

Household Goods
Rulemaking
Docket No. TV-971477

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by
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139 **Part 1 - General**

140 **Part 1.1 - General Information**

141 *New Section*

142 **WAC 480-15-010 Purpose and Application**

143 (1) The legislature has declared that operating as a motor carrier of freight, including household
144 goods, for compensation along the highways of this state is a business affected with a public
145 interest and should be regulated. The purpose of these rules is to carry out the policies set forth
146 in RCW 81.80.020, as it applies to household goods carriers, by establishing standards for public
147 safety, fair competitive practices, just and reasonable charges, nondiscriminatory application of
148 rates, adequate and dependable service, and consumer protection, and compliance with statutes,
149 rules and commission orders..

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

151 *Previously interspersed throughout chapter*

152 **WAC 480-15-020 Definitions.**

153 For the purpose of this chapter, the following words, terms, and phrases have the following
154 meaning:

155 (1) "Application Docket" means a commission publication listing applications requesting
156 operating authority.

157 (2) "Authority" means the rights granted to a motor carrier to transport household goods.

158 (3) "Cancellation" means an act by the commission to terminate a household goods carrier's
159 authority.

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

161 (5) "Common carrier" means any person who undertakes to transport property, including
162 household goods, for the general public by motor vehicle, for compensation over the public
163 highways. This term also includes transportation under special and individual contracts or
164 agreements.

165 (6) "Constructive weight" means a weight based on a formula of 7 pounds per cubic foot of
166 properly loaded van space occupied by the shipper's goods.

167 (7) "Customer" means a person or entity that hires a common carrier to transport household
168 goods.

169 (8) "Exempt carrier" means any person operating a motor vehicle exempt from certain provisions
170 of Title 81 RCW pursuant to RCW 81.80.040.

171 (9) "Filing" means any application, petition, tariff proposal, annual report, comment, complaint,
172 pleading, or other document submitted to the commission.

173 (10) "Household goods carrier," means a common carrier transporting household goods within
174 the state of Washington.

175 (11) "Household goods," when the term is used in connection with transportation, means
176 personal effects and property used or to be used in a residence when it is a part of the equipment
177 or supply of such residence, and is transported between residences or between a residence and a
178 storage facility, with the intent to later transport to a residence. This term excludes transportation
179 of customer packed and sealed self-storage type containers when no accessorial services are
180 provided by the carrier in connection with the transportation of the container.

181 (12) "I" means a household goods carrier or shipper, depending upon the context of the rule.

182 (13) "Loaded weight" means the weight of the motor vehicle obtained when:
183 (a) the shipper's goods are loaded on the vehicle;
184 (b) the vehicle's fuel tank is full;
185 (c) all pads, chains, dollies, hand trucks, and other equipment needed in the transportation
186 of the shipment are on board the vehicle;
187 (d) the vehicle's crew is not on board the vehicle.

188 (14) "Local move " means all moves taking place within the limits of a city or town; all moves
189 where the loaded distance is 35 miles or less; or moves specifically defined as local in the
190 commission tariff. Generally, rates for local moves are assessed on an hourly basis.

191 (15) "Long distance move" means any move not meeting the definition of a local move.
192 Generally, rates for long distance moves are assessed on the basis of weight and distance.

193 (16) "Motor carrier" means "common carrier," "exempt carrier," and "private carrier," as defined
194 in this chapter.

195 (17) "Motor vehicle," means any vehicle, machine, tractor, trailer, or semi-trailer, propelled or
196 drawn by mechanical power, or any combination of such vehicles, and used upon the highways in
197 the transportation of property, including household goods.

198 (18) "Net weight" means that weight obtained by subtracting the tare weight of the vehicle from
199 the loaded weight. It is the weight of the goods shipped by the consumer.

200 (19) "Permit" means a document issued by the commission describing the authority granted to a
201 household goods carrier under the provisions of chapter 81.80 RCW, as amended. A permit may
202 be temporary or permanent in duration, and may allow a common carrier to transport household
203 goods throughout the state of Washington or limit the common carrier to transportation of

- 204 household goods in specific designated areas of the state.
- 205 (20) "Person" includes any individual, firm, corporation, company, or partnership.
- 206 (21) "Private carrier" means a person who, in their own motor vehicle, transports their own
207 household goods, household goods being bought or sold by the person in good faith, or
208 transports household goods purely as an incidental adjunct to some established business owned or
209 operated in good faith.
- 210 (22) "Registered carriers" means motor carriers operating in interstate or foreign commerce
211 under authority issued by the Interstate Commerce Commission, the U.S. Department of
212 Transportation, or a successor agency.
- 213 (23) "Registered exempt carriers" means motor carriers operating in interstate or foreign
214 commerce under the exemptions of the Federal Motor Carrier Act without interstate authority
215 issued by the Interstate Commerce Commission, the U.S. Department of Transportation, or a
216 successor agency.
- 217 (24) "Shipper" means a person or entity that hires a common carrier to transport household
218 goods.
- 219 (25) "State" means the state of Washington.
- 220 (26) "Suspension" means an act by the commission to temporarily withhold permit authority
221 rights.
- 222 (27) "Tare weight" means the weight of the empty motor vehicle obtained when:
223 (a) the shipper's goods are loaded on the motor vehicle;
224 (b) the motor vehicle's fuel tank is full;
225 (c) all pads, chains, dollies, hand trucks, and other equipment needed in the transportation
226 of the shipment are on board the motor vehicle;
227 (d) the crew is not on board the motor vehicle.
- 228 (28) "Tariff" means a publication containing the rates and charges that must be assessed on
229 shipments of household goods and the rules and regulations that govern how rates and charges
230 are assessed.
- 231 (29) "Transportation of household goods" means the for hire movement of household goods by
232 motor vehicle over the public highways of the state. This includes arranging for receipt, delivery,
233 storage in transit, handling, and providing any accessorial services related to that movement, such
234 as packing and unpacking of household goods and wrapping or protecting any portion of a
235 shipment.

- 236 (30) "Us" means the Washington utilities and transportation commission.
237 (31) "We" means the Washington utilities and transportation commission.
238 (32) "You" means a household goods carrier, shipper, insurance company, or other person or
239 entity, as specified by rule.

240 *New Section*

241 **WAC 480-15-030 Waiver of Rules**

242 (1) The Commission may grant a waiver of any rule in this chapter, when doing so is consistent
243 with the public interest, the purposes underlying regulation, and sound public policy, and is
244 consistent with applicable statutes.

245 (2) To request a rule waiver, a person must file with the commission a written request identifying
246 the rule for which a waiver is sought, and giving a full explanation of the reason(s) the waiver is
247 requested.

248 *Previously 480-12-083 and 480-12-084*

249 **WAC 480-15-040 Adoption by Reference**

250 The commission has adopted by reference the following publications:

251 (1) "North American Uniform Out-of-Service Criteria" published by The Commercial Vehicle
252 Safety Alliance, in effect on April 1, 1998.

253 (2) "Title 49 Code of Federal Regulations," cited as 49 CFR, including all regulations and
254 appendices and amendments in effect on October 1, 1998, except:

255 (a) Carriers operating exclusively in intrastate commerce are not subject to the provisions
256 of section 390.3(c) and section 390.21;

257 (b) With respect to section 390.5, the definitions for "exempt intracity zone," "farm to
258 market agricultural transportation," "farm vehicle driver," "farmer," "private motor carrier of
259 passengers," "private motor carrier of property," "school bus," and "school bus operation" shall
260 not apply;

261 (c) The terms "exempt motor carrier," "motor carrier," "motor vehicle," and "private
262 carrier" have the meanings assigned to them in this chapter;

263 (d) The term "commercial motor vehicle" means any motor vehicle used by a household
264 goods carrier to transport household goods;

265 (e) Whenever the term "director" is used, it shall mean the commission.

266 **WAC 480-15-050 Where may I get copies of the documents the commission has**
267 **adopted by reference?**

268 (1) The North American Uniform Out-of-Service Criteria may be reviewed at the commission's
269 headquarters and is available for a fee from the Commercial Vehicle Safety Alliance and third
270 party vendors.

271 (2) Title 49 of the Code of Federal Regulations may be reviewed at the commission's

272 headquarters and is available for a fee from the GPO (Government Printing Office) and third party
273 vendors.

274 **Part 1.2 - Contacting the Commission**

275 *Previously part of 480-12-005*

276 **WAC 480-15-060 How may I contact the commission?**

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

279 (1) Mailing address:

280 The Secretary
281 Washington Utilities and Transportation Commission (or, WUTC)
282 P.O. Box 47250
283 Olympia, WA 98504-7250

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

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

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

287 **WAC 480-15-070 Where is the commission located?**

288 Washington Utilities and Transportation Commission
289 1300 S Evergreen Park Drive SW
290 Olympia, WA 98504-7250

291 *Previously part of 480-12-015*

292 **WAC 480-15-080 How do I file documents with the commission?**

293 You may file documents by mailing them to the address in WAC 480-15-??? or by hand delivering
294 documents to the commission's records management section. Your documents are officially
295 received when date stamped by the commission's records management section. Certain filings
296 may be made electronically, as provided in WAC 480-09-120.

297 *Previously part of 480-12-005*

298 **WAC 480-15-090 May I submit information or complaints to the commission** 299 **confidentially?**

300 Yes, you may submit information confidentially under the following conditions:

301 (1) **Information other than complaints.** The commission will provide special handling and
302 limited access to confidential information that is submitted under the provisions of WAC 480-
303 09-015. Copies of this rule are available upon request.

304 (2) **Complaints and rule violations.** At your request we will keep your name and address

305 confidential when you report a complaint or rule violation. We require that you sign and submit a
306 form specifying that you fear for your safety if your name and address are made public. Please
307 note, however, that it is difficult to investigate complaints regarding a specific shipment if we are
308 unable to release the name of the shipper, as carrier records are often kept by shipper name and
309 address.

310 *Previously part of 480-12-020*

311 **WAC 480-15-100 What form of payment does the commission accept?**

312 You may pay by money order, check, or certified check payable to the Washington Utilities and
313 Transportation Commission. You may also pay with cash if you make your payment in person.
314 We accept only U.S. funds.

315 *Previously 480-12-025*

316 **WAC 480-15-110 If I change my business address, must I notify the**
317 **Commission?**

318 Yes, if you change your physical or mailing business address you must immediately notify the
319 Commission in writing.

320 *Previously 480-12-003*

321 **WAC 480-15-120 Where may I find rules relating to commission administrative**
322 **proceedings?**

323 The commission's rules governing administrative practices and procedures are located in chapter
324 480-09 WAC. When a rule in this chapter is different than a rule in chapter 480-09 WAC, the
325 rule in this chapter will govern.

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

327 **WAC 480-15-130 What is the commission's compliance policy?**

328 The commission is authorized to administer and enforce the laws relating to household goods
329 carriers by:

- 330 (a) Inspecting equipment, accounts, books, and documents, including, but not limited to:
331 (i) vehicles, drivers, vehicle and driver records and files;
332 (ii) business and financial records;
333 (iii) insurance certificates;
334 (iv) compliance records;
335 (v) billing documents;
336 (vi) shipment records;
337 (b) Prosecuting violations of statute, rule and commission orders..

338 In enforcing the law, the commission encourages voluntary compliance with statutes, rules and
339 commission orders, through the following programs:

- 340 (a) A program emphasizing education and technical assistance; and
341 (b) A compliance program including:
342 (i) Investigation and informal dispute resolution of customer complaints;

- 343 (ii) Investigation of informal and formal company complaints;
344 (iii) Driver and equipment safety compliance reviews;
345 (iv) Economic compliance audits (i.e., concerning rates, charges, billing practices);
346 (v) Coordinated roadside enforcement; and
347 (vi) Cooperative agreements with other agencies to enable effective enforcement and
348 appropriate use of resources where necessary to ensure compliance with statutes, rules and
349 commission orders, the commission will pursue:
350 (a) Administrative actions, including but not limited to, warnings, sanctions, penalty
351 assessments, suspension or cancellation of permits, and hearings to show cause and classify motor
352 carriers.
353 (b) Institution of court proceedings.

354 **WAC 480-15-140 How will the commission enforce this chapter?**

355 The commission authorizes its staff to inspect the equipment, accounts, books, papers and
356 documents of household goods carriers and to conduct inspections and investigations on its
357 behalf. The commission institutes appropriate enforcement action against violators based on
358 information collected by its staff. The commission has delegated authority to its staff to place
359 vehicles and drivers out-of-service if they do not meet minimum safety standards. In addition, the
360 commission has delegated authority to its staff to issue citations or arrest without warrant persons
361 found violating this chapter in the presence of staff.

362 **WAC 480-15-150 Why would the commission take administration action?**

363 The commission will take administrative action for violations in a manner that it believes will best
364 assure future compliance by the violating household goods carrier and other household goods
365 carriers. The commission may:

- 366 (1) Assess monetary penalties under the provisions in Title 81.04 RCW as a tool of
367 enforcement and remediation; or
368 (2) Suspend or cancel a household goods permit under circumstances in which the
369 commission believes education and penalties have not been, or will not be, effective to secure
370 compliance; for serious actions including fraud or misrepresentation; and willful violation of legal
371 requirements.

372 **WAC 480-15-160 What sanctions apply to carriers operating without valid**
373 **permits?**

374 (1) **Operating while suspended.** Household goods carriers who continue to operate after
375 their permits have been suspended are subject to:

- 376 (a) Misdemeanor or gross misdemeanor citations, for which a person must appear in District
377 Court;
378 (b) Monetary penalty assessments or other administrative actions; and/or
379 (c) Immediate institution of proceedings to cancel their permit.

380 (2) **Operating after cancellation.** Household goods carriers who continue to operate after
381 their permits have been canceled are subject to:

- 382 (a) Misdemeanor or gross misdemeanor citations, for which a person must appear in District

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Court;

(b) Enforcement proceedings in Superior Court..

(3) Operating with no permit.

(1) Motor carriers who transport household goods without having first obtained a permit from the commission to do so are subject to citation if observed or contacted by a representative of the commission while transporting household goods over the public roads of the state of Washington.

(2) If we receive information from a responsible party that a motor carrier is transporting household goods without a household goods permit, we will contact the motor carrier and provide education and technical assistance concerning the applicable rules and regulations. We will supply the motor carrier with a copy of the applicable laws and rules, as well as forms with which to apply for a permit.

(3) If the motor carrier continues to operate without a permit after the commission provides the motor carrier with an opportunity to apply for a permit and the motor carrier does not do so, the commission may institute an administrative proceeding to classify the motor carrier. If after the hearing, the commission determines the motor carrier is operating as a household goods carrier without the required permit, the commission will issue a cease and desist order to the party(s) involved in the operations.

(4) The commission may institute legal action in the appropriate court if it obtains sufficient information that a motor carrier continues to operate in violation of the commission's order.

402 *These sections replace WAC 480-12-030, WAC 480-12-033, WAC 480-12-045, WAC 480-12-*
403 *050, WAC 480-12-070*

404 **Part 2 - Permits**

405 **Part 2.1 - General Permit Information**

406 **WAC 480-15-170 What is a household goods permit?**

407 A household goods permit is a document issued by the commission describing the transportation
408 services and territories authorized. It includes at least the following information:

- 409 (1) the permit number granted by the commission;
- 410 (2) the official name of the permit holder;
- 411 (3) the registered trade or business names;
- 412 (4) the address of record; and,
- 413 (5) any conditions imposed by the commission upon on the permit.

414 **WAC 480-15-180 When must I have a household goods permit?**

415 (1) Unless you are operating in the territory described in WAC 480-15-xxx, you must receive a
416 permit from us before you transport household goods:

- 417 (A) by motor vehicle;
- 418 (B) over the public highways;
- 419 (C) between points in Washington State; and
- 420 (D) for compensation.

421 (2) If you transport household goods carriers without first having obtained a permit you will be
422 subject to the enforcement actions described in WAC 480-15-xxx.

423 **WAC 480-15-190 Where may I operate with a household goods permit?**

424 (1) Household goods permits authorize statewide operations unless:

- 425 (a) You elect to limit your service territory to specific counties; or
- 426 (b) The commission, by order, limits your service territory.

427 (2) If you hold a household goods permit issued prior to the effective date of these rules, it will be
428 reissued to authorize statewide operations unless you elect to limit your service territory to
429 specific counties.

430 **WAC 480-15-200 Are there areas I may operate without a permit?**

431 Pursuant to RCW 81.80.040(1), you do not need a permit to transport household goods
432 exclusively between points within the limits of a city or town with a population of less than
433 10,000, unless the city borders a city or town with a population of greater than 10,000.

434 Pursuant to RCW 81.80.040(2) you do not need a permit to transport household goods
435 exclusively between points within a city with population between 10,000 and 30,000, if the
436 commission has issued an order exempting transportation within that city from regulation.

437 **WAC 480-15-210 Are there different kinds of household goods permits?**
438 We issue household goods permits for emergency temporary, temporary, and permanent
439 authority. We may grant:

440 (1) Emergency temporary authority for a period of thirty days or less when there is an urgent
441 need for service and time or circumstances do not reasonably allow for filing and processing
442 of an application for temporary authority;

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

446 (3) Permanent authority with no expiration date or renewal requirement when the applicant is
447 fit, willing, and able to provide service, when granting that service is in the public interest, and
448 when the proposed service is needed to meet the current or future public convenience and
449 necessity.

450 **WAC 480-15-220 How do I apply for a permit?**

451 (1) You may file an application for a permit on forms furnished by the commission. You may file
452 your application in person or by mail. (See WAC 480-15-xxx for the commission's address.)
453

454 (2) You must include all requested information, attachments, complete signed statements, and
455 fees when you file your application. (See WAC 480-15-xxx for the appropriate application fees.)
456 We may not accept your application until all required information is supplied and any outstanding
457 fees or penalties are paid.

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

460 *Previously part of several rules.*

461 **WAC 480-15-230 How much is the application fee?**

462 The maximum application fee, by law, is \$550. After reviewing the actual costs of processing
463 applications, we may set fees at less than the legal maximum. Each application form will clearly
464 state the fee you must submit when filing an application.

465 The following table lists the application fees in place on the effective date of these rules:

Type of Permit Application	Fee
Emergency Temporary Authority	\$ 50.00
Temporary Authority	\$250.00
Permanent Authority	\$550.00

470	Permanent Authority (Under the exceptions named in WAC 480-15-xxx)	\$250.00
471	Permit Reinstatement (if filed within 30 days of cancellation date)	\$250.00
472	Name Change Only	\$ 35.00

WAC 480-15-240 How may a new entrant obtain authority?

You are a new entrant if you do not hold a permit that allows you to transport household goods within the state of Washington. The following table describes the application process for new entrants to obtain permanent authority:

477 478	If you file an application for:	You must also file an application for:	We will:	We will grant an application when:
479 480 481 482	PERMANENT authority Refer to WAC 480-15-???	TEMPORARY authority Refer to WAC 480-15-???	Publish your application on an application docket subject to public comment.	The applicant is fit, willing, and able to provide the proposed service; The proposed service is in the public interest, and , for applications for permanent authority, The proposed service is required to meet the current or future public convenience and necessity.

WAC 480-15-250 What is the process to expand the authority of an existing permit?

You must file a permanent authority application if you want to expand the authority of your existing household goods permit. The following table describes the filing process for existing household goods carriers to obtain additional permanent authority:

488 489	If you file an application for:	We will:	We will grant an application when:

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<p>PERMANENT Authority</p> <p>Refer to WAC 480-15-???</p>	<p>Publish your application on an application docket subject to public comment.</p>	<p>The applicant is fit, willing, and able to provide the proposed service;</p> <p>The proposed service is in the public interest; and</p> <p>The proposed service is required to meet the current or future public convenience and necessity.</p>
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WAC 480-15-260 Are there exceptions to the application process?

Yes, there are exceptions to the application process. We will grant an application for permanent authority without public notice or comment when the applicant is fit, willing, and able to provide service, and the application is filed to transfer or acquire control of permanent authority for the following reasons:

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- (1) A partnership has dissolved due to the death, bankruptcy, or withdrawal of a partner, and that partner's interest is being transferred to one or more remaining partners or a spouse;
- (2) A shareholder in a corporation has died and that shareholder's interest is being transferred to a surviving spouse or one or more surviving shareholders;
- (3) A sole proprietor has died and the interest is being transferred as property of the estate;
- (4) An individual has incorporated, and the same individual remains the majority shareholder;
- (5) An individual has added a partner, but the same individual remains the majority partner;
- (6) A corporation has dissolved and the interest is being transferred to the majority shareholder;
- (7) A partnership has dissolved and the interest is being transferred to the majority partner;
- (8) A partnership has incorporated, and the partners are the majority shareholders; or
- (9) Ownership is being transferred from one corporation to another corporation when both are wholly owned by the same shareholders.

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Part 2.2 - Emergency Temporary and Temporary Authority

WAC 480-15-270 When will the commission grant emergency temporary authority?

We will grant an applications for emergency temporary authority to meet an urgent need when time or circumstances do not reasonably allow for the filing and processing of a temporary permit application. We may grant emergency temporary authority for up to thirty days when a qualified applicant:

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

523 **WAC 480-15-280 When will the commission grant temporary authority?**

524 (1) You must apply for temporary authority if you are requesting new original authority. We
525 will grant or deny an application for temporary authority after we have conducted a complete
526 review of your application and any supporting statements, any reports or other information
527 necessary to determine your fitness and whether granting a permit is in the public interest.

528 (2) When determining if an applicant is fit, willing, and able to provide the proposed service we
529 will consider statements and reports, from the applicant and other members of the public,
530 regarding:

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

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

537 (3) When determining if the proposed service is in the public interest we will consider statements
538 and reports, from shippers and other members of the public, supporting the proposed service and
539 whether granting the temporary authority will:

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

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

544 (3) Statements and reports from the applicant, shippers, and other members of the public, must
545 include their full name, address, phone number, and notarized signature or statement of oath to
546 certify that the information submitted to us is true and accurate.

547 **WAC 480-15-290 How will I know what the commission has decided?**

548 After reviewing your application and all supporting statements and reports the commission will
549 issue an order to you granting or denying your application for temporary authority. An order
550 granting temporary authority may include specific terms and conditions that you must satisfy
551 before operating under temporary authority.

552 **WAC 480-15-300 What conditions may be attached to my temporary authority?**

553 Certain conditions apply to all grants of temporary authority and others may result from our

554 review of your application and supporting statements (refer to WAC 480-15-???) . We may
555 impose any of the following conditions when granting temporary authority:
556 (1) Driver and equipment safety training;
557 (2) Rates and billing practices training;
558 (3) Surety bond, or other means to promote compliance;
559 (4) Special compliance audits;
560 (5) Special customer notices and comment forms which evaluate your services;
561 (6) Other reporting as the commission may require, such as customer lists, and financial
562 reporting;
563 (7) Vehicles must pass inspection and be issued a valid Commercial Vehicle Safety Alliance
564 (CVSA) inspection decal; and
565 (8) Other conditions depending on the circumstances surrounding the application.

566 **WAC 480-15-310 May I comment on a decision to grant or deny temporary**
567 **authority?**

568 (1) We will publish an application docket which lists temporary authority we have granted or
569 denied. We will mail the docket to each applicant and, upon written request, to any other person
570 interested in application proceedings.

571 (2) Anyone who has an interest in an application that appears on the docket may file written
572 comments within ten days following publication. Your comments may be in the form of
573 statements supporting or protesting the application. Comments must include your full name,
574 address, telephone number, FAX number, and permit number if applicable. Comments must state
575 the nature of your support or protest and address the following issues: fitness, public interest,
576 levels of service, business practices, safety, and operation of equipment.

577 (3) We may grant or deny a protest without a hearing. We may, at our own discretion, hold a
578 brief adjudicative proceeding on a protest. WAC 480-09-500 governs applications and
579 procedures for brief adjudicative proceedings.

580 **WAC 480-15-320 May the commission cancel a temporary permit?**

581 Yes, we may cancel a temporary permit any time if we determine that:
582 (1) The permit was not issued in the public interest;
583 (2) The grant of temporary authority was based on fraud, misrepresentation, or erroneous
584 information from the applicant, or
585 (3) We find cause to cancel the permit under the circumstances described in
586 WAC 480-15-???

587 **Part 2.3 - Permanent Authority**

588 **WAC 480-15-330 When will the commission grant permanent authority?**

589 (1) You must apply for permanent authority if you are requesting:

- 590 (a) new original authority;
- 591 (b) transfer of existing authority;
- 592 (c) acquisition of control of existing authority;
- 593 (d) adding authority to an existing household goods permit; and
- 594 (e) adding household goods authority to an existing general commodities permit granted
- 595 under the provisions of chapter 480-14 WAC.

596 (2) We will grant or deny an application for permanent authority after we have conducted a
597 complete review of your application, supporting statements, reports, or other information
598 necessary to determine fitness, public interest, and current or future public convenience and
599 necessity.

600 (3) Under certain circumstances, transfers of existing permanent authority are not subject to the
601 requirements in this rule. The exceptions are listed in WAC 480-15-???

602 (4) When determining if an applicant is fit, willing and able to provide the proposed service we
603 will consider statements and reports regarding:

- 604 (a) The applicant's experience in the industry; knowledge of safety regulations; financial
605 resources and equipment; compliance with tax, labor, employment, business, and vehicle
606 licensing laws;
- 607 (b) Whether the applicant has been cited for violation of state law or commission rules, has
608 been convicted of a Class A or Class B Felony, or previously has been denied authority on the
609 basis of fitness; and
- 610 (c) The results of any compliance reviews, audits, inspection reports, and consumer
611 complaints filed against the applicant.

612 (5) When determining if the proposed service is in the public interest we will consider statements
613 and reports supporting the proposed service and if granting the permanent authority will:

- 614 (a) Enhance choices available to consumers, promote a viable yet competitive household
615 goods industry, or fill an unmet need for service; and
- 616 (b) Allow the us to more efficiently regulate the household goods industry, and provide
617 increased consumer protection through regulation.

618 (6) When determining if the proposed service is needed to satisfy the current or future public
619 convenience and necessity, we will consider statements supporting the proposed service and any
620 reports relating to the operations you conducted under temporary authority, including, but not
621 limited to the following:

- 622 (a) The number of customers you served;
- 623 (b) The nature of the service you provided;
- 624 (c) Your customers' satisfaction; and,

625 (d) Statements regarding the future need for your services.

626 **WAC 480-15-340 May I comment on an application for permanent authority?**

627 (1) We publish applications for permanent authority on the application docket which we mail to
628 each applicant and, upon written request, to any other person interested in application
629 proceedings.

630 (2) Anyone who has an interest in an application that appears on the docket may file written
631 comments within 30 days following publication, unless the application is published in conjunction
632 with a grant of temporary authority. If the permanent authority application is published in
633 conjunction with a grant of temporary authority then comments will be accepted for 180 days or
634 the full term of the temporary.

635 (3) Your comments may be in the form of statements supporting or protesting the application.
636 Comments must include your full name, address, telephone and FAX number, and permit number,
637 if applicable. Comments must state the nature of your support or protest and address the
638 following issues; fitness, public interest, levels of service, business practices, safety, operation of
639 equipment and current or future public need for service.

640 (4) We may deny a comment protesting an application without hearing.

641 **WAC 480-15-350 Will my application be set for a hearing?**

642 We may hold a hearing or brief adjudicative proceeding on any application for permanent
643 authority if it is necessary to resolve outstanding issues or concerns related to fitness, public
644 interest, public convenience and necessity, or any other issue resulting from a compliance review,
645 audit, inspection report, complaint, or public comment. Rules governing hearings and brief
646 adjudicative proceedings are contained in chapter 480-09 WAC.

647 **Part 2.4 - Using Your Permit**

648 **WAC 480-15-360 Where must I keep my permit?**

649 You must keep your original permit in your main office and carry a copy of your permit in each
650 vehicle used to transport household goods. You must show a copy of your permit to any law
651 enforcement or compliance officer who asks to see it.

652 *Previously 480-12-125*

653 **WAC 480-15-370 What if my permit is lost or destroyed?**

654 You may write to us and request replacement of a lost or destroyed permit. We will issue a
655 replacement permit at no charge.

656 *New Section*

657 **WAC 480-15-380 May I allow others to use my permit authority?**

658 No, you must not allow others to transport household goods under your permit authority. All
659 operations under a household goods permit must be conducted by the lawful permit holder. While
660 you may not lease your permit authority, you may lease vehicles for use in your own operations
661 pursuant to the leasing rules in WAC 480-15-???. .

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

663 **WAC 480-15-390 What name may I use?**

664 (1) You must conduct operations under the name shown on your household goods permit. If
665 you do business under a trade or assumed name, that name must also appear on your permit.

666 (2) You may not operate under a name that is similar to that of another carrier unless:

- 667 (a) The carrier whose name is similar has given you written permission to use the name; or
668 (b) The commission authorizes use of the similar name. Before authorizing use of a similar
669 name, the commission must first determine that the use of the similar name will not:
670 (i) Mislead the shipping public; or
671 (ii) Result in unfair or destructive competitive practices.

672 **WAC 480-15-400 How do I change my permit name?**

673 (1) You must file a name change application if you want to change your permit name, corporate
674 name, trade name, or add a trade name to your permit. .

675 (2) Your name change application must include the application fee (as shown in WAC 480-15-
676 xxx), copies of any corporate minutes authorizing the name change, and proof that you have
677 properly registered your new name with the Department of Licensing, Office of the Secretary of
678 State, or other agencies, as may be required.

679 (3) You must file an application to transfer or acquire control of permanent authority if your
680 name change is the result of a change in ownership or controlling interest.

681 *Previously WAC 480-12-385*

682 **WAC 480-15-410 What if I can't use my permit?**

683 (1) If you are unable to use your permit due to medical reasons or because you have been called
684 into active military service, you may request that your authority be voluntarily suspended.

685 (2) You must send your request to us in writing and include the following information:

- 686 (a) Your name, address, and permit number;
687 (b) The reason for the request (medical statement, military orders, etc.);

- 688 (c) Date you would like the inactive status to begin;
689 (d) Length of time that you will be unable to use your permit; and
690 (e) A statement that no household goods transportation will occur under your permit while it
691 is suspended.

692 (3) We will issue an order suspending your permit. The order will set the length of time and the
693 terms of your permit suspension.

694 (4) To activate your suspended permit you must send us a letter advising that you are ready to
695 resume household goods service and agree to conduct operations in compliance with the laws and
696 rules. You must satisfy any outstanding filing requirements before we will issue an order to lift
697 the suspension.

698 (5) If you do not activate your permit before the suspension period expires, your permit may be
699 canceled.

700 **WAC 480-15-420 What if I no longer want to use my permit?**

701 If you no longer want to use your permit, you may send the original permit to us with a written
702 request that it be canceled. Your cancellation request must include your name, address, and
703 permit number. We will issue an order cancelling your permit. Cancellation will be effective on
704 the date of that order.

705 **Part 2.5 - Suspended and Canceled Permits**

706 **WAC 480-15-430 Why would the Commission suspend my permit?**

707 The commission may suspend your permit under the provisions of 480-15-??? or for good cause.
708 Good cause includes, but is not limited to:

- 709 (a) failure to maintain evidence of required cargo and/or liability insurance coverage for all
710 areas of your operations;
711 (b) failure to maintain your tariff and/or comply with the rates and rules contained in the tariff;
712 (c) failure or refusal to comply with operating standards that protect the public health and/or
713 safety;
714 (d) operating in a manner which harms the rights of the shipping public or which constitutes
715 unfair or deceptive business practices. For example: Investigation by the commission's staff
716 representatives upholds numerous consumer complaints related to loss and damage, packing,
717 loading and/or unloading, estimating or billing.

718 The commission may suspend a permit without hearing if there is imminent danger to the public
719 health, safety or welfare, or there is insufficient time to conduct a hearing.

720 **WAC 480-15-440 What if my permit is suspended for cause?**

721 (1) **Notification.** The commission will send you notice of its action to suspend your permit.
722 The suspension is effective upon the service date of the notice.

723 (2) **Contest of suspension.** You may contest the suspension of your permit by requesting an
724 adjudication or brief adjudicative proceeding. The procedures for such hearings are contained in
725 chapter 480-09 WAC.

726 (3) **Reinstatement of permit.** We will lift the suspension of your permit after you correct all
727 conditions leading to the suspension.

728 **WAC 480-15-450 Why would the commission cancel my permit?**

729 The commission may cancel your permit under the provisions of 480-15-??? or for good cause.
730 Good cause includes, but is not limited to:

731 (a) Failure to file an annual report or pay required regulatory fees;

732 (b) Failure to correct, within the time frame specified in the suspension order, the conditions
733 that led to the suspension of your permit;

734 (c) Continued violations of applicable laws and rules affecting the public health, safety or
735 welfare when the commission has reason to believe you would not comply with those laws and
736 rules following a specified period of suspension;

737 (d) Repeated failure or refusal to comply with applicable laws and rules pertaining to
738 operations of household goods carriers;

739 (e) Failure to supply information necessary to the commission for the performance of its
740 regulatory functions when requested by the commission to provide such information;

741 (f) Submission of false, misleading or inaccurate information.

742 The commission will hold a hearing prior to canceling your permit unless your permit is subject to
743 cancellation because you failed, within the time frame specified by the suspension order, to correct
744 the causes of the suspension.

745 **WAC 480-15-460 What if my permit is canceled for cause?**

746 (1) **Notification.** The commission will send you notice of its action to cancel your permit.
747 The cancellation is effective upon the service date of the notice.

748 (2) **Contest of suspension.** You may contest the cancellation of your permit by requesting an
749 adjudication or brief adjudication proceeding. The procedures for such hearings are contained in
750 chapter 480-09 WAC.

751 (3) **Reinstatement of permit.** If you correct all conditions that led to the cancellation of your
752 permit, you may apply for reinstatement of your permit.

753 (a) If you file an application within 30 days of cancellation, you must file an application for
754 reinstatement and the applicable fees.

755 (b) If you file an application for reinstatement after 30 days of cancellation, your application
756 will be considered in all aspects to be an application for new authority and will be subject to all
757 terms and conditions specified in WAC 480-15-??? for new applicants.

758 **Part 3 - Administrative, Tariff, and Rates Requirements to Transport Household**
759 **Goods, for Hire, within the state of Washington**

760 **Part 3.1 - Rule Books**

761 **WAC 480-15-470 Rule Books**

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

764 (2) **How do I get a rule book?** You may request a rule book by contacting the commission.
765 The first copy of the rule book is free. However, we may charge a fee for multiple copy requests.
766 We will automatically send a rule book to anyone who applies for a household goods permit.

767 (3) **How do I get a rule book update?** If changes occur, we automatically send annual rule
768 book updates to everyone who has a household goods permit. Any person may request a current
769 rule book by contacting us at the address listed in WAC 480-15-???.

770 (4) **Is the rule book copyrighted?** The rule book is not copyrighted. You may copy or
771 reproduce it without our permission.

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

773 *New Section*

774 **WAC 480-15-480 Annual Reports and Regulatory Fees**

775 (1) **What is an annual report?** An annual report is a year end statement that discloses to
776 the commission financial, equipment, operating, and management information about you and the
777 operations you conducted under your household goods permit. Your signed report includes a
778 statement certifying that the information in your report is true and accurate.

779 (a) You must report your financial information according to the Uniform System of Accounts
780 established by the commission for household goods carriers.

781 (b) The commission will mail annual report forms and instructions to each household goods
782 permit holder at their address of record. If you do not receive an annual report form, it is your
783 responsibility to contact the commission and request the form.

784 (2) **What is a regulatory fee?** A regulatory fee is an annual assessment paid by each
785 household goods carrier to cover the costs of regulating the household goods industry. The
786 maximum regulatory fee is set by law at one-fourth of one percent of the gross operating revenue
787 generated from your intrastate transportation of household goods. We may reduce the fee by
788 general order. Each year we review the costs of regulating the household goods industry and set
789 the next year's fee accordingly.

790 *Previously part of 480-12-600*

791 (3) **How do I calculate my regulatory fee?** Your regulatory fee is calculated as a
792 percentage of your intrastate gross operating revenues generated from the transportation of
793 household goods during the prior calendar year.

794	For example:	Gross Operating Revenue	\$100,000.00	x	
795		Regulatory Fee Percentage	<u>.0025</u>	=	
796		Regulatory Fee Due	\$	250.00	

797 (4) **When are my annual report and regulatory fees due?** You must file your annual
 798 report and pay your regulatory fees by May 1st of the year following the calendar year about
 799 which your are reporting.

800 (a) If you pay your regulatory fee late, we will assess an automatic late fee of two percent of
 801 the amount due, plus one percent interest for each month after that.

802 (b) If you do not file your annual report and/or do not pay your regulatory fee, we may issue
 803 penalty assessments or cancel your permit under the provisions listed in WAC 480-15-???.

804 **Part 3.3 - Tariff and Rates**

805 **WAC 480-15-490 Tariff and Rates, General**

806 (1) **What is a tariff?** A tariff is a publication containing the rates that household goods
 807 carriers must assess on shipments of household goods, including rules and regulations that govern
 808 how rates are assessed.

809 (2) **How are tariff rates established?**

810 (a) Pursuant to RCW 81.80.130 and RCW 81.80.150, the commission publishes tariffs to be
 811 used by all household goods carriers or may allow carriers to file individual tariffs if the
 812 commission finds it is practical to publish tariffs for certain commodities or services. The
 813 commission determines the rates and charges contained in the tariffs by commission order
 814 following notice and hearing. Under RCW 81.80.130, the commission must set fair, just, and
 815 reasonable rates and charges by establishing minimum, maximum or minimum and maximum
 816 rates.

817 (b) Upon the effective date of these rules, and continuing until such time as the commission,
 818 after notice and hearing, determines a different rate structure, household goods carriers may
 819 charge no more than _____ percent greater than the current tariff rates and charges and no less
 820 than _____ percent less than the current tariff rates and charges.

821
 822 (3) **Who must have tariffs?** Each person holding household goods permit authority must
 823 purchase and post at least one copy of the current tariff and pay applicable tariff maintenance fees.
 824 Any interested person may purchase a copy by paying the applicable fees in advance.

825 (4) **Where must I post my tariffs?** You must post a current copy of the tariff in your
 826 main office, and in each billing office.

827 (5) **Who must charge rates contained in the tariff?**

828 All household goods carriers must charge the rates and comply with the rules contained in the
 829 tariff unless we have approved, in writing, deviations from the tariff.

830 **(6) Is the tariff the only publication I need to use to determine rates?**
831 No, we may adopt other publications that will be used to assess rates. If we do, we will notify
832 tariff subscribers of the change.

833 **(7) Where may the public view tariffs?** Tariffs are public documents and you must
834 make them available for the public by posting copies at your main office and any billing office.
835 Tariffs are also available for review at our headquarters office.

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

839 **(9) Are copies of current or expired tariff pages available?** We will supply you
840 with current or expired single tariff pages upon request. Copies of entire expired tariffs, or entire
841 tariffs applicable on a specific date in the past, generally are not available.

842

843 **WAC 480-15-500 Tariff maintenance**

844 **(1) What is a tariff maintenance fee?** A tariff maintenance fee compensates us for
845 compiling, printing, and distributing amended tariff pages.

846 **(2) Do I always have to pay full maintenance fees?** No, the annual maintenance fee is
847 payable in advance on a prorated basis depending upon the month in which you purchase a tariff.
848 See the table 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%

857 **(3) How am I billed for my annual tariff maintenance fees?** By December 1 of each
858 year, we send a bill to each tariff subscriber for the next year's annual tariff maintenance service.
859 Tariff subscribers must submit maintenance fees to us by December 31.

860 **(4) What happens if a tariff subscriber fails to pay the annual maintenance fees
861 by December 31?**

862 (a) If a tariff subscriber does not have a permit, and fails to pay the maintenance fee by
863 December 31, we will cancel the tariff subscription. To reinstate a subscription, the tariff

864 subscriber must purchase a new original copy of the tariff and pay all applicable maintenance fees.

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

868 **(5) Am I entitled to a refund if I cancel my tariff subscription?** Yes, if you cancel
869 your tariff subscription and send us a written request we will refund your prepaid tariff
870 maintenance fees. We base refunds on a prorated formula of one-twelfth the amount of the fee
871 prepaid, times the number of whole months remaining in the calendar year.

872 **WAC 480-15-510 Changing commission-published tariffs**

873 **(1) Who may propose changes to the tariff?** Companies holding temporary or
874 permanent household goods authority may propose changes to the tariff. We may, on our own
875 motion, propose tariff changes.

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

878 (a) Be in writing;

879 (b) Identify the rates, rules or classifications to be changed;

880 (c) Fully describe the proposed change;

881 (d) State clearly the reason(s) for the proposed change;

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

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

886 **(3) How does the Commission consider proposals for tariff changes?** When we
887 receive a proposed tariff change we:

888 (a) Assign a docket number;

889 (b) Set for hearing each docketed proposal for tariff change at one of our regularly scheduled
890 open public meetings;

891 (c) Notify you and other interested persons of the date when we will consider the tariff
892 change; and

893 (d) Process each application for tariff change under the procedures set forth in chapter 480-09
894 WAC.

895 **(4) When do approved changes become effective?** Changes we approve are not
896 effective until we publish and distribute a revised tariff page. We will identify the effective date of
897 the change on the revised page.

898 **WAC 480-15-520 Procedure for filing carrier-published tariffs**

899 (1) What must be filed? You must submit to us:

900 (a) A cover letter requesting permission from the commission to publish and file an individual
901 tariff. The letter must describe the reasons you believe permission should be granted. Your letter

902 should state the reasons you believe it is impractical for the commission to publish a tariff for the
903 commodities or services contained in your proposed tariff.

904 (b) Two copies of your proposed tariff. Your proposed tariff must comply with the tariff
905 drafting standards in chapter 480-149 WAC (Tariff Circular 6). You may request a copy of
906 chapter 480-149 WAC from our records management section. The proposed tariff must contain
907 all rates, charges, rules and regulations you will be using if we grant you permission to publish and
908 file an individual tariff.

909 (c) Data showing that the rates contained in the proposed tariff are fair, just, reasonable and
910 sufficient.

911 **(2) How does the commission consider proposals for carrier-filed tariffs?**

912 When we receive your proposed tariff we will:

913 (a) Assign a docket number;

914 (b) Set for hearing each proposed tariff at one of our regularly scheduled open public
915 meetings;

916 (c) Notify you and other interested persons of the date when we will consider the tariff
917 proposal;

918 (d) Process your proposed tariff under the procedures established in chapter 480-09 WAC;
919 and

920 (e) Notify you of the disposition of your proposed tariff. If the filing is approved, we will
921 notify you of the date upon which the tariff becomes effective.

922 **(3) How do I make changes to my approved tariff?** Amendments to your tariff will be
923 handled through the same process described in subsection 2 of this rule.

924 **(4) What happens if I don't charge the rates in my tariff?** You are subject to
925 administrative action if you charge rates different from those contained in your tariff .

926 **Part 3.4 - Insurance**

927 **WAC 480-15-530 Public Liability and Property Damage Insurance**

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

929 (1) What insurance am I required to obtain? Before operating under a household goods
930 permit, you must have public liability and property damage insurance covering each motor vehicle
931 that you use, or that you will use, to transport household goods in the state of Washington.

932 (a) Your policy must be written by an insurance company authorized to write insurance in
933 Washington State.

934 (b) Your policy must include the Uniform Motor Carrier Bodily Injury and Property Damage
935 Liability Endorsement, Form F.

936 (c) If you endanger the public safety by operating motor vehicles without the required
937 insurance coverage you will be subject to immediate compliance action as described in WAC 480-
938 15-???

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

940 **(2) What are the minimum insurance limits?** The minimum limits of required
941 public liability and property damage insurance for motor vehicles operated by household goods
942 carriers are as follows:

943 (a) Motor vehicles with a gross vehicle weight rating of less than ten thousand pounds must
944 have at least \$300,000 in combined single limit coverage.

945 (b) Motor vehicles with a gross vehicle weight rating of ten thousand pounds or more must
946 have at least \$750,00 in combined single limit coverage.

947

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

949 **(3) Am I required to file proof of insurance?** Yes, you must file with us a Uniform
950 Motor Carrier Property Damage and Public Liability Certificate of Insurance (Form E) as a
951 condition of maintaining your household goods permit.

952 (a) The Form E is a standard motor carrier insurance form recognized by the insurance
953 industry. In most cases your insurance agent must request that the insurance company file the
954 Form E with us.

955 (b) Your Form E filing must be issued in exactly the same name as your permit.

956 (c) Your Form E filing must be continuous, until canceled by a Notice of Cancellation (Form
957 K) filed with us no less than 30 days before the cancellation effective date.

958 (d) You may file a Uniform Motor Carrier Property Damage and Public Liability Surety Bond
959 (Form G) instead of the Form E.

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

961 **(4) Can I file an insurance binder?**

962 (a) Yes, we will accept an insurance certificate or binder for up to sixty days, or until a
963 written cancellation notice is filed with us no less than ten days before the cancellation effective
964 date. Certificates or binders must be replaced by a Form E within sixty days of acceptance, or
965 before the expiration date, which ever occurs first.

966 (b) Certificates or binders must show:

967 (i) the commission as the named certificate holder;

968 (ii) your name, exactly as it appears on your permit or application, as the insured;

969 (iii) the insurance company name;

970 (iv) the insurance policy number;

971 (v) the effective and expiration dates; and

972 (vi) the insurance limits of coverage.

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

974 **WAC 480-15-540 What happens if my insurance filing is canceled?**

975 If your insurance filing is canceled and a new filing which provides continuous coverage is not
976 filed with us we may:

- 977 (1) Dismiss your application for a permit; and/or
978 (2) suspend or cancel your permit under the provisions of WAC 480-15-???.

979 **WAC 480-15-550 Cargo Liability Insurance**

980 (1) **What are the cargo insurance requirements?** You must have cargo insurance
981 coverage sufficient to protect all household goods that you transport under your permit authority.
982 If you transport household goods under your permit without the required cargo insurance
983 coverage you will be subject immediate compliance action as described in WAC 480-15-???.

984 (2) **What are the minimum cargo insurance limits?** The minimum limits of required
985 cargo insurance are:

986 (a) \$5,000 for household goods transported in motor vehicles with a gross vehicle weight
987 rating of less than ten thousand pounds.

988 (b) \$10,000 for household goods transported in motor vehicles with a gross vehicle weight
989 rating of ten thousand pounds or more.

990 (3) **Am I required to file proof of cargo insurance?** No, you are not required to file
991 proof of your cargo insurance with us. You must have proof of cargo insurance at your main
992 office subject to inspection by the commission's representatives.

993 **Part 4 - Equipment and Safety Requirements**

994 **Part 4.1 - Equipment**

995 **WAC 480-15-560 Equipment Safety Requirements**

996 (1) **What is the commission's equipment safety policy?** All motor vehicles operated under the
997 provisions of this chapter must be at all times:

998 (a) maintained in a safe and sanitary condition;

999 (b) free of defects likely to result in an accident or breakdown;

1000 (c) subject to inspection by the commission's representatives;

1001 Further, all motor vehicles having safety defects likely to result in an accident or breakdown will
1002 be placed out-of-service and taken off the road until such time as all out-of-service defects have
1003 been repaired and the vehicle is safe to operate.

1004 (2) **How does the commission enforce this policy?** The commission's representatives
1005 conduct inspections of motor vehicles and safety operations. These representatives may place
1006 out-of-service any motor vehicle having a defect defined in the *North American Uniform Out-Of-*
1007 *Service Criteria*. No motor vehicle which has been placed out-of-service, may be operated until

1008 all out-of-service defects are repaired and the motor vehicle is safe to operate.

1009 **(3) How must I identify my motor vehicles?** You must display your permit name and number,
1010 as registered with the commission, on both the driver and passenger doors of all power units.

1011 (a) All markings on the power unit must be:

1012 (i) clearly legible;

1013 (ii) no less than 3 inches high;

1014 (iii) in a color that contrasts with the background color; and

1015 (iv) permanent. *Exception:* You may use temporary markings on vehicles you are
1016 operating under lease.

1017 (b) If you have both intrastate and interstate household goods authority, you must display
1018 either your Commission permit number, federal permit number, or both on the power unit.

1019 **(3) What vehicle safety laws and rules must I follow?**

1020 (a) You must comply with:

1021 (i) all state and local motor vehicle safety laws and rules including, but not limited to,
1022 those contained in this chapter;

1023 (ii) the following parts of Title 49 of the Code of Federal Regulations (49 CFR), as
1024 adopted by reference in this chapter:

1025 (A) 49 CFR Part 390: Safety Regulations, General;

1026 (B) 49 CFR Part 392: Driving of Motor Vehicles;

1027 (C) 49 CFR Part 393: Parts and Accessories Necessary for Safe Operation;

1028 (D) 49 CFR Part 396: Inspection, Repair, and Maintenance; and

1029 (E) 49 CFR Part 397: Transportation of Hazardous Materials; Driving and
1030 Parking Rules.

1031 (b) If you fail to comply with these laws and rules, we may issue a citation to you, place your
1032 vehicle out-of-service, or initiate an administrative action proceeding against you.

1033

1034 **(4) Am I required to equip my motor vehicles with anti-spray devices (mud flaps)?**

1035 (a) Yes, all motor vehicles must be equipped with mud flaps which effectively reduce the
1036 spray or splash of water from the road.

1037 (b) Mud flaps must be as wide as the tires on which they are mounted, and must extend from
1038 the top of the tires down to at least the center of the axle.

1039 **Part 4.2 - Drivers Requirements**

1040 **WAC 480-15-570 Driver Safety Requirements**

1041 **(1) What is the commission's policy for driver safety requirements?** No household goods
1042 carrier shall employ or allow any driver to operate a motor vehicle who fails to meet minimum

- 1043 criteria related to:
- 1044 (a) driver's licensing;
 - 1045 (b) background and character;
 - 1046 (c) physical qualifications;
 - 1047 (d) hours of service; and
 - 1048 (e) controlled substances and alcohol use testing.

1049 **(2) How does the commission enforce those requirements?** The commission's representatives
1050 inspect driver and company safety records and documents to determine compliance with these
1051 rules. Additionally, the representatives may contact drivers during the conduct of investigations,
1052 inspections, or other routine commission business. The representatives may order out-of-service
1053 any driver meeting the conditions defined in the *North American Uniform Out-Of-Service*
1054 *Criteria*. No driver who has been placed out-of-service, may operate a commercial motor vehicle
1055 until all conditions which caused the driver to be placed out-of-service are corrected.

1056 **(3) With which driver qualification laws and regulations must I comply?**

- 1057 (a) You must comply with:
- 1058 (i) all state and local laws and rules governing drive safety, including but not limited to,
1059 this chapter;
 - 1060 (ii) the following parts of Title 49 of the Code of Federal Regulations (49 CFR), as
1061 adopted by reference in this chapter:
 - 1062 (A) 49 CFR Part 390: Motor Carriers Safety Regulations, General;
 - 1063 (B) 49 CFR Part 382: Controlled Substance and Alcohol Use and Testing;
 - 1064 (C) 49 CFR Part 383: Commercial Driver's License Standards; Requirements and
1065 Penalties; and
 - 1066 (D) 49 CFR Part 391: Qualification of Drivers.
 - 1067 (E) 49 CFR Part 395: Hours of Service of Drivers.
 - 1068 (b) If you, or your driver, fails to comply with any driver safety law or rule, we may issue a
1069 citation to you or your driver, place your driver out-of-service, or initiate an administrative
1070 action proceeding against you.

1071 **(4) Are there any exceptions?** Yes, the following exceptions apply:

- 1072 (a) If your operations are exclusively in intrastate commerce, you are not subject to the
1073 following provisions:

1074 (i) 49 CFR Part 391.11(b)(1): Minimum age requirements. The minimum age for drivers
1075 of motor carriers operating solely intrastate is 18 years of
1076 age rather than the 21 years of age required to operate in
1077 interstate commerce.

1078 (ii) 49 CFR Part 391.49: Waiver of certain physical defects. This part does not apply

1079 if the driver has obtained from the Washington Department
1080 of Licensing a driver's license with endorsements and/or
1081 restrictions allowing operation of the motor vehicle they
1082 are driving.

1083 (b) If you are a single vehicle owner-operator and your operations are solely intrastate, you
1084 are not subject to the following provisions:

- 1085 (i) 49 CFR Part 391.21: Application for Employment;
- 1086 (ii) 49 CFR Part 391.23: Investigation and Inquiries;
- 1087 (iii) 49 CFR Part 391.25: Annual Review of Driving Record;
- 1088 (iv) 49 CFR Part 391.27: Record of Violations;
- 1089 (v) 49 CFR Part 391.31: Road Test; and
- 1090 (vi) 49 CFR Part 391.33: Equivalent of Road Test.

1091 **Part 4.3 - Accidents**

1092 **WAC 480-15-580 Accident Reporting**

1093 **(1) When must I report a vehicle accident to the Commission?**

1094 You must report to the commission within 24 hours of any accident occurring within the state of
1095 Washington which:

- 1096 (a) Results in bodily injury to any person who as a result of the injury requires immediate
1097 medical treatment away from the scene of the accident;
- 1098 (b) Results in the death of any person;
- 1099 (3) Results in the driver receiving a citation for a moving traffic violation;
- 1100 (4) Results in damage to any motor vehicle which is severe enough to require the motor
1101 vehicle to be transported from the scene by a tow truck or other motor vehicle;
- 1102 (5) Involved a motor vehicle carrying hazardous materials which required it to be placarded.

1103 **(2) How do I report accidents?**

1104 You may report accidents by providing: your name or company name, and permit number; the
1105 date, time and location of the accident; and the nature of the accident (injury, fatal, hazardous
1106 materials) by:

- 1107 (a) Telephoning 1-800-562-6150 (if calling from within Washington) or 360-664-1222 (if
1108 calling from outside Washington); or
- 1109 (b) Sending a fax to 360-586-1150.

1110
1111 **(3) What accident records am I required to keep?**

1112 You must retain copies of all written accident reports for the period of one year from the date of

1113 the accident. You must keep the copies in your main office, subject to inspection by the
1114 commission's representatives.

1115 **Part 4.4 - Equipment Leasing**

1116 **WAC 480-15-590 What is the procedure for leasing vehicles?**

1117 (1) Before you may operate leased motor vehicles, you must first receive commission approval to
1118 lease a motor vehicle. To request approval you must submit a completed lease agreement on a
1119 form supplied by the commission. The form is available upon request. However, you may, in lieu
1120 of using our form, use an alternate form as long as it contains substantially the same information
1121 as that on the commission form. The form must be:

1122 (a) completed in its entirety (We will reject and return incomplete forms.);

1123 (b) signed by both parties;

1124 (c) submitted in duplicate (Following approval of the agreement, we will return one copy to
1125 you for your files.);

1126 (d) clearly marked "Master Lease" if you intend it to be used as such in lieu of submitting
1127 individual leases; and

1128 (e) submitted through any means identified in WAC 480-15-???

1129 (2) We may institute administrative action against any household goods carrier who operates
1130 leased motor vehicles without first having obtained commission approval.

1131 **WAC 480-15-600 What are my responsibilities when entering into a lease?**

1132 When entering into a lease agreement, it is your responsibility to ensure that:

1133 (1) A copy of the approved lease is carried in all leased motor vehicles;

1134 (2) Copies of all approved leases are kept in your permanent files for at least one year after
1135 the lease expires;

1136 (3) You give a copy of the approved lease to the owner of the leased motor vehicle;

1137 (4) You have complete possession, control and use of the motor vehicle during the period of
1138 the lease agreement;

1139 (5) You provide insurance on the leased motor vehicle as specified in WAC 480-15-???

1140 (6) You properly identify the motor vehicle as specified in WAC 480-15-???

1141 (7) The appropriate tariff charges are billed and collected;

1142 (8) The driver of the leased motor vehicle is on your payroll during the leased period;

1143 (9) You comply with all safety rules;

1144 (10) You and the owner of the leased motor vehicle specify on the lease form who is
1145 responsible for all expenses relating to the leased motor vehicles; and

1146 (11) You comply with the terms of the approved lease.

1147 **Part 5 - Carrier's Responsibilities to Shippers**

1148 **Part 5.1 - General Responsibilities**

1149 **WAC 480-15-610 What are my responsibilities regarding advertising?**

1150 (1) You must include your permit number on any advertising of your household goods
1151 moving services. Advertising includes, but is not limited to: telephone books, Internet,
1152 contracts, correspondence, cards, signs, posters, newspapers, and documents which show your
1153 name and address.

1154 (2) You may only advertise services authorized by your permit.

1155 (3) You may advertise services you provide as an agent of, or connecting carrier to, another
1156 household goods carrier, if you include the other household goods carrier's name and permit
1157 number in your advertising.

1158 (4) You must not advertise services or rates that conflict with those in the tariff.

1159 (5) If you violate these advertising rules we may assess a penalty of up to five hundred dollars
1160 (\$500) for each violation or initiate other administrative action.

1161 **WAC 480-15-620 What information must I provide to each shipper?**

1162 (1) You must provide to each shipper a copy of the commission's brochure, "Your Rights and
1163 Responsibilities as a Moving Company Customer." This copy must be provided to the
1164 shipper:

1165 (a) at the time you issue a written non-binding estimate;

1166 (b) at the time you issue a written binding estimate; or

1167 (c) if you issue neither a written estimate or a written non-binding estimate, prior to loading
1168 the shipment.

1169 (2) The brochure is available from the commission and contains at least the text shown below.
1170 The Commission may choose to: add information, to present information in a different format
1171 than shown below, or present information in different formats for various media (printed
1172 materials, on-line materials, fact sheets, brochures, etc.).

1173

**YOUR RIGHTS AND RESPONSIBILITIES
AS A MOVING COMPANY CUSTOMER**

1174

1175 **Important information:** As a shipper of household goods in Washington intrastate commerce
1176 the Washington utilities and transportation commission requires that your mover provide you with
1177 the following important information. Please take the time necessary to read it thoroughly.

1178 **Make sure you know the full name, address and phone number of the mover:** Some
1179 movers perform the transportation themselves. Others act as agents for other movers who do the
1180 actual hauling. In other instances, the transportation is arranged by brokers. You should be sure

1181 to obtain the complete and correct name, business address, and telephone number of the mover
1182 who is to transport your shipment, and keep that mover informed as to how and where you may
1183 be reached at all times until the shipment is delivered.

1184 **1. Estimates.** Your mover will provide you with a written estimate if you request one.
1185 Commission rules require that all estimates must be written -- oral or telephone estimates are not
1186 permitted.

1187 **A. The accuracy of the estimate you receive depends upon cooperation between you, as the**
1188 **shipper, and the mover.** The mover cannot provide an accurate estimate unless you provide
1189 that mover with sufficient information upon which to base the estimate. This includes, but is not
1190 limited to:

- 1191 • accurately describing all articles to be included in the shipment: This requires you to carefully
1192 consider what articles, if any, you will pack or transport yourself. Be realistic in this
1193 assessment. Many shippers believe they will be able to pack most of their own goods, only to
1194 find that when moving day arrives they have been unable to attend to all of the items they
1195 were going to do.
- 1196 • accurately describing any problems the household goods mover may encounter at the pickup
1197 point: Are there large pieces of furniture that were moved into your current residence with a
1198 hoist, or that had to be completely disassembled before they could be moved into the
1199 residence?
- 1200 • accurately describing special services you wish to be performed during your move: For
1201 example: picking up of part of the load from another residence or storage facility or
1202 disconnecting appliances.
- 1203 • accurately describing conditions at the delivery point: Will delivery involve the use of stairs,
1204 elevators or long carries? Are there narrow roads, streets or alleys that will require the mover
1205 to transfer the shipment to smaller trucks to accomplish delivery? Are there ordinances or
1206 covenants that limit parking to unload or that restrict the hours of the day during which
1207 delivery may be done? Is there a narrow driveway that will hamper unloading?

1208
1209 **B. Supplemental estimates.** The mover must provide to you an additional (supplemental)
1210 estimate if there are additional items and services to be performed which were not covered by the
1211 original estimate. For example: services and items you may have intended to take care of
1212 yourself but were unable to accomplish. Before the mover performs the additional services, those
1213 services must be listed on a supplement estimate and you must, in writing, accept the
1214 supplemental estimate.

1215 **C. Types of estimates.**

1216 **1. Binding estimates of total cost.** Binding estimates are provided at the option of the mover.
1217 Some movers do not offer binding estimates. When you receive a binding estimate, you cannot be

1218 required to pay any more than the amount shown in the binding estimate. *However:* if you
1219 request the mover to provide more or different services than those included on the estimate, the
1220 mover must provide you with a supplemental estimate. You will then be expected to pay the total
1221 of the original binding estimate plus the amount shown on the supplemental estimate at the time of
1222 delivery.

1223 If you agree to a binding estimate, you are responsible for paying the charges due by cash,
1224 certified check, or traveler's check at the time of delivery unless the mover agrees before you
1225 move to extend credit or to accept payment by charge card. If you are unable to pay at the time
1226 the shipment is delivered, the mover may place your shipment in storage, at your expense, until
1227 the charges are paid.

1228 **2. Non-binding estimates of approximate costs.** A non-binding estimate is not a bid or a
1229 contract. It is provided by the mover to give you a general idea of the cost of the move, but does
1230 not bind the mover to the estimated cost. It is not a guarantee that the final cost of your move
1231 will be no more or less than the estimate.

1232 You are legally obligated to pay the transportation and other charges computed in accordance
1233 with the tariff published by the Washington utilities and transportation commission. However, in
1234 no instance will you be required to pay more than:

1235 (a) On hourly rated shipments:

1236 (i) 125% of the amount of the estimate (and any supplemental estimates) for the actual
1237 move of your goods, and

1238 (ii) not more than 115% more than the amount of the estimate (and any supplemental
1239 estimates) for the accessorial services that are included in your move.

1240 (b) On distance rated shipments: 115% of the amount of the estimate (and any supplemental
1241 estimates).

1242 However, if the charges at the destination exceed the amount of the original estimate plus any
1243 supplemental estimate (if any), the mover must, at your request, deliver the shipment to you upon
1244 payment of 110% of the estimate. The mover will defer payment of the balance of the amount
1245 due for 30 days.

1246 **3. Tariffs.** The tariff is published by the commission. It contains rates and rules governing the
1247 transportation of household goods. The tariff is available for public inspection at the mover's
1248 office. The tariff includes special provisions governing shipments to be picked up or delivered at
1249 more than one place, overtime charges, packing and marking, furnishing of boxes, and carrying
1250 goods up and down steps.

1251 **4. Preparing articles for shipment.** Some articles, such as large appliances and stereo sets, may
1252 require special servicing, including disconnection, to prepare them for being moved. If the mover

1253 prepares these articles there will be an extra charge. If you wish to avoid extra per-hour charges,
1254 you should consider taking down drapes, blinds, mirrors and any other articles attached to the
1255 walls. Movers are not responsible for articles of extraordinary value. You should never pack the
1256 following items with your other belongings:

- 1257 • jewelry
- 1258 • money
- 1259 • valuable papers
- 1260 • coins

- valuable collections
- inflammables
- dangerous articles

1261 **5. The mover's liability for loss and damage.** All movers are required to assume liability for
1262 the value of the goods which they transport. However, there are different levels of liability, and
1263 consumers should be aware of the amount of protection provided and the charges for each option.

1264 The dollar amount of responsibility your mover assumes for loss or damage to your household
1265 articles is up to you. You choose the dollar amount. What the mover is or is not responsible for
1266 is printed on the mover's standard bill-of-lading. Ask your mover for a sample bill of lading and
1267 read it before you move.

1268 Most movers offer four different levels of liability. Generally, your choices are:

1269 **Option 1: Released value**

1270 This is the most economical protection option available. This option provides minimal protection
1271 at no additional cost, but may be inadequate in case of a major or total loss (as in the case of the
1272 moving truck being involved in an accident). Under this option, the mover assumes liability for
1273 only 60 cents per pound per article. Loss or damage claims are settled based on the pound weight
1274 of the article multiplied by 60 cents. For example: if a 10-pound stereo, valued at \$1,000 were
1275 lost or destroyed, the mover would be liable for \$6.00. You should think carefully before
1276 agreeing to such an arrangement. There is no charge for this minimal protection, but you must
1277 sign a specific statement on the bill of lading agreeing to it.

1278 **Option 2: Depreciated Value Protection**

1279 Under this option, the valuation of your shipment is based on the total weight of the shipment
1280 times \$2.00 per pound. For example a 4,000-pound shipment would have a maximum liability of
1281 \$8,000.00. Any loss or damage claim under this option is settled based on the depreciated value
1282 of the lost or damaged item(s) up to the maximum liability value based on the weight of the entire
1283 shipment. Under this option, if you shipped a 10-pound stereo that originally cost \$1,000, the
1284 mover would be liable for up to \$1,000, based on the depreciated value of the item. There is a
1285 charge for this type of protection.

1286 **Option 3: Replacement cost coverage, with a deductible, and**

1287 **Option 4: Replacement cost coverage, with no deductible.**

1288 Coverage under these plans is also referred to as “full value protection” or “full replacement
1289 value.” If you choose to purchase full value protection, articles that are lost, damaged or
1290 destroyed will be either repaired, replaced with like items, or a cash settlement will be made for
1291 the current market replacement value regardless of the age of the lost or damaged item. Unlike
1292 the other options, depreciation of the lost or damaged item is not a factor in determining
1293 replacement value. The prices for these types of coverage are set in the tariff and are based on a
1294 charge per \$100 of declared value. Declared value is the amount which you, the shipper, state in
1295 writing on the bill of lading. It must be equal to or exceed the figure determined by multiplying
1296 the weight of your shipment times \$3.50. For example: if your shipment weighs 5,000 pounds,
1297 the minimum declared value upon which you will be required to pay valuation charges must be at
1298 least \$21,000.

1299 Normally, replacement cost protection will not apply to antiques, fine arts, paintings, statuary or
1300 other similar articles which, by their inherent nature, cannot be replaced with new articles.
1301 Shippers should arrange for third party insurance on these items.

1302 Replacement cost protection does not normally cover memorabilia, souvenirs and collector’s
1303 items, or other articles when the age of the item or its history contribute substantially to the value
1304 of the article. the valuation for these articles reverts to the depreciated or fair market value basis.

1305 **6. Weights.** For distance rated moves the transportation charge you will be assessed depends on
1306 the weight of the goods you ship. To determine the net weight of your shipment the mover
1307 weighs the empty vehicle, then reweighs it after loading your goods into the truck. If you request
1308 it, the mover will:

- 1309 • notify you of the weight and the charges as soon as the net weight of your
1310 shipment is established.
- 1311 • reweigh the shipment before delivery, if it is practical to do so. Reweighs before
1312 delivery may cost extra. The charges that apply are established through hearing
1313 and published in the tariff.

1314 **7. Expedited service.** Movers must offer reasonable dispatch, but do not have to make delivery
1315 at any definite time. However, at your request, a shipment will be delivered on or before the date
1316 specified. Such shipments may be subject to an extra charge.

1317 **8. Small shipments.** The minimum weight for shipments in distance moves is five hundred
1318 pounds. If your shipment weighs five hundred pounds or less, you should consider using other
1319 means of transportation (a freight carrier, small package carrier, etc.) even if you have to pay for
1320 crating and packing. Movers frequently find it difficult to deliver small shipments in a reasonable
1321 time.

1322 **9. Temporary storage.** You may request your goods be placed in temporary storage for a
1323 period not to exceed 180 days. You will be assessed additional charges for this service. If you do
1324 not remove the shipment from temporary storage within 180 days the shipment will revert to
1325 permanent storage and the mover ceases to have liability as a mover. The mover's responsibility
1326 becomes that of a warehouseman and the commission has no further jurisdiction over the
1327 shipment.

1328 **10. Bill of lading contract.** The bill of lading is a receipt for goods and is also a contract
1329 between you and the mover. Before your shipment leaves the point of origin you should obtain a
1330 copy of this document. It is your responsibility to read the bill of lading and understand it. If you
1331 don't understand something on the bill of lading, ask the mover to explain it to your satisfaction.
1332 You should sign the bill of lading before transportation begins and sign it as a receipt upon
1333 delivery of the goods at destination.

1334 The bill of lading is an important document: Do not lose or misplace your copy. Have it available
1335 until your shipment is delivered, all charges are paid, and all claims are settled.

1336 **11. Payment of charges - freight bill.** Movers do not ordinarily deliver or relinquish possession
1337 of property until all tariff rates and charges have been paid in cash, certified check, or traveler's
1338 check. Some movers may accept bank cards or personal checks. Shippers should clarify with the
1339 individual mover what forms of payment are acceptable and be prepared to make payment for the
1340 move when the shipment is delivered.

1341 **12. Bill of lading on distance shipments.** When you pay for distance shipments (more than 35
1342 miles) your receipt for the charges should show:

- 1343 • the gross (loaded) and tare (empty) weights of the vehicle;
- 1344 • the net weight of your shipment (loaded weight minus empty weight);
- 1345 • the mileage;
- 1346 • the rate per one hundred pounds for the transportation;
- 1347 • the cost for liability protection; and
- 1348 • rates for any accessorial services.

1349 **13. Bill of lading on time-rated shipments.** On time-rated shipments (35 miles or less) the
1350 receipt should show:

- 1351 • the time the vehicle left the mover's place of business and the time of return to that place
1352 of business ;
- 1353 • the rate per hour;
- 1354 • the cost for liability protection; and
- 1355 • rates or charges for any accessorial services.

1356 **14. Loss and damage.** In the event of loss or damage to your shipment ask the driver to
1357 acknowledge the facts on the freight bill or bill of lading. If the driver refuses, you should have a
1358 disinterested party inspect the damage in the driver's presence and report it in writing to the
1359 mover's home office.

1360 **15, Loss or damage claims.** All claims for loss or damage must be filed with the mover in
1361 writing. Ask the mover for a claim form.

1362 Claims must be filed within nine months from date of delivery, but it is preferable to do so as soon
1363 as possible -- while memories are fresh. While the commission can sometimes act informally to
1364 facilitate negotiation between parties, we cannot resolve or settle claims for loss and damage. If
1365 the mover will not voluntarily settle a claim to the customer's satisfaction, the only recourses
1366 available to you are:

- 1367 • submitting the claim to arbitration or mediation through a third party, or
- 1368 • filing suit in a court of law.

1369 **16, Complaints, other than loss and damage claims.** If you have a complaint about your
1370 household goods move you must first contact your mover and attempt to resolve the dispute. If
1371 you are unable to resolve the dispute with the mover you may file an informal complaint with the
1372 commission.

1373 An **informal complaint** is an unresolved dispute between the shipper and the mover, brought to
1374 the attention of the commission staff by the shipper. The shipper is generally requesting
1375 assistance in resolving the complaint.

1376 The complaint is handled informally by commission staff working directly with the carrier in an
1377 attempt to resolve the complaint without the need for a formal hearing process or legal
1378 arbitration. The conclusion (finding) of the informal complaint is not binding on the company or
1379 the shipper, but is a permanent file subject to public review.

1380 You may file an informal complaint with the commission: in writing, in person, by telephone, by
1381 e-mail or by fax. We do have forms available with which to file an informal complaint and will
1382 provide them to you upon request. No matter the method in which you choose to file, you must
1383 include at least the following information:

- 1384 • your name, current address and telephone number;
- 1385 • the date of your move;
- 1386 • the bill of lading number for your move;
- 1387 • the name and address of the company who performed the move;
- 1388 • the origin and destination cities of the move;

- 1389 • the details of your dispute; and
1390 • the resolution you expect.

1391 It is also helpful to us in resolving your dispute if you attach a copy of the bill of lading and/or
1392 other documents related to the dispute.

1393 If you are dissatisfied with the outcome of your informal complaint, you may file a **formal**
1394 **complaint** with the commission. A formal complaint is a quasi-judicial proceeding, much like
1395 going to court. The formal complaint must state a situation in which the moving company is in
1396 violation or claimed to be in violation of a provision of law, order or rule of the commission, or
1397 the provisions of the company's approved tariff. You are responsible for proving the violation
1398 occurred.

1399 *Previously WAC 480-12-435*

1400 **Part 5.2 - Estimates**

1401 **WAC 480-15-630 Estimates**

1402 (1) An **estimate** is a written approximation of the probable cost of a move prepared in
1403 compliance with the provisions of the household goods tariff. Estimates are based on factors such
1404 as the van space required, the weight of the household goods, the amount of time needed to
1405 complete the move, and type of special services provided. At your option, you may provide your
1406 customer with one of the **two** basic types of estimates:

1407 (a) A **non-binding estimate** which is based on an inventory of the customer's
1408 merchandise and provides the customer with a pricing guideline. There is no contractual
1409 commitment to this estimate, and the final charges the customer must pay could be higher
1410 or lower than the estimated cost, depending on the actual weight of the shipment, the total
1411 time consumed, or physical location at the origin and destination, or other conditions of
1412 the move.

1413 (b) A **binding estimate** which allows the customer to know in advance what the move
1414 will cost, regardless of differences in the actual weight or time to complete the move.

1415 (i) The basis (such as inventory sheets, tally sheets, special instructions, etc.) used
1416 to provide a binding estimate must be attached to the bill of lading.

1417 (ii) Any change to the move, by the customer, that results in an increase in cost
1418 must be documented on a supplemental estimate form which also must be attached
1419 to the bill of lading.

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WAC 480-15-640 Verbal estimates

(1) May I give verbal estimates to prospective shippers?

No, household goods carriers must provide all estimates to prospective shippers in writing.

(2) What if the shipper requests a verbal estimate?

You must tell the shipper that verbal estimates are prohibited. However, you may inform the shipper of the applicable legal rates. For example, you may say:

- (a) The hourly rate for a van and one person is (state the dollar amount you charge within the tariff range), or:
- (b) The rate per 100 pounds from (origin) to (destination) is (state the dollar amount you charge within the tariff range).

WAC 480-15-650 Form of estimates

(1) When must I provide a written estimate?

If a shipper requests a written estimate, you must provide one only after you, or your representative, have visually inspected the goods to be shipped.

(2) What must I include on a written estimate?

Your written estimate must include the following information:

- (a) The name, address and telephone number of the household goods carrier who will perform the service;
- (b) The name, company affiliation, title and telephone number of the person preparing the estimate;
- (c) The name of the shipper and the receiver;
- (d) The complete physical address of the origin, destination and any intermediate stops of the proposed movement;
- (e) The total mileage between the origin and destination, including any intermediate stops.
- (f) The applicable rates;
- (g) A list of the articles upon which the estimate is based (inventory);
- (h) The estimated cubic footage for each article;
- (i) The estimated total weight of the shipment, based upon a formula of not less than 7 pounds per cubic foot (example: a box one foot by one foot by one foot = seven pounds);
- (j) An itemized statement of all known accessorial services to be performed, articles supplied, and their charges;
- (k) An estimate of the total charges, including transportation and accessorial charges;
- (l) A printed statement on the first page of the estimate, in contrasting lettering, and not less than eight-point bold or full-faced type, as follows:

IMPORTANT NOTICE

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This estimate covers only the articles and services listed. It is not a warranty or representation that the actual charges will not exceed the amount of the estimate. If you request additional services to complete the move or add articles to the inventory attached to this estimate, the household goods mover must prepare a supplemental estimate which will change the amount of the original estimate.

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Household goods carriers are required by law to collect transportation and other incidental charges computed on the basis of rates shown in their lawfully published tariffs, except as provided below:

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(1) A household goods carrier may not charge more than 25 percent more than its written non-binding estimate for time charges for a local hourly rated move nor can the household goods carrier charge more than 15% more than the written non-binding estimate for accessorial and other services not related to time, unless the household goods carrier prepares and the shipper signs a supplemental estimate.

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(2) A household goods carrier may not charge more than 15 percent above your written non-binding estimate for a long distance rated move, unless the household goods carrier prepares and the shipper signs a supplemental estimate.

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(3) Am I required to have the shipper sign the estimate?
Yes, shippers must sign the written estimate.

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(4) How long must I keep written estimates?
You must keep written estimates in your files for at least three years, including estimates you provided but for which you did not perform any services.

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(5) What if I am unable to provide a written estimate?
If a customer requests a written estimate and you refuse to provide one, you may not conduct that move by agreeing to meet or beat another company's estimate.

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WAC 480-15-660 Supplemental estimates

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(1) When must I prepare a written supplemental estimate?
You must provide a written supplemental estimate to the shipper if you have given the shipper a written estimate and the circumstances surrounding the move change in any way to cause the estimated charges to increase.

(2) Must the shipper sign the supplemental estimate?

1487 Yes, the shipper must sign the supplemental estimate or the additional work can not be
1488 performed.

1489 **WAC 480-15-670 Exceptions for non-binding estimates.**

1490 **(1) What must I do if the actual charges exceed the estimated charges?**

1491 If the actual charges exceed the estimated charges, you must:

- 1492 (a) inform the shipper of this rule as soon as possible; and
1493 (b) release the shipment when the shipper pays you 110 percent of the estimated charges.

1494 **(2) How long must I allow the shipper to pay the remaining balance?**

1495 If the actual charges exceed the estimated charges and the shipper has paid you 110 percent of the
1496 estimated charges, you must allow the shipper at least 30 days to pay the remaining balance. Full
1497 payment within 30 days does not apply when the shipment is delivered to the carrier's warehouse,
1498 for storage, at the request of the shipper.

1499 **Part 5.3 - Underestimates**

1500 *Previously WAC 480-12-455*

1501 **WAC 480-15-680 Am I required to provide an accurate estimate?**

1502 Yes, it is your responsibility to issue an accurate estimate to the shipper. Shippers must be able to
1503 base their moving decisions on accurate information. This cannot occur unless you provide an
1504 accurate estimate.

1505
1506 **WAC 480-15-690 What will happen if I underestimate a household goods move?**

1507 We may take administrative action against household goods carriers who fail to provide accurate
1508 estimates. Administrative actions may include:

- 1509 (1) assessing penalties of up to \$1,000, per incident, under RCW 81.80.132;
1510 (2) suspending your permit;
1511 (3) initiating a proceeding to cancel your permit;
1512 (4) denying permanent authority to carriers operating under temporary authority; or
1513 (5) limiting collection of excess charges.

1514 **WAC 480-15-700 What are the Commission guidelines in deciding to assess**
1515 **monetary penalties for underestimating?**

1516 The Commission may assess monetary penalties for underestimating a move when:

- 1517 (1) On long distance rated moves, the actual total charges exceed the estimated charges by
1518 15%;
1519 (2) On an local (hourly) rated moves,

- 1520 (a) the actual time charges exceed the estimated time charges by 25%; or,
1521 (b) the actual charges for accessorial and other services not related to time
1522 charges exceed the estimated charges for those services by 15%.

1523 **Part 5.4 - Bills of Lading**

1524 *Used to be WAC 480-12-260 Bills of Lading*

1525 **WAC 480-15-710 What is a bill of lading?**

1526 A bill of lading is a shipping document issued by the household goods carrier, signed by both the
1527 shipper and the household goods carrier, that establishes the legal contract terms and conditions
1528 for a shipment of household goods.

1529 **WAC 480-15-720 Who must issue bills of lading?**

1530 You must issue a bill of lading for each shipment of household goods you transport.

1531 **WAC 480-15-730 What is the format for bills of lading?**

1532 You must use the bill of lading format shown in our published tariff.

1533 **WAC 480-15-740 What information must you include on a bill of lading?**

1534 You must list on the bill of lading all information necessary to determine tariff rates. Any element
1535 that you use in determining transportation charges must be clearly shown on the bill of lading.

1536 This information includes, but is not limited to:

- 1537 (1) The date the shipment was packed, loaded, transported, delivered, unloaded and
1538 unpacked;
- 1539 (2) The number and size of each type of carton, crate, or container used in packing the
1540 shipper's goods;
- 1541 (3) The exact address at which the shipment, or any part of that shipment, was loaded or
1542 unloaded;
- 1543 (4) The nature of any special services performed on behalf of the shipper;
- 1544 (5) The name, address and total charges of any third party services incurred on behalf of
1545 the shipper;
- 1546 (6) Any special circumstances that entered into the determination of transportation
1547 charges (For example: detours or road conditions that required you to take a circuitous
1548 route, thus incurring additional mileage charges);
- 1549 (7) The start time, stop time, and any interruptions for each person involved in or on a
1550 shipment rated under hourly rates;
- 1551 (8) On any shipments where the shipper did not receive a written estimate, you must
1552 make a notation on the bill of lading that the shipper was given a copy of the "Your Rights
1553 and Responsibilities as a Moving Company Customer". The shipper must initial on or
1554 near your notation on the bill of lading, signifying receipt of the information.

1555 **Part 5.5 - Shipment Weights**

1556 *Used to be: WAC 480-12-405*

1557 **WAC 480-15-750 How do I verify the weight of shipments of household goods?**

1558 (1) You must obtain all tare and loaded weights by having your motor vehicles weighed by
1559 a certified weighmaster or on a certified scale.

1560 (2) You must obtain a certified tare weight prior to loading the shipper's goods.

1561 (3) You must obtain a certified loaded weight at the point of origin, or:

1562 (a) if no certified scale is available at the point of origin, you may obtain the loaded
1563 weight at the first certified scale located along the route of travel to the destination point; or

1564 (b) if no certified scale is available at the point of origin, at a point along the route
1565 to the destination, or at the destination point, you may use the constructive weight of the
1566 shipment.

1567 (4) You must obtain a weight or scale ticket from the weighmaster or scale for the tare
1568 and loaded weights, and you must maintain a copy of those tickets with the bill of lading for the
1569 shipment. The weight ticket must be in substantially the format shown below:

Household Goods Uniform Weight Ticket

Date: _____

Name of carrier: _____

Vehicle identification: _____

Name of shipper: _____

Origin or shipment: _____

Destination of shipment: _____

LOADED WEIGHT of vehicle without the crew _____ #

TARE WEIGHT of vehicle (without the crew on board, including full fuel tank and all necessary pads, chains, hand trucks, and other equipment) _____ #

NET WEIGHT of shipment _____ #

The above loaded weight was obtained at

Name of scales: _____

Location of scales: _____

The above tare weight was obtained at

Name of scales: _____

Location of scales: _____

As shown by attached weight ticket(s) prepared by weighmaster(s). List of shipments, if any, on vehicle at time above weights were obtained:

Shipper: _____ Net weight _____

Shipper: _____ Net weight _____

Shipper: _____ Net weight _____

I certify the above entries are true and correct:

(Driver's signature)

WAC 480-15-760 What are my responsibilities to notify the shipper of the actual weight and charges of the shipment?

If the shipper requests notification of the actual weight and charges of the shipment following pick-up, you must notify the shipper by whatever means you and the shipper agree upon,

1602 immediately after weighing the shipment. You are responsible for the cost of notifying the
1603 shipper.

1604 **WAC 480-15-770 Must I reweigh the shipment at the point of delivery if the**
1605 **shipper requests it?**

1606 Yes, upon shipper request, you must reweigh the shipment at the point of delivery. The shipper is
1607 responsible for the cost of reweighing the shipment. Prior to reweighing the shipment, you must
1608 notify the shipper of the cost of reweighing.

1609 **Part 5.6 - Refusal of Service**

1610 *New rule*

1611 **WAC 480-15-780 When may I refuse to provide service to a shipper?**

1612 You may refuse to provide service to a shipper if:

- 1613 (1) The move will cause you to travel outside of the service area listed on your permit;
- 1614 (2) Service to a shipper will adversely affect service to other shippers, subject to
1615 review by the commission;
- 1616 (3) The shipper fails to provide accurate and verifiable information necessary to
1617 establish the shipper's identity;
- 1618 (4) The shipper uses an alias or false name with intent to deceive;
- 1619 (5) The service is hazardous, or where, because of the condition of the streets, alleys
1620 or roads, it is impracticable or dangerous to persons or property to operate a
1621 motor vehicle;
- 1622 (6) When driving on to private property, in your judgment, driveways or roads are
1623 improperly constructed or maintained or without adequate turn around or have
1624 other unsafe conditions;
- 1625 (7) Satisfactory service cannot be given or providing service would adversely affect
1626 the health or safety of your employees.

1627 **WAC 480-15-790 When must I not refuse service?**

1628 You must not refuse service due to discrimination on the basis of race, creed, color, national
1629 origin, sex, marital status, sexual orientation, age, or the presence of any sensory, mental or
1630 physical handicap.

1631 **Part 5.7 - Complaint and Claim Procedures**

1632 *Previously part of 480-12-235*

1633 **WAC 480-15-800 What if a shipper is not satisfied with my service?**

1634 If a shipper is not satisfied with your service, you must allow the shipper to speak with you, or a
1635 representative of your company, and you must provide the shipper with all information and forms
1636 necessary to file a complaint or claim. The shipper has 9 months to file a claim for loss and

1637 damage.

1638 *Previously part of 480-12-235*

1639 **WAC 480-15-810 What must I do when I receive a complaint and/or a loss or**
1640 **damage claim?**

1641 If your shipper files a claim or complaint concerning loss or damage or your general service
1642 operations or rates, you must:

1643 (1) Notify the customer, in writing, within 10 working days that you have received the
1644 claim or complaint;

1645 (2) Investigate quickly.;

1646 (3) Advise the shipper of your resolution; and

1647 (4) If it is loss or damage claim, pay the claim, refuse the claim, or make a compromise
1648 offer within 120 days.

1649 *Previously part of 480-12-235*

1650 **WAC 480-15-820 What must I do if I cannot settle a loss or damage property**
1651 **claim within 120 days?**

1652 If you cannot settle a loss or damage property claim with your customer within 120 days, you
1653 must, for each 60 day period until the claim is settled, inform your customer, in writing, of the
1654 reason for your failure to resolve the claim.

1655 *Previously part of 480-12-235*

1656 **WAC 480-15-830 How long must I keep complaint and loss or damage claim**
1657 **records?**

1658 (1) You must keep all papers relating to claim records for loss or damage, concealed or
1659 otherwise, for six years.

1660 (2) You must keep all records of complaints in your office for not less than three years
1661 after the date of the shipment, or date of resolution, whichever is later.

1662 *Previously part of 480-12-235*

1663 **WAC 480-15-840 Are complaint or claim records subject to Commission review**
1664 **and in what order must I keep the records?**

1665 Yes, complaint or claim records are subject to commission review. You must number all claims
1666 consecutively and must maintain a claims register.

1667 *Previously part of 480-12-235*

1668 **WAC 480-15-850 What additional requirements exist if a loss or damage claim**
1669 **involves more than one carrier?**

1670 If more than one household goods carrier is involved in a damage claim, each household goods

1671 carrier must keep all paperwork relating to the claim and each must show the percentage and
1672 amount of the total claim paid by each.

1673 **WAC 480-15-860 What information must be included in the claim or complaint**
1674 **record?**

1675 You must include the following information in a claim or complaint record:

- 1676 (1) The date the claim or complaint was received;
1677 (2) The name, address and telephone number of the shipper;
1678 (3) Detailed information about the dispute;
1679 (4) Details of any action you have taken in response to the claim or complaint;
1680 (5) The date the claim or complaint was resolved and a description of the final
1681 disposition.

1682 **WAC 480-15-870 What must I do if, after review, the shipper is still dissatisfied**
1683 **with the resolution of the complaint or claim?**

1684 If you are unable to satisfy the shipper's dispute, you must advise the shipper of the availability of
1685 the commission for further review. You must provide the shipper with the commission's toll-free
1686 number and address:

- 1687 (1) 1-800-562-6150, and
1688 (2) P. O. Box 47250, Olympia, Washington 98504-7250

1689 **WAC 480-15-880 Must I respond to all written correspondence, complaints and**
1690 **claims?**

1691 Yes, all written correspondence, complaints and claims must be acknowledged and considered.

1692 **WAC 480-15-890 What must I do if the Commission refers a complaint to me?**

1693 You must:

- 1694 (1) Respond with complete investigation results within five business days. However,
1695 if warranted in a particular case, you may request an extension of time.;
1696 (2) Respond to commission staff inquiries regarding the complaint; and
1697 (3) Keep the commission informed of any progress made in resolving the complaint.

1698 **Part 6 - Interstate Operations**

1699 *[Replaces WAC 480-12-126]*

1700 **WAC 480-15-900 General Requirements for Interstate Operations**

1701 (1) General Requirements: No household goods carrier may operate any motor vehicle or
1702 combination of motor vehicles over the public highways of this state in interstate commerce unless
1703 the household goods carrier has:

1704 (a) obtained the appropriate operating authority from the U.S. Department of
1705 Transportation (USDOT) or its successor agency, if operating as a registered carrier;

1706 (b) obtained valid insurance as required by USDOT;

1707 (c) (i) registered with a base state as required by 49 C.F.R. 1023, if operating as a
1708 registered carrier, or

1709 (ii) registered with the commission if operating as a registered exempt carrier; and

1710 (d) paid the annual Washington state registration fee for the vehicle.

1711 (2) Applicable Laws and Rules:

1712 (a) When conducting interstate operations, registered and registered exempt carriers and
1713 the motor vehicles they operate must comply with the laws and rules that apply to interstate
1714 operations.

1715 (b) When conducting Washington intrastate operations, registered and registered exempt
1716 carriers and the motor vehicles they operate must comply with the laws and rules that apply to
1717 intrastate operations.

1718 *[Replaces WAC 480-12-127]*

1719 **WAC 480-15-910 How Do I Register as a Registered Carrier**

1720 (1) Washington participates in the base state insurance registration program established in 49
1721 USC § 11506 and 49 CFR part 1023. To register as a registered carrier in interstate commerce
1722 within the state of Washington, you must register with a base state, pay the appropriate fee for
1723 any motor vehicles operated within Washington state, and show proof of insurance.

1724 (2) Motor carriers based out of Washington State. Any motor carrier whose base state, as
1725 defined in federal regulation, is a state other than the state of Washington must register with that
1726 state and carry a legible receipt in each motor vehicle operated within the state of Washington
1727 showing base state registration, payment of the appropriate per vehicle fee, and proof of
1728 insurance.

1729 (3) Washington-based motor carriers. Any motor carrier whose base state, as defined in federal
1730 regulation, is Washington state must register for interstate operations as follows:

1731 (a) Between August 1 and November 30 of each year, each Washington-based interstate

1732 motor carrier must apply to the commission to register for the following year, on forms
1733 provided by the commission.

1734 (b) The registering motor carrier must state the number of motor vehicles to be operated
1735 in each participating state, provide other required information, such as proof of insurance,
1736 and submit the registration fee established by that state for each motor vehicle.

1737 (c) Within thirty days after receiving the registration fee and application, the commission
1738 will provide to the carrier a receipt or receipts showing, at a minimum, the carrier's name
1739 and address, its USDOT permit number, and the names of the states for which it is
1740 registered.

1741 (d) The motor carrier must place a receipt or an authorized copy in each motor vehicle
1742 for which it has paid the required fee.

1743 (e) Any Washington-based motor carrier that begins interstate operations in a state for
1744 which it has not registered may register for that state at any time, stating the number of
1745 motor vehicles to be operated in each state and submitting the required information and
1746 registration fee for each motor vehicle. The commission will provide a new receipt, if the
1747 motor carrier has not previously registered, or supplemental receipt, if it has registered,
1748 showing the states for which the motor carrier has registered.

1749 *[Replaces WAC 480-12-130]*

1750 **WAC 480-15-920 How Do I Register as a Registered Exempt Carrier**

1751 (1) If you are operating under the exemptions of the Federal Motor Carrier Act, with no authority
1752 issued by the US DOT or its successor agency, you may not operate over the public highways of
1753 the state of Washington unless you register with the commission between August 1 and
1754 November 30 of each year, or at any time after November 30 when you begin interstate exempt
1755 operations, or when you will operate additional motor vehicles within the state.

1756 (2) To register with the commission as a registered exempt carrier, you must:

- 1757 (a) complete a registration application on a form provided by the commission;
1758 (b) identify the number of motor vehicles you will operate within the state;
1759 (c) pay the registration fee for each motor vehicle; and
1760 (d) provide proof of insurance.

1761 *[New Rule]*

1762 **WAC 480-15-930 Registration Fee and Receipts**

1763 (1) Registration Fee. The annual registration fee for registered and registered exempt carriers in
1764 Washington state is ten dollars for each motor vehicle operated in interstate commerce over the

1765 public highways of the state.

1766 (2) Registration Receipts.

1767 (a) A legible receipt showing registration with a base state or the commission as a
1768 registered or registered exempt carrier must be present in each motor vehicle and the receipt is
1769 subject to inspection at all times by law enforcement agents and commission representatives. No
1770 person or firm may use a registration receipt issued by the commission other than the registered or
1771 registered exempt carrier to whom it was issued.

1772 (b) All receipts issued for a calendar year expire on December 31 of that year.

1773 *[New Rule]*

1774 **WAC 480-15-940 Insurance Requirements**

1775 Registered and registered exempt carriers conducting interstate operations may provide evidence
1776 of insurance in the amount prescribed by the US DOT or its successor agency written by a
1777 company authorized to write insurance in any state.