

VIA FAX

Date Received: July 2, 1998

Docket No.: TV-971477

Company: Amends WAC 480-12, Relating to Household Goods Movers

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TV-971477



### WASHINGTON MOVERS CONFERENCE

930 South 336th Street, Suite B • Federal Way, WA 98003-6384  
(253) 838-1650 • 1-800-732-9019 • Fax (253) 838-1715

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Jay Lawley  
Managing Director

June 30, 1998

Ms Pat Dutton, Program Manager  
Transportation Division  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, WA 98504-7250

Dear Pat,

The following "draft language" is submitted relating to Compliance and Enforcement of Laws, Rules and Regulations for regulated household goods carriers. Part 1.3 has been redrafted in its entirety.

This part of the Household Goods Rulemaking Process is extremely critical to the whole process we are presently undertaking. Without strong compliance and enforcement procedures in place, we collectively have nothing.

#### Part 1.3 - Compliance and Enforcement

##### WAC 480-15-xxx What is the Commission's compliance policy?

The legislature has empowered the commission to administer and enforce the laws, rules and regulations relating to the inspection of vehicles, vehicle records and operational logs, business financial records, insurance certificates, billing documents, and shipment files of motor carriers of household goods; and to effectively and expeditiously prosecute violations that are found.

The commission's policy will be to direct its efforts initially towards voluntary compliance with the laws, rules and regulations relating to motor carriers of household goods through a program which emphasizes remedial education and technical assistance.

##### WAC 480-15-xxx What is included in the Commission's compliance program?

The commission may authorize staff to perform onsite or roadside compliance audits of motor carriers of household goods. Onsite compliance audits can include inspection of vehicles and equipment, vehicle and equipment records, business financial records, insurance certificates, billing documents, tariffs, and household goods shipment files. Roadside compliance audits can include safety inspection of vehicles and vehicle and driver records.

The commission's compliance program for motor carriers of household goods will consist of:

- Providing educational and technical review assistance;
- Performing customer complaint investigation and informal dispute resolution;
- Conducting informal and formal company complaint investigations;
- Performing vehicle, driver and equipment safety compliance reviews;
- Conducting necessary economic (rates, charges, billing practices, etc.) compliance audits;
- Conducting roadside safety enforcement reviews;
- Initiating and formalizing cooperative agreements with other state agencies for applicable compliance reviews of motor carriers of household goods;
- Assessing necessary monetary penalties;
- Issuing necessary suspensions or cancellations of household goods permit authority, and;
- Enforcement of all laws, rules, and regulations pertaining to motor carriers of household goods.

**WAC 480-15-xxx Can the Commission issue monetary penalties or suspend or cancel my Household Goods Permit Authority?**

The commission may assess monetary penalties under provisions contained in Title 81.04 RCW. Monetary penalties are intended as a tool of enforcement and remediation. The commission may assess monetary penalties upon discovery of violations in a manner that it believes will best assure future compliance with laws, rules and regulations by the violating motor carrier of household goods.

The commission may also suspend or cancel a household goods permit authority. Suspension and cancellation actions are intended for circumstances in which the commission believes previous education and technical assistance and/or assessment of monetary penalties have not been or will not be effective in securing compliance with the laws, rules and regulations pertaining to motor carriers of household goods. Cancellation of a household goods permit authority is mandatory for serious acts including fraud or misrepresentation and willful violation of legal requirements.

No operations may be conducted under a household goods permit authority that has been suspended or canceled.

**WAC 480-15-xxx Why would the Commission suspend my Permit Authority**

Upon reasonable notification of intent, the commission can suspend your permit authority for cause. Specific causes include, but are not limited to, circumstances in which:

You fail to comply with the laws, rules and regulations applicable to motor carriers of household goods;

You fail to maintain evidence of required cargo and liability insurance coverage for all areas of your operation;

You fail to maintain your household goods tariff and adhere to the rules and rates contained therein;

You fail to perform within safe operating standards that insures protection of the public's health and/or safety.

The commission repeatedly receives complaints from consumers about your household goods packing, loading or protection of goods from loss or damage procedures, estimating process, and/or billing practices.

**WAC 480-15-xxx What if my Permit Authority is suspended for cause?**

Following a proper investigation of probable cause by commission staff, you will receive notice of the commission's action to suspend your permit authority. The suspension of permit authority is effective with the service date of the notice.

Suspension action may take place without a hearing when commission staff believes there is imminent danger to the public's health, safety or welfare, and there is insufficient time to conduct a suspension hearing.

You may contest the suspension of your permit authority by requesting a brief adjudication or an adjudicative proceeding.

We may reinstate your suspended permit authority following necessary corrective action of the conditions leading to suspension and payment of the applicable reinstatement fee.

**WAC 480-15-xxx Why would the Commission cancel my Permit Authority?**

Upon reasonable notification of intent, the commission can cancel your permit authority for cause. Specific causes include, but are not limited to, circumstances in which:

You fail to file your Annual Report or pay the required regulatory fees;

You fail to correct the conditions that led to the suspension of your permit authority within the time frame specified in the suspension order;

You commit or continue to allow existing violations of pertinent requirements of laws, rules or regulations affecting the public's health, safety or welfare when the commission has reason to believe you would not comply following a specified period of suspension;

You repeatedly fail or refuse to comply with applicable laws, rules or regulations pertaining to motor carriers of household goods;

You fail to comply with the commission's request for information or you submit false, misleading, or inaccurate information, necessary to the commission for the performance of its regulatory functions.

**WAC 480-15-xxx What if my Permit Authority is canceled for cause?**

The commission will hold a hearing prior to canceling your permit authority, unless your permit authority is being canceled because you failed to correct the causes of a suspension within the specified time frames contained within the suspension notice.

You may apply to reinstate your permit authority if, within 30 days of the cancellation, you correct the cause(s) of the cancellation and file a reinstatement application along with payment of the non-refundable reinstatement fee. Your reinstatement application will be subject to a commission Docket Hearing.

**WAC 480-15-xxx How will the Commission provide enforcement against Household Goods Carriers whose Permit Authority has been canceled?**

If, immediately following the cancellation of the motor carrier's household goods permit authority, it is determined by the commission's enforcement officers the motor carrier is continuing to perform in-state household goods operations, the commission will institute expeditious legal action against the carrier in the respective District Court within the State of Washington.

**WAC 480-15-xxx How will the Commission provide enforcement against non-Permitted Household Goods Carriers?**

Dedicated commission enforcement officers will, upon notification from any responsible individual or party that a motor carrier is performing household goods relocations without a household goods permit authority, contact the non-permitted carrier and provide educational and technical assistance on the laws, rules and regulations that apply to the regulation of motor carriers of household goods within the State of Washington.

Following 30 days of the initial visit to the non-permitted carrier and there is no evidence at the commission offices of a request for household goods temporary permit authority, a follow-up visit will be made to the last or best known location of the non-permitted carrier to determine if the carrier is continuing to operate as a household goods carrier without the required permit authority.

Having been provided the opportunity to obtain a permit authority and yet it is believed the motor carrier is continuing to operate without a permit authority, the commission enforcement officer

will so note this fact in his report to the commission. The commission will immediately take action to institute a special proceeding requiring such person or corporation to appear before the commission in accordance with RCW 81.04.510.

If, during the special proceeding mentioned above it is determined the motor carrier is operating as a carrier of household goods without the required household goods permit authority, the commission will issue cease and desist orders to the party(s) involved in the operations or acts.

If, following issuance and receipt of the cease and desist order by the non-permitted carrier, it is determined through proper investigation by the commission there is continued household goods operations requiring a household goods permit authority, the commission will institute all necessary legal action against the non-permitted carrier in the respective District Court within the State of Washington.

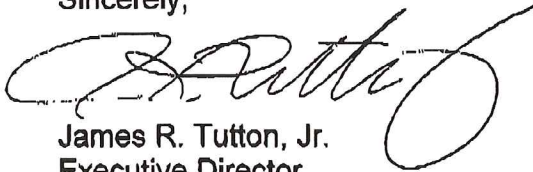
**WAC 480-15-xxx If I report a law, rule, or regulation violation, will you keep my name and address confidential?**

Yes, by your written request, we will keep your name and address confidential when you report a suspected law, rule, or regulation violation by a permitted or non-permitted motor carrier of household goods.

- End of Part 1.3 -

Should you have questions or comments, please feel free to call me at (800) 732-9019.

Sincerely,



James R. Tutton, Jr.  
Executive Director

TV-971477



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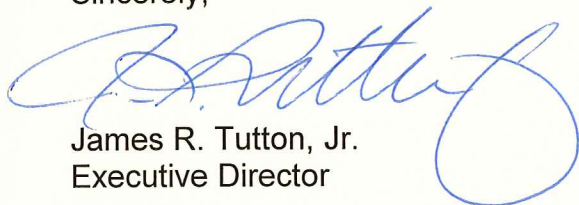
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James R. Tutton, Jr.  
Executive Director