1497 **WAC 480-15-xxx What if a shipper is not satisfied with my service?**

1498 If a shipper is not satisfied with your service, you must allow the shipper to speak with you or a
1499 representative of your company and provide the shipper with all information and forms necessary
1500 to file a complaint or claim.

1501 *Previously part of 480-12-235*

1502 **WAC 480-15-xxx What must I do when I receive a complaint and/or a loss or**
1503 **damage claim?**

1504 If your shipper files a complaint concerning a loss or damage claim or a complaint about your
1505 general service operations or rates, etc, you must:

- 1506 (1) Notify the customer, in writing, within 30 days that you have received the claim or
1507 complaint.
1508 (2) Investigate quickly.
1509 (3) Advise the shipper of your resolution.
1510 (4) If it is loss or damage claim, pay the claim, refuse the claim, or make a compromise
1511 offer within 120 days.

1512 *Previously part of 480-12-235*

1513 **WAC 480-15-xxx What must I do if I cannot settle a loss or damaged property**
1514 **claim within 120 days?**

1515 If you cannot settle a loss or damage property claim with your customer, within 120 days, you
1516 must, for each 60 day period until the claim is settled, inform your customer, in writing, of the
1517 reason for failure to resolve the claim.

1518 *Previously part of 480-12-235*

1519 **WAC 480-15-xxx How long must I keep complaint and loss or damage claim**
1520 **records?**

- 1521 (1) You must keep all papers relating to claim records for loss or damage, concealed or
1522 otherwise, for six years.
1523 (2) You must keep all records of complaints in your office for not less than three years
1524 after the date of the shipment, or date of resolution, whichever is later.

1525 *Previously part of 480-12-235*

1526 **WAC 480-15-xxx Are complaint or claim records subject to Commission review**
1527 **and in what order must I keep the records?**

1528 Yes, complaint or claim records are subject to Commission review upon request. You must
1529 number all claims in consecutive sequence.

1530 *Previously part of 480-12-235*

1531 **WAC 480-15-xxx What additional requirements exists if a loss or damage claim**
1532 **involves more than one carrier?**

1533 If more than one carrier is involved in a damage claim, each carrier must keep all paperwork
1534 relating to the claim and each must show the percentage and amount of the total claim paid by
1535 each.

1536 **WAC 480-15-xxx What information must be included in the complaint record?**

1537 You must include the following information in a complaint record:

- 1538 (1) The date the claim was received;
1539 (2) The name, address and telephone number of the shipper;
1540 (3) Detailed information about the dispute;
1541 (4) Details of any action you have taken in response to the complaint;
1542 (5) The date the complaint was resolved and a description of the final disposition.

1543 **WAC 480-15-xxx What must I do if, after review, the shipper is still dissatisfied**
1544 **with the resolution of the complaint or claim?**

1545 If you are unable to satisfy the shipper's dispute, you must advise the shipper of the availability of
1546 the Commission for further review. The toll-free number and address shall also be provided:

- 1547 (1) 1-800-562-6150, and
1548 (2) P. O. Box 47250, Olympia, Washington 98504-7250

1549 **WAC 480-15-xxx Must I respond to all written correspondence, complaints and**
1550 **claims?**

1551 Yes, all written correspondence, complaints and claims must be acknowledged and considered.

1552 **WAC 480-15-xxx What must I do if the Commission refers a complaint to me?**

1553 You must:

- 1554 (1) Respond with complete investigation results within five business days. However,
1555 if warranted in a particular case, you may request an extension of time.
1556 (2) Respond to commission staff inquiries regarding the complaint;
1557 (3) Keep the commission informed of any progress made in resolving the complaint.

1558 **Comment: Mr. Karp recommends the change to: "However, if warranted in a particular**
1559 **case, the Commission may grant an extension of 30 days."**

1560 Mr. Tutton agrees with 30 days.

1561 Mr. McC agrees.

1562 **Part 6 - Customer's Rights and Responsibilities**

1563 *New Section*

1564 **WAC 480-15-xxx Definition of "you"**

1565 In part 6 of this chapter the word "you" means the shipper of household goods.

1566 **Part 6.1 - Documents and Information**

1567 *Previously part of 480-12-445*

1568 **WAC 480-15-xxx What information is the household goods carrier I select**
1569 **required to give to me in advance of my move?**

1570 The company you select to move your household goods is required to give you, in advance of the
1571 move, a written estimate for your move and a copy of the commission's handout, "Your Rights
1572 and Responsibilities as a Moving Company Customer." You can get a copy of this handout by
1573 calling the commission's consumer affairs office toll-free within Washington at 1-800-562-6150.

1574 *New Section*

1575 **WAC 480-15-xxx May I pay for my move by personal check or credit card?**

1576 You may pay for your household goods move by personal check or credit card *only* if the moving
1577 company is agreeable. The company has the right to require payment by cashier's check or
1578 money order.

1579 **Part 6.2 - Estimates**

1580 *New Section*

1581 **WAC 480-15-xxx May I ask a household goods carrier to provide me with a**
1582 **"Cost Not to Exceed" bid for moving services?**

1583 Yes, you may ask a household goods carrier to provide you with a "Cost Not to Exceed" bid for
1584 moving services. However, a household goods carrier is not required to offer this type of bid. A
1585 "Cost Not to Exceed" bid is a warranty from the household goods carrier that your costs will not
1586 exceed a set amount. You will pay the bid or the actual costs, whichever is less. (*Needs further*
1587 *review*)

1588 **Part 6.3 - Shipper Complaints**

1589 *Previously WAC 480-12-460*

1590 **WAC 480-15-xxx What if I have a complaint about my household goods move?**

1591 You must first contact the household goods carrier and attempt to resolve the dispute.

1592 If your complaint is about lost or damaged goods, you must file a claim with your household
1593 goods carrier within nine months.

1594 **WAC 480-15-xxx If I am unable to resolve the dispute with the household goods**

1595 carrier, may I file a complaint with the Commission?

1596 Yes, you may file an informal complaint with the Commission.

1597 *New Section*

1598 **WAC 480-15-xxx What is an informal complaint?**

1599 An informal complaint is an unresolved dispute between the shipper and the carrier, brought to
1600 the attention of the Commission staff by shippers. The shipper is generally requesting assistance
1601 in resolving the dispute. The complaint is handled informally by Commission staff working
1602 directly with the carrier in an attempt to resolve the complaint without the need for a formal
1603 hearing process or legal arbitration. The conclusion, or finding, of the informal complaint is not
1604 binding on the company, nor the shipper, but are permanent files subject to public review.

1605 **WAC 480-15-xxx How do I file an informal complaint with the Commission?**

1606 You may file an informal complaint with the Commission in writing, in person, by phone, by e-
1607 mail, or by fax. Refer to WAC 480-15-??? for specific information.

1608 **WAC 480-15-xxx What information must I include with my informal complaint?**

1609 (1) Your informal complaint must include:

- 1610 (a) Your name, address and telephone number;
- 1611 (b) The date of your move;
- 1612 (c) Where you moved from and to;
- 1613 (d) The details of the dispute; and
- 1614 (e) The resolution you expect.

1615 (2) Upon request, the Commission will provide you with an informal complaint form.

1616 **WAC 480-15-xxx What if I am dissatisfied with the outcome of my informal**
1617 **complaint?**

1618 You may file a formal complaint with the Commission unless it concerns loss or damages. Loss or
1619 damage claims must be filed with a civil court.

1620 **WAC 480-15-xxx What is a formal complaint as it relates to the Commission?**

1621 A formal complaint is a quasi-judicial proceeding, much like going to court. The formal
1622 complaint must state a situation in which the moving company is in violation or claimed to be in
1623 violation of provision of law, order or rule of the Commission, or provision of the moving
1624 company's approved tariff. You are required to carry the burden of proof.

1625 This section was rewritten in the plain English format. No substantive changes were made.

1626 **Part 7 - Interstate Operations**

1627 *[Replaces WAC 480-12-126]*

1628 **WAC 480-15-xxx General Requirements for Interstate Operations**

1629 (1) General Requirements: No household goods carrier may operate any vehicle or combination
1630 of vehicles over the public highways of this state in interstate commerce unless the carrier has:

1631 (a) obtained the appropriate operating authority from the U.S. Department of
1632 Transportation (USDOT) or its successor agency, if operating as a registered carrier;

1633 (b) obtained valid insurance as required by USDOT;

1634 (c) (i) registered with a base state as required by 49 C.F.R. 1023, if operating as a
1635 registered carrier, or

1636 (ii) registered with the Commission if operating as a registered exempt carrier, and

1637 (d) paid the annual Washington state registration fee for the vehicle.

1638 (2) Applicable Laws and Rules:

1639 (a) When conducting interstate operations, registered and registered exempt carriers and
1640 the equipment they operate must comply with the laws and rules that apply to interstate
1641 operations.

1642 (b) When conducting Washington intrastate operations, registered and registered exempt
1643 carriers and the equipment they operate must comply with the laws and rules that apply to
1644 intrastate operations.

1645 *[Replaces WAC 480-12-127]*

1646 **WAC 480-15-xxx How Do I Register as a Registered Carrier**

1647 (1) Washington participates in the base state insurance registration program established in 49
1648 USC § 11506 and 49 CFR part 1023. To register as a registered carrier in interstate commerce
1649 within the state of Washington, you must register with a base state, pay the appropriate fee for
1650 vehicles operated within Washington state, and show proof of insurance.

1651 (2) Carriers based out of Washington State. Any carrier whose base state as defined in federal
1652 regulation is a state other than the state of Washington must register with that state and carry a
1653 legible receipt in each vehicle operated within the state of Washington showing base state
1654 registration, payment of the appropriate per vehicle fee, and proof of insurance.

1655 (3) Washington-based carriers. Any carrier whose base state as defined in federal regulation is
1656 Washington state must register for interstate operations as follows:

1657 (a) Between August 1 and November 30 of each year, each Washington-based interstate
1658 carrier must apply to the commission to register for the following year, on forms provided
1659 by the commission.

1660 (b) The registering carrier must state the number of vehicles to be operated in each
1661 participating state, provide other required information, such as proof of insurance, and
1662 submit the registration fee established by that state for each vehicle.

1663 (c) Within thirty days after receiving the registration fee and application, the commission
1664 will provide to the carrier a receipt or receipts showing, at a minimum, the carrier's name
1665 and address, its USDOT permit number, and the names of the states for which it is
1666 registered.

1667 (d) The carrier must place a receipt or an authorized copy in each vehicle for which it has
1668 paid the required fee.

1669 (e) Any Washington-based carrier that begins interstate operations in a state for which it
1670 has not registered may register for that state at any time, stating the number of vehicles to
1671 be operated in each state and submitting the required information and registration fee for
1672 each vehicle. The commission will provide a new receipt, if the carrier has not previously
1673 registered, or supplemental receipt, if it has registered, showing the states for which the
1674 carrier has registered.

1675 *[Replaces WAC 480-12-130]*

1676 **WAC 480-15-xxx How Do I Register as a Registered Exempt Carrier**

1677 (1) If you are operating under the exemptions of the Federal Motor Carrier Act, with no authority
1678 issued by the US DOT or its successor agency, you may not operate over the public highways of
1679 the state of Washington unless you register with the commission between August 1 and
1680 November 30 of each year, or at any time after November 30 when you begin interstate exempt
1681 operations, or when you will operate additional vehicles within the state.

1682 (2) To register with the commission as a registered exempt carrier, you must:

1683 (a) complete a registration application on a form provided by the commission;

1684 (b) identify the number of vehicles you will operate within the state;

1685 (c) pay the registration fee for each vehicle; and

1686 (d) provide proof of insurance.

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[New Rule]

WAC 480-15-xxx Registration Fee and Receipts

(1) Registration Fee. The annual registration fee for registered and registered exempt carriers in Washington state is ten dollars for each vehicle operated in interstate commerce over the public highways of the state.

(2) Registration Receipts

(a) A legible receipt showing registration with a base state or the commission as a registered or registered exempt carrier must be present in each vehicle and the receipt is subject to inspection at all times by law enforcement agents and commission representatives. No person or firm may use a registration receipt issued by the Commission other than the registered or registered exempt carrier to whom it was issued.

(b) All receipts issued for a calendar year expire on December 31 of that year.

[New Rule]

WAC 480-15-xxx Insurance Requirements

Registered and registered exempt carriers conducting interstate operations may provide evidence of insurance in the amount prescribed by the US DOT or its successor agency written by a company authorized to write insurance in any state.

Arbitration:

Cullen:

List of approved arbitrators? Company chose? Customer choose?
Has used arbitration and it has worked out well. Need to have good arbitrators. Need for them to be knowledgeable or have the ability to become knowledgeable quickly. Will look some information and get back to us with some services that are available. Great deal of choice. One should not be restrained to only one service. Who pays for the service? Lemon law -- no attorneys allowed -- consumer represents themselves, informal process.

Tutton:

1715 **Does Commission or AG's have this type of service available?**

1716 **How can we structure this under current authority?**

1717 **What should we do to get legislative authority for something like the**
1718 **lemon law.**

1719 **Can be used on inconvenience claims? (That's what it is called on**
1720 **interstate level?)**

1721 **McC -- agree that mediation/arbitration is good idea.**

1722 **Mr. Karp: consumer choice for mediation, arbitration, small claims.**
1723 **Interested in menu or options, not just the Better Business Bureau.**
1724 **Consumer should have choice of who serves as the arbitrator.**

