

RULEMAKING: Entry and Fitness Standards for Household Goods Carriers
DOCKET TV-111493

Comment Summary
January 25, 2012

Rule	Comments	Staff Response
<p>New Section: 480-15-305 Permanent authority. The commission will grant permanent authority to any applicant that meets the following criteria:</p> <ol style="list-style-type: none"> (1) The applicant has met all of the criteria required for a provisional permit as described in WAC 480-15-302. (2) The applicant has completed a provisional period of not less than six months. (3) The applicant has attended a commission-sponsored household goods carrier training class. (4) The applicant has provided staff with evidence that the applicant has completed a criminal background check on each person it employs or intends to employ that will have contact with a customer or a customer's residence. The commission will not grant permanent authority if any employee has, within the past five years, been convicted of any crime involving theft, burglary, sexual misconduct, identity theft, fraud, false statements, or the manufacture, sale, or distribution of a 	<p>From Friendly Moving Service, LLC, Roderick Testino, owner: Friendly Moving Service has a provisional household goods permit and is expecting to receive permanent authority. Mr. Testino states, "If not having thousands of dollars in the bank is grounds for my denial to permanent authority, then I think this is wrong. To keep me from doing my job cause I don't have enough money for you to consider me 'fit' is grossly undermining."</p>	<p>The proposed rules do not require any specific amount of cash on hand before the commission issues a permit for permanent authority.</p>

<p>controlled substance.</p> <p>(5) The applicant has received a satisfactory safety rating in a safety review conduct by commission safety staff.</p> <p>(6) The applicant has no outstanding commission-issued monetary penalties.</p> <p>(7) The applicant has paid all outstanding fees or other amounts due to the commission.</p> <p>(8) The applicant has met all other commission regulatory requirements, including any requirements set by statute, rule, tariff, or order.</p> <p>(9) The applicant has no unresolved consumer complaints filed with the commission.</p> <p>(10) No other circumstances exist that cause the commission to deny permanent authority.</p>		
<p>New Section: 480-15-302 Provisional authority.</p> <p>The commission will grant provisional authority to any applicant that meets the following criteria:</p> <p>(1) The applicant has properly completed the Household Goods Moving Company Permit Application.</p> <p>(2) The application does not contain any indication of fraud, misrepresentation, or erroneous information.</p> <p>(3) The applicant has provided a copy of a valid Washington state driver’s license for each person named in the application associated with the proposed moving company.</p> <p>(4) The applicant has met the liability and cargo insurance requirements of WAC 480-</p>	<p>From Washington Movers Conference (WMC), Jim Tutton, Executive Director: WMC suggests adding a new paragraph (4) to read: “The applicant has provided evidence of financial fitness to operate a moving company. The commission will accept as evidence a current company Balance Sheet or a current company bank statement.”</p>	<p>Staff recommends the commission accept the concept of WMC’s comments and add a new paragraph (4) to read: “The applicant has provided evidence that the applicant possesses sufficient financial resources to operate a moving company. The commission will accept as evidence the completed financial statement form included in the Household Goods Moving Company Permit Application or the alternative documents listed on the financial statement form.”</p>

<p>15-530 and WAC 480-15-550.</p> <p>(5) The applicant has provided evidence of compliance with state tax, labor, employment, business, and vehicle licensing laws and rules. The commission will accept as evidence valid account numbers that staff can verify, showing the applicant has established accounts with other state agencies, as evidence.</p> <p>(6) The applicant has provided evidence of its enrollment in a drug and alcohol testing program, or evidence that it has in place its own drug and alcohol testing program, if required by WAC 480-15-570. The commission will accept proof of enrollment in a program, or a detailed description of the applicant's own program, as evidence.</p> <p>(7) Commission staff has completed a criminal background check on each person named in the application associated with the proposed moving company. The commission will not grant provisional authority if any named person has, within the past five years, been convicted of any crime involving theft, burglary, sexual misconduct, identity theft, fraud, false statements, or the manufacture, sale, or distribution of a controlled substance.</p> <p>(8) The applicant owns or leases the equipment necessary to provide household goods moving services.</p> <p>(9) The commission has not denied a household goods moving application within the previous six months filed by the same</p>		
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<p>applicant or by any other person named on the application.</p> <p>(10) The commission has not canceled, for cause, a permit held by the applicant within the previous one year.</p> <p>(11) The applicant has filed with the application at least three completed statements of support for the proposed service.</p> <p>No other circumstances exist that cause the commission to deny the application.</p>		
<p>Same: New Section: 480-15-302 Provisional authority.</p>	<p>From Washington Movers Conference (WMC), Jim Tutton, Executive Director: WMC suggests adding a new paragraph (10) to read: “If the applicant intends to use temporary workers, the applicant certifies that it will maintain records for three years that describe the date(s) worked, names of temporary workers and the source from where the temporary workers were obtained.”</p>	<p>Staff recommends the commission reject WMC’s suggestions for two reasons. First, this requirement is not applicable to entry standards. This requirement pertains to the records a company is required to keep once it starts business. Second, adding the suggested language to the rules would impose requirements on new applicants that do not apply to currently permitted companies. A company that obtains a permit after the effective date of the rules would be required to keep records for temporary workers. No currently permitted company has or would have a similar requirement.</p>
<p>Same: New Section: 480-15-302 Provisional authority.</p>	<p>From Washington Movers Conference (WMC), Jim Tutton, Executive Director: WMC suggests adding a new paragraph (14) to read: “The provisional application review period is not less than six months. <u>One</u> extension may be granted for a period of not more than six additional months when additional staff time is needed to evaluate the applicant, complete</p>	<p>Staff recommends the commission reject WMC’s suggestion. Currently, an applicant receives a provisional permit for a minimum of six months. The applicant remains provisional until it has met all requirements for permanent authority. A review of the records for 2010 shows the UTC received 28 applications for household goods authority. For 20 of those applications, staff closed the file within an</p>

	<p>applicable required audits, or complete any needed applicant training. If, following the second six-month evaluation period, the application process is still incomplete; the application will be voided and returned to the applicant with comment.”</p>	<p>average of 10 months. Ten were granted and ten were canceled. Eight additional are still pending, primarily because the companies have not conducted enough intrastate moves on which to complete a compliance review. In other cases, it may take more than the average of 10 months for staff to get the carrier into compliance with UTC rules. Staff’s goal is to work with a new company on a cooperative basis to gain voluntary compliance. Staff does not recommend changing this approach.</p>
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