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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF THURSTON

WASHINGTON MOVERS CONFERENCE,  
a domestic non-profit corporation;  
CENTRAL MOVING & STORAGE, L.L.C.,  
organized under Washington law;  
MORRISON MOVING & STORAGE CO.,  
INC., a domestic corporation,

Petitioners,

v.

WASHINGTON UTILITIES &  
TRANSPORTATION COMMISSION, an  
agency of the State of Washington,

Respondents.

NO. 99 2 00038 0

EXHIBIT P-1



EXHIBIT P-1

STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

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REGISTRATION DEPARTMENT

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FILED  
MAY - 8 1993  
SUPERIOR COURT  
BETTY L. GOULD  
THURSTON COUNTY CLERK





SERVICE DATE

DEC 21 1998

STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250  
(360) 753-6423 • TTY (360) 586-8203

December 15, 1998

RE: Household Goods Rulemaking  
Notice of Proposed Rulemaking  
Docket No. TV-971477

TO ALL INTERESTED PERSONS:

The Commission is pleased to enclose chapter 480-15 WAC, the Commission's rule regarding household goods carriers, developed from the rulemaking activity in Docket No. TV-971477.

The Commission filed the rule and the order of adoption with the Code Reviser on December 15, 1998. The rule will become effective January 15, 1999.

Please direct any questions about the rule to one of the following Commission staff:

Cathie Anderson	(360) 664-1225	canderso@wutc.wa.gov
Bonnie Allen	(360) 664-1226	ballen@wutc.wa.gov
Foster Hernandez	(360) 664-1232	fhernand@wutc.wa.gov

Sincerely,

CAROLE J. WASHBURN  
Secretary

Enclosure

EXHIBIT P-1





DEC 21 1998

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Repealing all rules in Chapter 480-12 WAC except WAC 480-12-100 and WAC 480-12-370 and Adopting a new Chapter 480-15 WAC ) DOCKET NO. TV-971477  
 )  
 ) GENERAL ORDER NO. R-454  
 )  
 ) ORDER REPEALING ALL RULES IN  
 Relating to Motor Carriers of Household Goods ) CHAPTER 480-12 WAC EXCEPT  
 ) WAC 480-12-100 AND  
 ) WAC 480-12-370 AND  
 ) ADOPTING RULES PERMANENTLY  
 ..... ) IN CHAPTER 480-15 WAC

**STATUTORY AUTHORITY:** The Washington Utilities and Transportation Commission takes this action under Notice WSR #98-19-060, filed with the Code Reviser on September 16, 1998. The Commission brings this proceeding pursuant to RCW 81.04.160 and RCW 80.01.040.

**STATEMENT OF COMPLIANCE:** This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 34.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

**DATE OF ADOPTION:** The Commission adopted these rules on December 14, 1998.

**CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:**  
 The new chapter of rules eases entry requirements, provides for rate flexibility, strengthens consumer protection and clarifies the Commission's compliance policies. The rules conform with Executive Order No. 97-02, and the Commission's strategic plan. The rules repealed applied to all motor carriers, including household goods carriers and brokers. New rules covering all motor carriers but household goods carriers and brokers have since been adopted in chapter 480-14 WAC. The rules are written specifically for the household goods industry and make several changes to existing rules written for a much broader group of carriers.

The rules ease entry requirements by changing the application process, and interpreting the standards of public interest and public convenience and necessity to address the concerns of consumers. The rules give carriers greater opportunities to operate in the state; they eliminate rules which require carriers to obtain specific operating authority (local cartage and commercial zones) to provide services in specific cities and metropolitan areas. These changes will allow more carriers the opportunity to provide household goods moving services, and allow carriers to expand state operations. These changes are designed to increase competition and consumer choice.

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 STATE OF WASHINGTON  
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Additionally, the proposed rules provide for pricing flexibility through the use of an interim rule which allows carriers to price their services within a range of the current tariff rates. This change allows service expansion in the industry, and is expected to increase consumer choice where pricing is a determining factor. The proposed rules strengthen consumer protection. They allow carriers the option to issue binding estimates, clarify credit options, cap the amount a carrier may charge above its estimate, reduce carrier complaint response time, and provide a more complete range of valuation options. The rules also clarify Commission policy and authority in the areas of compliance, complaint resolution, and definition of household goods for the purposes of transportation.

**REFERENCE TO AFFECTED RULES:** This rule repeals and adopts the following sections of the Washington Administrative Code:

Repeals all of chapter 480-12 WAC, except WAC 480-12-100 and WAC 480-12-370 which pertain to brokers.

Adopts a new chapter of rules, chapter 480-15 WAC, governing motor carriers of household goods.

#### **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS**

**THEREUNDER:** The Commission filed a Preproposal Statement of Inquiry (CR-101) on November 4, 1997, at WSR # 97-22-082. The notice advised interested persons that the Commission was considering entering a rulemaking to review all rules in chapter 480-12 WAC. The notice stated that all rules might be affected, and new rules regarding entry of household goods carriers, and protection of consumers would be considered. Further, rules would be reviewed for content and readability pursuant to Executive Order No. 97-02.

**ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT:** The Commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons included on the Commission's list of persons requesting such information pursuant to RCW 34.05.320(3), including the transportation rule list, the household goods rule list, the transportation attorneys list, and lists in Commission Dockets No. TV-971477 and TV-950239. In addition, the Commission sent notice to all carriers holding household goods permit authority, to all companies subscribing to the household goods tariff, and to all companies who had been contacted in the previous two years regarding potential household goods moves made without a permit, as identified through the Commission's compliance database. The Commission accepted written comments regarding the CR-101 through December 5, 1997.

Pursuant to the notice, the Commission hosted several meetings with stakeholders and stakeholder representatives. The Commission sent a letter on January 23, with the first discussion draft of rules, inviting interested persons to the first stakeholders' meeting in Docket No. TV-971477. In addition, the Commission also sent a letter to a wider range of possible interested persons including the Commission's list of Transportation Associations, and the Commission's list of those interested in agency administrative rules, transportation rules, household goods rules, common carrier rules, and transportation attorneys. The Commission held a second meeting on April 14, 1998. A notice of this meeting was issued on March 31, 1998, including a second discussion draft. On May 8, 1998, staff mailed out a third discussion draft and letter inviting stakeholder representatives to attend a rule-drafting session on May 15, 1998. On May 20, 1998, staff mailed out rule discussion draft 3a and a letter inviting participants to attend another rule drafting session May 26, 1998. On June 2, 1998, staff mailed out rule discussion draft 3b and a letter to participants inviting them to attend another rule drafting session June 5, 1998. On June 25, 1998, staff held a meeting regarding possible valuation options which was attended by representatives from each group of stakeholders. Staff mailed out a letter and a fourth revised rule discussion draft on July 15, 1998, along with notice of the final stakeholder meeting held on July 29, 1998.

Through the stakeholder process, stakeholders and staff agreed to withdraw the following issues from the proposed rules. Staff originally proposed establishing a maximum tariff rate. The Washington Movers Conference explained that a minimum tariff rate was necessary to prevent predatory pricing practices. Staff agreed and the final rule reflects a minimum and maximum tariff rate. Staff proposed offering a rule that would provide consumers with the option of getting a "binding estimate or actual cost, whichever is less." The Washington Movers Conference was opposed to this option as a type of binding estimate and indicated they would consider an optional binding estimate if the "or actual cost, whichever is less" portion of the language was eliminated. The more restrictive option was eliminated from the rules. Consumer representatives proposed language that would require competing carriers to assist each other in providing binding estimates where the termination point of the move is a long distance from the bidding carrier's office. Carriers were opposed to this requirement because it could provide an unscrupulous carrier with the opportunity to take away business. This language was eliminated from the rules.

Staff and stakeholders reached agreement on the following issues: Cargo Insurance, WAC 480-15-550; Valuation Coverage, WAC 480-15-620; Payment Options, WAC 480-15-795; and, Reduction in Time to Acknowledge Receipt of Claim or Complaint, WAC 480-15-810. In reaching agreement on these issues, stakeholders representing the Washington Movers Conference, consumer interests and other carriers all provided information that was essential in drafting the final language.



**NOTICE OF PROPOSED RULEMAKING:** The Commission filed a notice of Proposed Rulemaking (CR-102) on September 16, 1998, at WSR #98-19-060. The Commission scheduled this matter for oral comment and adoption under Notice WSR #98-19-060 at 9:30 a.m., Monday, November 16, 1998, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive SW, Olympia, Washington. The time of the adoption hearing was changed to 1:30 p.m. and an errata notice was sent to interested persons noting the time change. No one appeared at 9:30 a.m. on Monday, November 16, 1998, to comment on the rules. The notice provided interested persons with the opportunity to submit written comments on the proposed rules to the Commission on or before October 30, 1998.

**MEETINGS OR WORKSHOPS; COMMENTS:** The Commission received oral and written comments from individual consumers, representatives of the Consumer Protection and Public Counsel Divisions of the Washington State Attorney General's Office, representatives and members of the Washington Movers Conference, representatives of the container storage and transportation industry, representatives of the Office of State Procurement for the State of Washington, representatives of the Better Business Bureau, non-permitted carriers, representatives and members of the Washington Association of Independent Movers, and state legislators. A chart summarizing the comments and staff's response is included as Appendix A to this order.

Based on the comments received, Commission staff suggested revised clarifying language that did not change the intent or ultimate effect of the proposed rule. Staff sent notice of the clarifying changes to all interested persons on October 28, 1998. This gave interested persons the opportunity to comment on the language at the November 16, 1998, adoption hearing.

**RULEMAKING HEARING:** The rule changes were considered for adoption, pursuant to the notice, at the Commission's regularly scheduled open public meeting on November 16, 1998, before Chairwoman Anne Levinson and Commissioner William R. Gillis. The Commission heard oral comments from Kim Dobyms and Gene Eckhardt representing Commission staff; Jeffrey Goltz and Ann Rendahl representing the Utilities and Transportation Division of the Office of the Attorney General; Karen Bernd representing Bernd Moving Systems; Doug Bernd, President of the Washington Movers Conference; John Woodring, J. Lawrence Coniff, and Jim Tutton representing the Washington Movers Conference; Rick Smith representing Corporate Moving Systems; Brian McCulloch representing the Association of Independent Movers; Robert Manifold representing the Public Counsel and Consumer Protection Divisions of the Office of the Attorney General; Rob Outcalt representing Door-to-Door Storage; and Chris McKay representing Shurgard Storage-To-Go. Some commenters supported staff's proposed rules and some commenters repeated concerns that were provided in their written comments.

**SUGGESTIONS FOR CHANGE THAT ARE REJECTED:** The Commission believes the adopted rules represent a good balance between consumer protection and regulatory requirements, and that all participants worked toward achieving consensus. However, there are some areas where participants and Commission staff did not reach agreement. A summary of those areas follows:

- **Statutory Authority Issues Regarding RCW 81.80.020:**

Commenters assert the proposed rules represent policy changes that are not consistent with RCW 81.80.020. Commenters claim that the Commission staff cannot use the Commission's strategic plan as a basis for changing Commission policy because it is in conflict with the statute. They claim the types of entry changes staff proposes in the rulemaking can be accomplished only through changes in statutes. The Commission disagrees. The rules are consistent with the intent of the legislature and are within the Commission's statutory authority.

- **WAC 480-15-280 When must I apply for temporary authority? and, WAC 480-15-300 What conditions may be attached to my temporary authority?**

Commenters first claim that the current rule provides that the Commission must hold a hearing, make findings, and enter an order on every protested application for a temporary permit. They then posit that this provision is eliminated, and that the elimination is not consistent with RCW 81.80.170 which states:

The Commission may issue temporary permits to temporary "common carriers" or "contract carriers" for a period not to exceed one hundred eighty days, but only after it finds that the issuance of such temporary permits is consistent with the public interest. It may prescribe such special rules and regulations and impose such special terms and conditions with reference thereto as in its judgement are reasonable and necessary in carrying out the provisions of this chapter.

Commenters claim that issuing temporary permits prior to holding a hearing on protested applications does not allow the Commission to determine fitness or public interest.

The Commission can and has determined fitness and public interest for temporary permits without holding a public hearing. The current rule governing issuance of a temporary permit **does not** provide for a hearing prior to the issuance of permits. The current rule, WAC 480-12-033 (4) provides:



The Commission will publish notice of the issuance of temporary authority under this section in its weekly application docket

[ \* \* \* ]

Any interested carrier may, within ten days after the publication, file a protest to the grant of authority.

The proposed rules do not change existing processes for protesting temporary authority. New Section, WAC 480-15-310 states:

(1) "We publish an application docket listing temporary authority we have granted or denied. We mail the docket to each applicant and, upon written request, to any person interested in application proceedings." and, (2) "Anyone having an interest in an application appearing on the docket may file written comments within ten days following publication."

The proposed rules do provide that the Commission will issue an order making findings that issuance of a permit is consistent with the public interest, prior to granting temporary authority. The proposed rules clearly identify what factors the Commission will consider when determining the public interest, as well as fitness, prior to issuing a temporary permit. New Section, WAC 480-15-280 states:

(2) We will grant or deny an application for temporary authority after we have conducted a complete review of your application, any supporting statements, reports or other information necessary to determine your fitness, and determine whether granting the application is in the public interest.

(3) When determining if an applicant is fit, willing and able to provide the proposed service we will consider any information provided by the applicant and other members of the public regarding:

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

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



(4) When determining if the proposed service is in the public interest, we will consider any information provided by the applicant, shippers and other members of the public supporting the proposed service, and whether granting the temporary authority will:

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

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

The new rules allow any interested person to provide comment to the Commission about the grant of temporary authority, and to provide comment on a pending application for permanent authority. The rules allow anyone, including existing carriers, an opportunity to provide information to the Commission which will be considered when determining whether to grant or deny an application for permanent authority.

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

This rule grants authority to operate throughout the state of Washington. It also allows household goods carriers the option to operate in only a certain county or counties. The Commission may also restrict a carrier's operations to a certain county or counties for cause. "Local cartage" and "commercial zone" authority is no longer required to operate within metropolitan areas of the state or within certain cities.

Commenters argue that eliminating local cartage area limitations is not in the public interest, and will create problems for consumers. Their specific example is: if a consumer in Tacoma requests moving service from a carrier in Lynnwood and the consumer does not ask for an estimate, the consumer must, under the existing tariff, pay for drive time from Lynnwood to Tacoma and return. Commenters believe the additional drive time charge would take unfair advantage of the consumer.

The Commission disagrees. The proposed rules provide consumers the option of paying more for a service when time is the primary consideration rather than cost. Using the same scenario, under existing rules, only those with local cartage authority in Tacoma are able to provide service to the consumer. If the existing permitted carriers in Tacoma are unable to meet the consumer's time requirements, the consumer must wait until a carrier has an opening in its schedule. Such a situation creates an incentive for consumers to use non-permitted carriers. A consumer may be willing to pay more in order to meet a critical time requirement. Otherwise, we expect a consumer to check for more than one price quotation, and to self-protect by hiring the

carrier that does not have the extra charge for drive time included in its estimate (unless its estimate is still lower). It is in the public interest to eliminate restrictions that limit consumer choice, and make enforcement more difficult.

The Commission enforcement staff, under current rules, must stake-out a carrier operating out of its territory and catch it in the act in order to enforce geographic restrictions. The enforcement staff time can be better spent seeking out the kinds of violations that harm consumers.

The Commission also believes many carriers will benefit from this rule. Opportunities for business growth will not be hampered by artificial boundaries. Carriers will not waste time determining whether a house on a certain street is in a city, adjoining city, or county, but will be able to serve areas that are economic to serve with their resources.

- **WAC 480-15-490(2)(b) How are tariff rates and charges established?**

This rule sets an interim band of rates and charges that carriers may charge consumers. The rule allows carriers to charge no more than 15 percent above nor less than 35 percent below the existing tariff rates.

Commenters object to the proposed banded rates percentages, claiming that inadequate and unrepresentative data were used to establish the rates. Further, commenters propose that a range of banded rates should be set only after a fully allocated cost study has been completed.

The Commission disagrees. A staff economist and the assistant director for transportation and water analyzed this issue in a memorandum which is attached to the open meeting memorandum presented on November 16, 1998. A copy of the open meeting memorandum, and the attachments to it, are included in the rule making file maintained by the Commission. The memorandum indicates that a fully allocated cost study based on the current market environment would not be useful in setting rates for a more competitive environment. The memorandum describes the methodology used by the analysts to set the percentages above and below the current tariff rate. The staff memorandum points out that a fully allocated cost study would measure the market structure as it exists today. It would not measure the new, more open, market structure these rules are designed to promote.

The heart of the objection to this rule seems to be that the option of charging rates at a lower band limit of 35 percent below the existing tariff rates would result in rates that are too low, and may lead to predatory pricing. The memorandum by the economists addresses these concerns, and concludes that the cost structure of the household goods carrier industry is not conducive to predatory pricing.



In deciding this issue, the Commission asked itself "What is the potential harm?" If the rate band is too narrow, an effectively competitive price would be lower than the banded rate, and consumers would be harmed. A high band and open entry would encourage uneconomic entry. If the band is too wide, the commenters claim that predatory pricing may occur. If true, that could harm carriers. However, based on its history of regulating this industry, and upon information received from the industry, the Commission believes the cost structure in this industry has a wide range of variable costs. The variable cost factor, in addition to easing entry, will make it difficult for any carrier to practice predatory pricing.

In reality it would be irrational for a firm to attempt to engage in predatory pricing, as it would hurt the firm's short-term profitability without improving its long-term profitability. The interim rule, which allows the 35 percent discount in prices, is conservative enough to prevent predatory pricing while allowing consumers to benefit from lower prices and greater choice. The solution to "predatory pricing" is effective competition, and more service options for both consumers and carriers. In the event that allegations of predatory pricing, or any other illegal behavior, are made, the Commission is charged with, and able to, investigate and intervene under RCW 81.04.110.

The lower limit to the rate band in the rule is supported by sound economic analysis. The Commission, therefore, supports its use until such time as data are available about the new market that will emerge after the rules have been in effect for a period of time. When the Commission staff develops a cost-study methodology, it should provide information to set rates that will support our stated goals. The current rate setting methodology, uniform rates using fully-allocated costs, does not support the goals of the present rule making. It is, therefore, not an appropriate methodology to consider. The Commission staff will study such factors as variable costs, marginal costs, and average costs. The Commission staff has not yet determined the appropriate methodology, but commits to considering carrier input as it works toward developing a methodology. The Commission staff expects to complete that process by October 1999.

- **WAC 480-15-630(2) Estimates**

This rule allows a carrier the option of providing a binding estimate to consumers. The current rules do not allow this option. Commenters are opposed to binding estimates as an option, alleging it will cause consumer confusion and that it is not appropriate to take a model that has been used for long-distance moves at the interstate level and apply it to local moves.

The Commission believes that the option of a binding estimate will minimize the confusion that consumers experience under existing rules. Currently, consumers may believe that an estimate is binding, then have a rude awakening when

their final bill greatly exceeds the estimate. Consumer representatives in this rule making initially sought to require binding estimates for all moves, but eventually accepted the general consensus that binding estimates should be an available option. In all consumer protection measures the Commission seeks a balance between giving consumers the best information possible, and writing the least onerous rules that a regulated industry must follow. This rule allows the carrier to choose whether it will give a binding estimate for consumers seeking both long-distance and local-intrastate moves. It is a business decision each carrier will make based on its market and the needs of its customers. No carrier is required to offer binding estimates.

One of the Commission's roles is to provide consumers with the information needed to make informed decisions. Commission publications and industry sales personnel will be able to explain adequately binding estimates. Optional binding estimates are already available at the federal level for interstate rules. This change makes the state rule consistent with the interstate rule. The Commission expects that many of the household goods carriers are already familiar with the federal rule, and that this change may ease, rather than complicate, compliance. This rule increases consumer choice and promotes competition in the industry, as well as increases consumer confidence regarding the amount a move will cost.

- **WAC 480-15-020(14) Household Goods.**

This rule clarifies the definition of household goods by stating that household goods are residential rather than commercial goods, and indicating which services fall under Commission regulation. The rule excludes from regulation "the transportation of customer packed and sealed self storage containers when no accessorial services are provided by the carrier in connection with the transportation of the container." This exclusion puts in rule form the policy currently followed by the Commission staff, based upon a decision by the Commission Permits and Interpretations Committee. That decision concluded that a packed container, for which no accessorial services were provided, was "freight". Carriers of "freight" are regulated under chapter 480-14 WAC. The Commission, here, indicates its agreement with the interpretation currently followed by its staff.

Commenters are opposed to the exclusory language in the rule, arguing that the materials defined in the exclusion should fall under Commission jurisdiction as household goods, rather than as freight. They claim it does not matter whether household goods are packed and sealed into a container by consumers.

The Commission disagrees. The transportation of customer packed and sealed self-storage containers does not encompass the same need for consumer protection as a typical household goods move. The Commission has reviewed and considered opinions and opinion letters concerning the classification of the



transportation of storage containers issued by the Federal Highway Administration and several other states. The proposed rule is consistent with the Federal determination, and is consistent with previous staff interpretations.

- **Part 1.3**

The proposed rules in Part 1.3 describe authority the Legislature has given to the Commission to enforce the state laws and rules, the actions the Commission may take in any given circumstance, and the Commission policy on compliance. These rules are offered so a carrier may know what to expect, and what options are available to the Commission to address non-compliance.

Commenters believe the Commission does not have enough staff to enforce existing rules, and that the proposed rules will result in an increase in both consumer complaints and the number of carriers who are not in compliance with the rules. They argue that new rules should not be considered until additional compliance staff are hired. The Commission believes staffing is a separate issue and must be considered apart from the rulemaking. Meeting the challenges of sufficient staffing and efficient use of resources concern all governmental agencies, and the Commission is no exception.

In writing these rules, the Commission has focused on the areas of greatest need, in order to allow scarce enforcement resources to be used to best serve consumers. For example, this is one reason the Commission is simplifying the definition of the geographic areas that permitted carriers may serve in WAC 480-15-190.

The Commission also recognizes the need for and supports a greater emphasis on technical assistance prior to enforcement. This is one reason why the Commission seeks to use the period after a temporary permit is granted as a trial period in which carriers can be trained in areas of weakness. WAC 480-15-280, WAC 480-15-300. Putting resources here, rather than in unneeded hearings, is another appropriate action. When hearings are needed, they will be held. The Commission will allocate staff and resources to the areas of highest concern based on public need and its obligations. The Commission will strive to accomplish its compliance and enforcement goals in the household goods industry.

**WAC 480-15-030 Waiver of Rules.** The proposed rules include a provision allowing carriers to request, and the Commission to consider granting, rule waivers.

Commenters believe the Commission does not have authority to grant rule waivers.

The Commission disagrees. Comparable rule waiver provisions presently exist in rules governing other industries regulated by the Commission. RCW 81.04.040 obligates the Commission to regulate in the public interest. This statute provides the Commission the flexibility and discretion to make such rules and regulations as may be necessary to carry out its powers and duties. The Commission takes its responsibilities and obligations seriously. Rules are written to apply to the most general situations; the Commission recognizes that there may be instances when a rule may not pertain to a specific situation, or may cause an undue burden on a carrier in a specific situation. The ability to grant a rule waiver is aimed to respond to the public interest in a timely and fitting manner, especially where prior need was not or could not be anticipated. However, rule waivers are rare and are considered on a case-by-case basis in an open public meeting by the Commissioners. Waivers are granted only when consistent with the public interest, the purposes underlying regulation, and sound public policy, and consistent with applicable statutes.

**DISCUSSION:** This rulemaking is one of the most important that has faced the Commission in recent times. The magnitude of change that is proposed with regard to this industry is the most significant this industry has seen in this state in all the decades it has been in existence. There are obviously quite diverse perspectives on a number of very important issues, and those have been fought out in an appropriate fashion for matters of import before this Commission.

The Commission has experience with a transition to lesser regulation in the motor carrier industry. Experience with those companies regulated under chapter 480.14 WAC has been more successful than the Commission anticipated, with fewer unsatisfactory consequences than we feared. The Commission has heard on numerous occasions from permitted carriers, non-permitted carriers, and consumers that citizens of Washington are hiring illegal carriers to perform their moves. The Commission has seen evidence of these moves in proceedings in which it has sought to restrain the activities of non-permitted movers. Non-permitted carriers seeking entry into this industry have been significant stakeholders in this proceeding. Any time consumers in our state are incited to seek illegal options for the activities that they want to pursue, they are making a statement about their lack of consumer choice. When this occurs, something is wrong with the system. This is an example of where the government is viewed by the consumers we exist to serve as being in the way of what they need, rather than being there to help.

It is unfortunate that members of the Washington Movers Conference believe they have not been listened to and the Commission does not doubt their sincerity. The Commission's experience with its staff is that they are highly professional and are committed to independent evaluation. It is much more likely that there is a difference of position, rather than that staff did not listen to any particular position. Commissioners do not rely on filtered information. Commissioners do read the staff



documents, but also request and receive regular briefings on rule makings of this import, as well as read directly written comments, seek legal opinions and, upon request, meet with stakeholders. Commissioners do their own evaluation.

There has been a lot of information that has formed the framework for this rule making. The Commission has no doubt that a good faith effort on the part of everyone involved was made to develop the best possible set of rules while addressing the stakeholders' concerns. The Commission believes most of the concerns of commenters have been addressed, as evidenced by the many rewrites of this chapter of rules.

The rules represent good public policy for the Commission and for the state by promoting open markets and consumer choice, by eliminating barriers to entry, and by enhancing consumer protection. They should be adopted.

**COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission repeals all of chapter 480-12 WAC except WAC 480-12-100 and WAC 480-12-370, and adopts the proposed rules governing household goods carriers in new chapter 480-15 WAC. See Appendix B of this order for the adopted rules.

**CHANGES FROM PROPOSAL:** The Commission adopted the proposal with the following changes from the text noticed at WSR #98-19-060.

- a. WAC 480-15-630 (b)(iii) A binding estimate cannot exceed the highest authorized tariff rate. If a binding estimate exceeds the highest tariff rate, the carrier may not collect more than the highest authorized tariff rate.
- b. WAC 480-15-660 (2) What rates must I use to prepare a supplemental estimate? You must use the same rates as you used in determining charges for the original estimate.
- c. WAC 480-15-780 (8) When may I refuse to provide service to a shipper? You do not have suitable equipment necessary to perform the service.
- d. WAC 480-15-800 What must I do if a shipper is not satisfied with my service? ... The shipper has nine months, from the date of delivery or the date the household goods should have been delivered, to file a claim for loss and damage. ...

**STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** In reviewing the entire record, the Commission determines that all rules in chapter 480-12 WAC should be repealed except WAC 480-12-100 and WAC 480-12-370 and a new chapter 480-15 WAC governing Household Goods Carriers should be adopted to read

as set forth in Appendix B, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the Code Reviser.

**ORDER**

**THE COMMISSION ORDERS:**

1. Chapter 480-12 WAC, except WAC 480-12-100 and WAC 480-12-370, is repealed and chapter 480-15 WAC is adopted to read as set forth in Appendix B, as rules of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the date of filing with the Code Reviser pursuant to RCW 34.05.380(2).

2. This order and the rule set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

3. The Commission adopts the Commission staff memoranda, and any attachments thereto, presented when the Commission considered filing a Preproposal Statement of Inquiry, when it considered filing the formal Notice of Proposed Rulemaking, and when it considered adoption of this proposal in conjunction with the text of this order, as its Concise Explanatory Statement of the reasons for adoption required by RCW 34.05.025.

DATED at Olympia, Washington, this 14<sup>th</sup> day of December 1998.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



ANNE LEVINSON, Chairwoman



RICHARD HEMSTAD, Commissioner



# **APPENDIX "A"**

Chapter 480-15 WAC  
HOUSEHOLD GOODS CARRIERS

Part 1 - GENERAL

Part 1.1 - GENERAL INFORMATION

NEW SECTION

**WAC 480-15-010 Purpose and application.** (1) The legislature has declared that operating as a motor carrier of freight, including household goods, for compensation over the highways of this state is a business affected with a public interest and should be regulated. The purpose of these rules is to carry out the policies set forth in RCW 81.80.020 as they apply to household goods carriers, by establishing standards for public safety, fair competitive practices, just and reasonable charges, nondiscriminatory application of rates, adequate and dependable service, consumer protection, and compliance with statutes, rules and commission orders.

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

NEW SECTION

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

(1) "**Accessorial services**" means any services provided by a household goods carrier that supplement, or are secondary to, the

(32) **"Suspension"** means an act by the commission to temporarily withhold a household goods carrier's authority.

(33) **"Tare weight"** means the weight of an empty motor vehicle obtained when:

(a) The vehicle's fuel tank is full;

(b) All pads, chains, dollies, hand trucks, and other equipment needed in the transportation of the shipment are on board the vehicle; and

(c) The crew is not on board the vehicle.

(34) **"Tariff"** means a publication containing the rates and charges that must be assessed on shipments of household goods and the rules that govern how rates and charges are assessed.

(35) **"Transportation of household goods"** means the for hire movement of household goods by motor vehicle over the public highways of the state. This includes providing estimates, arranging for receipt, delivery, storage in transit, handling, and providing any accessorial services in connection with that movement.

(36) **"Us"** means the Washington utilities and transportation commission.

(37) **"We"** means the Washington utilities and transportation commission.

(38) **"You"** means a household goods carrier, shipper, insurance company, or other person or entity, depending on the context of the rule.

#### NEW SECTION

**WAC 480-15-030 Waiver of rules.** (1) We may grant a waiver of any rule in this chapter, when doing so is consistent with the public interest, the purposes underlying regulation, and sound public policy, and is consistent with applicable statutes.

(2) To request a rule waiver, a person must file with the commission a written request identifying the rule for which a waiver is sought, and giving a full explanation of the reason(s) the waiver is requested. The commission will notify you in writing when your request is granted or denied.

#### NEW SECTION

**WAC 480-15-040 Adoption by reference.** We have adopted by reference the following publications:

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

1998.

(2) The sections of "Title 49 Code of Federal Regulations," cited as 49 CFR, listed below, including all regulations and appendices and amendments to those sections in effect on October 1, 1998:

(a) 49 CFR Part 382: Controlled Substance and Alcohol Use and Testing;

(b) 49 CFR Part 383: Commercial Driver's License Standards; Requirements and Penalties;

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

(d) 49 CFR Part 391: Qualification of Drivers;

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

(f) 49 CFR Part 393: Parts and Accessories Necessary for Safe Operations;

(g) 49 CFR Part 395: Hours of Service of Drivers;

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

(i) 49 CFR Part 397: Transportation of Hazardous Materials; Driving and Parking

#### NEW SECTION

**WAC 480-15-050 Where may I get copies of documents adopted by reference?** (1) The *North American Uniform Out-of-Service Criteria* may be viewed at the branch of the Washington state library housed at the commission's headquarters and is available for a fee from the Commercial Vehicle Safety Alliance and third-party vendors.

(2) Title 49 of the Code of Federal Regulations may be viewed at the branch of the Washington state library housed at the commission's headquarters and is available for a fee from the GPO (Government Printing Office) and third-party vendors.

#### **Part 1.2 - CONTACTING THE COMMISSION**

#### NEW SECTION

**WAC 480-15-060 How may I contact the commission?** You may contact the commission in writing, in person, by telephone, by e-mail, or by FAX. If you are a permit holder, you should provide your permit name and number for proper identification.

(1) Mailing address:



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

- (2) E-mail address: transinfo@wutc.wa.gov
- (3) FAX number: (360) 586-1150
- (4) Telephone number: (360) 664-1222

NEW SECTION

**WAC 480-15-070 Where is the commission located?** The Washington utilities and transportation commission is located at 1300 S Evergreen Park Drive SW, Olympia, Washington.

NEW SECTION

**WAC 480-15-080 How do I file documents with the commission?** You may file documents by mailing them to the address listed in WAC 480-15-060, or by hand delivering them to the commission's records management section. Your documents are officially received when date stamped by the commission's records management section. You may file certain documents electronically, as provided in WAC 480-09-120.

NEW SECTION

**WAC 480-15-090 May I submit information to the commission confidentially?** Yes, you may submit information confidentially under the following conditions:

(1) **Information other than complaints.** The commission will limit access to information that is identified as confidential and is submitted under the provisions of WAC 480-09-015. Copies of this rule are available upon request.

(2) **Complaints and rule violations.** If you fear for your safety when reporting a complaint for rule violation then, at your request, we will keep your name and address confidential. We require that you sign and submit a form specifying that you fear for your safety if your name and address are made public. Please note, however, that it is difficult to investigate complaints

regarding a specific shipment if we are unable to release the name of the shipper, as carrier records are often kept by shipper name and address.

NEW SECTION

**WAC 480-15-100** What form of payment does the commission accept? You may pay by money order, check, or certified check payable to the Washington utilities and transportation commission. You may also pay with cash if you make your payment in person. We accept only U.S. funds.

NEW SECTION

**WAC 480-15-110** If I change my business address or telephone number, must I notify the commission? Yes, if you change your physical or mailing business address or your business telephone number, you must immediately notify the commission in writing at the addresses listed in WAC 480-15-060.

NEW SECTION

**WAC 480-15-120** What rules apply to commission proceedings? The commission's rules governing administrative practices and procedures are in chapter 480-09 WAC. When a rule in this chapter is different than a rule in chapter 480-09 WAC, the rule in this chapter applies to household goods carriers.

**Part 1.3 - COMPLIANCE WITH THIS CHAPTER**

NEW SECTION

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

(1) In enforcing the law, the commission encourages voluntary compliance with statutes, rules and commission orders, through the following:

(a) A program emphasizing education and technical assistance; and

(b) A compliance program including:

(i) Investigation and informal dispute resolution of customer complaints;

(ii) Investigation of informal and formal company complaints;

(iii) Driver and equipment safety compliance reviews;

(iv) Economic compliance audits (i.e., concerning rates, charges, and billing practices);

(v) Coordinated roadside enforcement; and

(vi) Cooperative agreements with other agencies to enable effective enforcement and appropriate use of resources.

(2) Where necessary to ensure compliance with statutes, rules and commission orders, the commission will pursue:

(a) Administrative actions, including, but not limited to, warnings, sanctions, penalty assessments, suspension or cancellation of permits, and hearings to show cause and classify motor carriers; and

(b) Proceedings in district and superior court.

(3) The commission is authorized to administer and enforce the laws and rules relating to household goods carriers by:

(a) Inspecting equipment, drivers, accounts, books, and documents, including, but not limited to:

(i) Vehicles, drivers, and vehicle and driver records and files;

(ii) Business and financial records;

(iii) Insurance certificates;

(iv) Compliance records;

(v) Billing documents;

(vi) Shipment records; and

(b) Prosecuting violations of statutes, rules and commission orders.

NEW SECTION

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

The commission authorizes staff to inspect the equipment, accounts, books, papers and documents of household goods carriers and to conduct inspections and investigations on its behalf. The commission will institute appropriate enforcement action against violators based on information collected by its staff. The commission has delegated authority to its staff to place vehicles



and drivers out-of-service if they do not meet minimum safety standards. In addition, the commission has delegated authority to its staff to issue citations or arrest without warrant any person found violating this chapter in the presence of staff.

NEW SECTION

**WAC 480-15-150 Why would the commission take administrative action?** The commission will take administrative action for violations in a manner that it believes will best assure future compliance by the violating household goods carrier and other household goods carriers. The commission may:

(1) Assess monetary penalties under the provisions in chapter 81.04 RCW as a tool of enforcement and remediation; or

(2) Suspend or cancel the permit of a household goods carrier under circumstances in which the commission believes education and penalties have not been, or will not be, effective to secure compliance; for serious actions including fraud or misrepresentation; and for willful violation of legal requirements.

NEW SECTION

**WAC 480-15-160 What sanctions apply to carriers operating without valid permits?** (1) **Operating while suspended.** Household goods carriers who continue to operate after their permits have been suspended are subject to:

(a) Misdemeanor or gross misdemeanor citations, for which they must appear in district court; and/or

(b) Monetary penalty assessments or other administrative actions; and/or

(c) Proceedings to cancel their permit.

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

(a) Misdemeanor or gross misdemeanor citations, for which they must appear in district court; and/or

(b) Enforcement proceedings in superior court.

(3) **Operating with no permit.**

(a) Motor carriers who transport household goods entirely within the state of Washington without first obtaining a permit from the commission to do so are subject to citation if observed or contacted by a representative of the commission, or other law enforcement agency, while transporting household goods over the public roads of the state of Washington.



(b) If we receive information that a motor carrier is transporting household goods without a household goods permit, we may issue a citation and/or 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.

(c) 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 pursuant to RCW 81.04.510.

(d) If the motor carrier continues to operate without a permit after applying for a permit and before the commission has acted in that application, the commission may consider those operations in determining whether the carrier is fit to provide the proposed service.

(e) 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 a commission order.

## **Part 2 - PERMITS**

### **Part 2.1 - GENERAL PERMIT INFORMATION**

#### NEW SECTION

**WAC 480-15-170 What is a household goods permit?** A household goods permit is a document issued by the commission describing the transportation services a common carrier is authorized to provide, and the territory the common carrier is authorized to serve. It includes at least the following information:

- (1) The permit number issued by the commission;
- (2) The official name of the permit holder;
- (3) The registered trade or business name(s);
- (4) The address of record;

- (5) The date the permit is issued;
- (6) The operating authority granted by the commission; and
- (7) Any conditions imposed by the commission upon on the permit.

NEW SECTION

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

- (1) Unless you are operating in the territory described in WAC 480-15-200, you must receive a permit from us before you transport household goods:
  - (a) By motor vehicle;
  - (b) Over the public highways;
  - (c) Between points in Washington state; and
  - (d) For compensation.
- (2) If you transport household goods without first obtaining a permit you will be subject to the enforcement actions described in WAC 480-15-160(3).

NEW SECTION

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

- (1) Household goods permits authorize state-wide operations unless:
  - (a) You elect to limit your service territory to specific counties; or
  - (b) The commission, by order, limits your service territory.
- (2) If you choose to limit your service territory to specific counties, you must notify us in writing at the address shown in WAC 480-15-060. Your written request must include your household goods permit number and name.

NEW SECTION

**WAC 480-15-195 When will my existing household goods permit be reissued?** If you hold a household goods permit that is valid on the effective date of these rules, it will be recognized as authorizing state-wide operations until a new household goods permit is issued, or until January 31, 1999, whichever occurs first.

(1) If you choose to limit your service territory to specific counties, you must notify us in writing at the address shown in WAC 480-15-060. Your written request must include your household goods permit number and name.

(2) For the purpose of this rule, a valid household goods permit does not include temporary permits, suspended permits, canceled permits, or permits that are held by carriers that have not filed required annual reports, paid regulatory fees, or satisfied penalty assessments, or whose checks have been returned because of insufficient funds or closed bank accounts.

#### NEW SECTION

**WAC 480-15-200 Are there areas I may operate without a permit?** Pursuant to RCW 81.80.040(1), you do not need a permit to transport household goods exclusively between points within the limits of a city or town with a population of less than ten thousand, unless the city borders a city or town with a population of greater than ten thousand.

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

#### NEW SECTION

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

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

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

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



NEW SECTION

**WAC 480-15-220 How do I apply for a permit?** (1) You may file an application for a permit on forms furnished by the commission. You may file your application in person or by mail. (See WAC 480-15-060 for the commission's address.)

(2) You must include all requested information, attachments, complete signed statements, and fees when you file your application. (See WAC 480-15-230 for the appropriate application fees.) We will not accept your application until all required information is supplied and any outstanding fees or penalties are paid.

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

NEW SECTION

**WAC 480-15-230 What is the application fee?** The maximum application fee, under RCW 81.80.090, is five hundred fifty dollars. After reviewing the actual costs of processing applications, we may set fees at less than the legal maximum. Each application form will clearly state the fee you must submit when filing an application.

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
Permanent authority (under the exceptions named in WAC 480-15-260)	\$250.00
Permit reinstatement (under provisions of WAC 480-15-460)	\$250.00
Name change only	\$ 35.00

NEW SECTION

**WAC 480-15-240 How may a new entrant obtain authority?** You must file both a temporary and a permanent authority application if you do not hold an existing permit that allows you to transport household goods within the state of Washington.

The following table describes the application process for new entrants seeking to obtain permanent authority:

If you file an application for:	You must also file an application for:	We will:	We will grant an application when:
Permanent authority Refer to WAC 480-15-330	Temporary authority Refer to WAC 480-15-280	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.

NEW SECTION

**WAC 480-15-250 What is the process to expand the authority in an existing permit?** You must file only a permanent authority application if you want to expand the authority included in your existing household goods permit.

The following table describes the filing process for existing household goods carriers seeking to obtain additional permanent authority:

If you file an application for:	We will:	We will grant an application when:
Permanent authority Refer to WAC 480-15-330	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  The proposed service is needed to meet the current or future public convenience and necessity.

NEW SECTION

**WAC 480-15-260** Are there exceptions to the application process? We will grant an application for permanent authority without public notice or comment if:

- (1) The applicant is fit, willing, and able to provide service; and
- (2) The application is filed to transfer or acquire control of permanent authority for the following reasons:
  - (a) 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;
  - (b) 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;
  - (c) A sole proprietor has died and the interest is being transferred as property of the estate;
  - (d) An individual has incorporated, and the same individual remains the majority shareholder;
  - (e) An individual has added a partner, but the same individual remains the majority partner;
  - (f) A corporation has dissolved and the interest is being transferred to the majority shareholder;
  - (g) A partnership has dissolved and the interest is being transferred to the majority partner;
  - (h) A partnership has incorporated, and the partners are the majority shareholders; or
  - (i) Ownership is being transferred from one corporation to another corporation when both are wholly owned by the same shareholders.

**Part 2.2 - EMERGENCY TEMPORARY AND TEMPORARY AUTHORITY**

NEW SECTION

**WAC 480-15-270** When will the commission grant emergency temporary authority? We will grant an application 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:

- (1) Provides a certified statement of support identifying the need;



- (2) Pays the application fee;
- (3) Furnishes a list of vehicles to be used under emergency temporary authority; and
- (4) Furnishes proof of public liability and property damage insurance.

NEW SECTION

**WAC 480-15-280 When must I apply for temporary authority?**

- (1) You must apply for temporary authority if you are a new entrant, or to provide service to meet a short-term need. If you are a new entrant, and the commission grants your application, the temporary authority will allow you to provide service as a household goods carrier on a provisional basis for at least six months. During this time, the commission will evaluate whether you have met the criteria in WAC 480-15-330 to obtain permanent authority.
- (2) We will grant or deny an application for temporary authority after we have conducted a complete review of your application, any supporting statements, reports or other information necessary to determine your fitness, and determine whether granting the application is in the public interest.
- (3) When determining if an applicant is fit, willing, and able to provide the proposed service we will consider any information provided by the applicant and other members of the public regarding:
  - (a) The applicant's experience in the industry; knowledge of safety regulations; financial resources and equipment; compliance with tax, labor, employment, business, and vehicle licensing laws and rules; and
  - (b) Whether the applicant has been cited for violation of state law or commission rules, has been convicted of a Class A or Class B Felony, or has previously been denied authority on the basis of fitness; or has had permit authority canceled.
- (4) When determining if the proposed service is in the public interest we will consider any information provided by the applicant, shippers and other members of the public supporting the proposed service, and whether granting the temporary authority will:
  - (a) Enhance choices available to consumers, promote a viable yet competitive household goods industry, or fill an unmet need for service; and
  - (b) Allow us to more efficiently regulate the household goods industry, and provide increased consumer protection through regulation.
- (5) Statements and reports from the applicant, shippers, and other members of the public, must include their full name, address, phone number, and state that the information submitted is true and

accurate. They must be signed and show the place and date where/when they were signed.

NEW SECTION

**WAC 480-15-285** Are there times when the commission will reject my application for temporary authority? We will reject your application for temporary authority if you file within six months of a denial of a previous application submitted by you. We will reject your application if filed within one year of cancellation of a permit, held by you, under WAC 480-15-320 or 480-15-450 (3), (4), (5), or (6).

NEW SECTION

**WAC 480-15-290** How will I know what the commission has decided? After reviewing your application, and all supporting statements and reports, the commission will issue an order to you granting or denying your application for temporary authority. An order granting temporary authority may include specific terms and conditions that you must satisfy before you begin or while operating under authority. We publish an application docket listing temporary authority we have granted or denied.

NEW SECTION

**WAC 480-15-300** What conditions may be attached to my temporary authority? Based on a review of your application and supporting statements, we may impose any of the following conditions when granting temporary authority:

- (1) Driver and equipment safety training;
- (2) Rates and billing practices training;
- (3) Surety bond, or other means to ensure compliance;
- (4) Special compliance audits;
- (5) Special customer notices and comment forms which evaluate your services;
- (6) Other reporting as the commission may require, such as customer lists, and financial reporting;
- (7) Vehicles must pass inspection and be issued a valid Commercial Vehicle Safety Alliance (CVSA) inspection decal; and



(8) Other conditions depending on the circumstances surrounding the application.

NEW SECTION

**WAC 480-15-310 May I comment on a decision to grant or deny temporary authority?** (1) We publish an application docket listing temporary authority we have granted or denied. We mail the docket to each applicant and, upon written request, to any other person interested in application proceedings.

(2) Anyone having an interest in an application appearing on the docket may file written comments within ten days following publication. Comments may be in the form of statements supporting or protesting the grant of authority or application. Comments must include your full name, address, telephone number, FAX number, and permit number, if applicable. Comments must state the nature of your support or protest and address the following issues: Fitness, public interest, levels of service, business practices, safety, and/or operation of equipment.

(3) We may grant or deny a protest without a hearing. We may, at our own discretion, hold a brief adjudicative proceeding on a protest. Rules governing applications and procedures for brief adjudicative proceedings are in chapter 480-09 WAC.

NEW SECTION

**WAC 480-15-320 May the commission cancel a temporary permit?** Yes, we may cancel a temporary permit at any time if we determine that:

- (1) The permit was not issued in the public interest;
- (2) The grant of temporary authority was based on fraud, misrepresentation, or erroneous information from the applicant; or
- (3) We find cause to cancel the permit under the circumstances described in WAC 480-15-450.

**Part 2.3 - PERMANENT AUTHORITY**

NEW SECTION

**WAC 480-15-330 When must I apply for permanent authority?**

- (1) You must apply for permanent authority if you are requesting:
  - (a) New original authority;
  - (b) Transfer of existing authority;
  - (c) Acquisition of control of existing authority;
  - (d) Additional authority for an existing household goods permit; or
  - (e) Household goods authority for an existing general commodities permit granted under the provisions of chapter 480-14 WAC.
- (2) We will grant or deny an application for permanent authority after we have conducted a complete review of your application, supporting statements, reports, or other information necessary to determine fitness, public interest, and current or future public convenience and necessity.
- (3) Some transfers of existing permanent authority are not subject to the requirements in this rule. The exceptions are listed in WAC 480-15-260.
- (4) When determining if an applicant is fit, willing and able to provide the proposed service, we will consider statements and reports including any information provided by the applicant and other members of the public regarding:
  - (a) The applicant's experience in the industry; knowledge of safety regulations; financial resources and equipment; compliance with tax, labor, employment, business, and vehicle licensing laws;
  - (b) Whether the applicant has been cited for violation of state law or commission rules, has been convicted of a Class A or Class B Felony, or previously has been denied authority on the basis of fitness; and
  - (c) The results of any compliance reviews, audits, inspection reports, and consumer complaints filed against the applicant.
- (5) When determining if the proposed service is in the public interest we will consider statements and reports, including any information provided by the applicant, and other members of the public supporting the proposed service, and whether granting the permanent authority will:
  - (a) Enhance choices available to consumers, promote a viable yet competitive household goods industry, or fill an unmet need for service; and
  - (b) Allow us to more efficiently regulate the household goods industry, and provide increased consumer protection through regulation.
- (6) When determining if the proposed service is needed to satisfy the current or future public convenience and necessity, we will consider any information provided by the applicant, shippers, and other members of the public supporting the proposed service, and any reports relating to the operations you conducted under temporary authority, including, but not limited to, the following:
  - (a) The number of customers you served;
  - (b) The nature of the service you provided;



- (c) Your customers' satisfaction; and
- (d) Statements regarding future need for your services.

NEW SECTION

**WAC 480-15-340 May I comment on an application for permanent authority?** (1) We publish applications for permanent authority on the application docket which we mail to each applicant and, upon written request, to any other person interested in application proceedings.

(2) Anyone having an interest in an application appearing on the docket may file written comments within thirty days following publication, unless the application is published in conjunction with a grant of temporary authority. If the permanent authority application is published in conjunction with a grant of temporary authority, then comments will be accepted for one hundred eighty days or the full term of the temporary permits.

(3) Comments may be in the form of statements supporting or protesting the application. Comments must include the commenter's full name, address, telephone number, and should also include a FAX number and permit number, if available. Comments should be signed and indicate the place and date when they were signed. Comments must state the nature of your support or protest and address the following issues: Fitness, public interest, levels of service, business practices, safety, operation of equipment, and current or future public need for service.

(4) A comment protesting an application may not cause the application to be set for a hearing.

NEW SECTION

**WAC 480-15-350 Will my application be set for a hearing?** We may hold a hearing or brief adjudicative proceeding on any application for permanent authority if it is necessary to resolve outstanding issues or concerns related to fitness, public interest, public convenience and necessity, or any other issue resulting from a compliance review, audit, inspection report, complaint, or public comment. Rules governing hearings and brief adjudicative proceedings are contained in chapter 480-09 WAC.



## Part 2.4 - USING YOUR PERMIT

### NEW SECTION

**WAC 480-15-360 Where must I keep my permit?** You must keep your original permit in your main office, and also carry a copy of your permit in each vehicle used to transport household goods. You must show a copy of your permit to any law enforcement or compliance officer who asks to see it.

### NEW SECTION

**WAC 480-15-370 What should I do if my permit is lost or destroyed?** You may write to us and request replacement of a lost or destroyed permit. We will issue a replacement permit at no charge.

### NEW SECTION

**WAC 480-15-380 May I allow others to use my permit authority?** You must not allow others to transport household goods under your permit authority. All operations under a household goods permit must be conducted by the lawful permit holder. While you may not lease your permit authority, you may lease vehicles for use in your own operations pursuant to the leasing rules in WAC 480-15-590 and 480-15-600.

### NEW SECTION

**WAC 480-15-390 What name may I use?** (1) You must conduct operations under the name shown on your household goods permit. If you do business under a trade or assumed name, that name must also appear on your permit.

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

(a) The carrier whose name is similar has given you written

permission to use the name; or

(b) The commission authorizes use of the similar name. Before authorizing use of a similar name, the commission must first determine that the use of the similar name will not:

(i) Mislead the shipping public; or

(ii) Result in unfair or destructive competitive practices.

#### NEW SECTION

**WAC 480-15-400 How do I change my permit name?** (1) You must file a name change application if you want to change your permit name, corporate name, trade name, or add a trade name to your permit.

(2) Your name change application must include the application fee (as shown in WAC 480-15-230), copies of any corporate minutes authorizing the name change, and proof that you have properly registered your new name with the department of licensing, office of the secretary of state, or other agencies, as may be required.

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

(4) You may not advertise or operate under the changed name until the commission approves your request.

#### NEW SECTION

**WAC 480-15-410 What should I do if I cannot use my permit?**

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

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

(a) Your name, address, and permit number;

(b) The reason for the request (e.g., medical statement, military orders);

(c) The date you would like the voluntary suspension to begin;

(d) The length of time you will be unable to use your permit;

and

(e) A statement that no household goods transportation will occur under your permit while it is suspended.

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

(4) To activate your suspended permit you must send us a

letter advising that you are ready to resume household goods service and agree to conduct operations in compliance with all laws and rules. You must satisfy any outstanding filing requirements before we will issue an order lifting the suspension.

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

#### NEW SECTION

**WAC 480-15-420 What should I do if I no longer want to use my permit?** If you no longer want to use your permit, you may send the original permit to us with a written request that it be canceled. Your cancellation request must include your name, address, and permit number. We will issue an order canceling your permit. Cancellation will be effective on the date of that order.

### **Part 2.5 - SUSPENDED AND CANCELED PERMITS**

#### NEW SECTION

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

(1) The commission may suspend your permit under the provisions of WAC 480-15-410 or for good cause. Good cause includes, but is not limited to:

(a) Failure to maintain evidence of required cargo and/or liability insurance coverage for all areas of your operations;

(b) Failure to maintain your tariff and/or comply with the rates and rules contained in the tariff;

(c) Failure or refusal to comply with operating standards that protect the public health and/or safety;

(d) Allowing others to transport goods under your permit authority. See WAC 480-15-380.

(e) Operating in a manner which harms the rights of the shipping public or which constitutes unfair or deceptive business practices. For example: Investigation by the commission's staff representatives upholds numerous consumer complaints related to loss and damage, packing, loading and/or unloading, estimating or billing.

(2) The commission may suspend a permit without an opportunity for hearing if there is imminent danger to the public health,



safety or welfare, or there is insufficient time to conduct a hearing.

NEW SECTION

**WAC 480-15-440 What happens if my permit is suspended for cause?** (1) **Notification.** The commission will send you notice of its action to suspend your permit. The suspension is effective upon the service date of the notice.

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

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

NEW SECTION

**WAC 480-15-450 Why would the commission cancel my permit?** The commission may cancel your permit under the provisions of WAC 480-15-410, 480-15-420 or for good cause. Good cause includes, but is not limited to:

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

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

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

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

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

(6) Submission of false, misleading or inaccurate information. The commission will hold a hearing prior to canceling your permit unless your permit is subject to cancellation because you failed, within the time frame specified by a suspension order, to correct the causes of the suspension;

(7) Allowing others to transport goods under your permit authority in violation of WAC 480-15-380.

NEW SECTION

**WAC 480-15-460 What happens if my permit is canceled for cause?** (1) **Notification.** The commission will send you notice of its action to cancel your permit. The cancellation is effective upon the service date of the notice.

(2) **Contest of cancellation.** You may contest the cancellation of your permit by requesting a hearing or brief adjudicative proceeding. The procedures for such hearings are contained in chapter 480-09 WAC.

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

(a) To reinstate your permit within thirty days of cancellation, you must file an application for reinstatement and pay the applicable reinstatement fees.

(b) If you file an application for reinstatement after thirty days of cancellation, your application will be considered in all aspects to be an application for new authority, and will be subject to all terms and conditions specified in WAC 480-15-240 for new entrants.

(4) **Small business, reinstatement of permit.** If you are a small business as defined in WAC 480-15-020, and you correct all conditions that led to the cancellation of your permit, you may apply for reinstatement of your permit.

(a) To reinstate your permit within sixty days of cancellation, you must file an application for reinstatement and pay the applicable reinstatement fees.

(b) If you file an application for reinstatement after sixty days of cancellation, your application will be considered in all aspects to be an application for new authority, and will be subject to all terms and conditions specified in WAC 480-15-240 for new entrants.

**Part 3 - ADMINISTRATIVE, TARIFF, AND RATE REQUIREMENTS TO  
TRANSPORT HOUSEHOLD GOODS, FOR HIRE, WITHIN THE STATE OF  
WASHINGTON**

**Part 3.1 - RULE BOOKS**

NEW SECTION

**WAC 480-15-470 Rule books.** (1) **What is a rule book?** A rule book is a reprint of the complete set of Washington Administrative Code (WAC) rules governing the operations of household goods carriers.

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

(3) **How do I get a rule book update?** If changes occur, we will automatically send annual rule book updates to everyone who has a household goods permit. Any person may request a current rule book by contacting us at the address listed in WAC 480-15-060.

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

**Part 3.2 - ANNUAL REPORTS AND REGULATORY FEES**

NEW SECTION

**WAC 480-15-480 Annual reports and regulatory fees.** (1) **What is an annual report?** An annual report is a year end statement that discloses to the commission financial, equipment, operating, and management information about you and the operations you conducted under your household goods permit. Your signed report includes a statement certifying that the information in your report is true and accurate.

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

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

(2) **What is a regulatory fee?** A regulatory fee is an annual assessment paid by each household goods carrier to cover the costs of regulating the household goods industry. The maximum regulatory



fee is set by law at one-fourth of one percent of the gross operating revenue generated from your intrastate transportation of household goods. We may reduce the fee by general order. Each year we review the costs of regulating the household goods industry and set the next year's fee accordingly.

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

For example: Gross Operating Revenue \$100,000.00 x  
Regulatory Fee Percentage .0025 =

Regulatory Fee Due \$ 250.00

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

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

(b) If you do not file your annual report and/or do not pay your regulatory fee, we may issue penalty assessments or cancel your permit under the provisions of WAC 480-15-450.

### Part 3.3 - TARIFF AND RATES

#### NEW SECTION

**WAC 480-15-490 Tariff and rates, general.** (1) **What is a tariff?** A tariff is a publication containing the rates and charges that household goods carriers must assess on shipments of household goods, including rules that govern how rates and charges are assessed.

(2) **How are tariff rates and charges established?**

(a) Pursuant to RCW 81.80.130 and 81.80.150, the commission publishes tariffs to be used by all household goods carriers, or allows household goods carriers to file individual tariffs if the commission finds it is impractical to publish tariffs for certain commodities or services. The commission determines the rates and charges contained in the tariffs by commission order following notice and hearing. Under RCW 81.80.130, the commission must set fair, just, reasonable, and sufficient rates and charges. We will

do this by setting minimum and maximum rates.

(b) Upon the effective date of these rules, and continuing until such time as the commission, after notice and hearing, determines a different rate level, household goods carriers may charge no more than fifteen percent above the current tariff rates and charges and no less than thirty-five percent below the current tariff rates and charges contained in the commission's household goods tariff on the effective date of these rules.

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

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

(5) **Who must charge rates contained in the tariff?** All household goods carriers must charge the rates and charges, and comply with the rules contained, in the tariff unless we have approved, in writing, deviations from the tariff.

(6) **Is the tariff the only publication I need to use to determine rates?** We may adopt other publications that will be used to assess rates. If we do, we will notify tariff subscribers of the change.

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

(8) **How much does a tariff cost?** The cost of tariffs may change periodically depending on our costs for compiling, printing, distributing, and maintaining them. To find out the current cost, you may contact the commission as described in WAC 480-15-060.

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

#### NEW SECTION

**WAC 480-15-500 Tariff maintenance and fees.** (1) **What is a tariff maintenance fee?** A tariff maintenance fee compensates us for compiling, printing, and distributing amended tariff pages.

(2) **Do I always have to pay full maintenance fees?** The annual maintenance fee is payable in advance on a prorated basis depending upon the month in which you purchase a tariff. 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%

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

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

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

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

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

## NEW SECTION

**WAC 480-15-510 Changing commission-published tariffs.** (1) **Who may propose changes to the tariff?** Companies holding temporary or permanent household goods authority may propose changes to the tariff. We may, on our own motion, propose tariff changes.

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

- (a) Be in writing;
- (b) Identify the rates, rules, or classifications to be changed;
- (c) Fully describe the proposed change;
- (d) State clearly the reason(s) for the proposed change;
- (e) Include any information or documents that justify the proposed change (the person proposing the change must prove the change is just and reasonable); and
- (f) Identify the name, address, title, telephone number,



permit number and FAX number (if any) of the person we should contact regarding the proposal.

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

(a) Assign a docket number;

(b) Schedule each docketed proposal for tariff change for consideration at one of our regularly scheduled open public meetings. The commission may approve the proposed changes, or suspend them and set them for hearing;

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

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

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

#### NEW SECTION

**WAC 480-15-520 Procedure for filing individual carrier tariffs.** (1) **What must be filed?** You must submit to us:

(a) A cover letter requesting permission from us to publish and file an individual tariff. The letter must describe the reasons you believe permission should be granted. Your letter should state the reasons you believe it is impractical for us to publish a tariff for the commodities or services contained in your proposed tariff.

(b) Two copies of your proposed tariff. Your proposed tariff must comply with the tariff drafting standards in chapter 480-149 WAC (Tariff Circular No. 6). You may request a copy of chapter 480-149 WAC from our records management section. The proposed tariff must contain all rates, charges, and rules you will be using if we grant you permission to publish and file an individual tariff.

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

(2) **How are individual carrier filed tariffs processed?**

(a) We review individual carrier filed tariffs:

(i) For compliance with laws and rules relating to content and format;

(ii) To ensure rates are fair, just, reasonable, and sufficient; and

(iii) For reasonableness and accuracy.

(b) If tariffs are incomplete or do not comply with laws and rules, staff will discuss the issues with the carrier and require that corrected tariffs be filed.

(c) When an individual carrier filed tariff is approved, the

commission will issue an order stating the date on which the rates become effective. One copy of the tariff marked "approved" will be returned with the order.

(3) **How does the commission consider proposals to amend individual carrier filed tariffs?** When we receive your proposed tariff amendment we will:

(a) Assign a docket number;

(b) Schedule each proposed tariff amendment for consideration at one of our regularly scheduled open public meetings. The commission may approve the proposed amendment, or suspend them and set them for hearing;

(c) Notify you and other interested persons of the date when we will consider the tariff proposed amendment;

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

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

(4) **What happens if I don't charge the rates and charges in my tariff?** You are subject to administrative action (see WAC 480-15-130(3)) if you charge rates or charges different from those contained in your tariff.

### Part 3.4 - INSURANCE

#### NEW SECTION

**WAC 480-15-530 Public liability and property damage insurance.** (1) **What insurance am I required to obtain?** Before operating under a household goods permit, you must have public liability and property damage insurance covering each motor vehicle that you use, or that you will use, to transport household goods in the state of Washington.

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

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

(c) If you operate motor vehicles without the required insurance coverage you will be subject to immediate compliance action as described in WAC 480-15-430.

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

(a) Motor vehicles with a gross vehicle weight rating of less



than ten thousand pounds must have at least three hundred thousand dollars in combined single limit coverage.

(b) Motor vehicles with a gross vehicle weight rating of ten thousand pounds or more must have at least seven hundred fifty thousand dollars in combined single limit coverage.

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

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

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

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

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

(4) **May I file an insurance binder?** We will accept an insurance certificate or binder for up to sixty days. A certificate or binder may be canceled by filing written notice with us at least ten days before the cancellation effective date. A certificate or binder must be replaced by a Form E within sixty days of filing, or before the expiration date, whichever occurs first.

(a) Certificates or binders must show:

(i) The commission as the named certificate holder;

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

(iii) The insurance company name;

(iv) The insurance policy number;

(v) The effective and expiration dates; and

(vi) The insurance limits of coverage.

#### NEW SECTION

**WAC 480-15-540 What happens if my insurance filing is canceled?** If your insurance filing is canceled, and a new filing which provides continuous coverage is not filed with us, we may:

(1) Dismiss your application for a permit; and/or

(2) Suspend your permit under the provisions of WAC 480-15-430 and/or 480-15-450.



NEW SECTION

**WAC 480-15-550 Cargo insurance.** (1) **What are the cargo insurance requirements?** You must have cargo insurance coverage sufficient to protect all household goods that you transport under your permit. If you transport household goods under your permit without the required cargo insurance coverage you will be subject to immediate compliance action as described in WAC 480-15-430.

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

(a) Ten thousand dollars for household goods transported in motor vehicles with a gross vehicle weight rating of less than ten thousand pounds.

(b) Twenty thousand dollars for household goods transported in motor vehicles with a gross vehicle weight rating of ten thousand pounds or more.

(3) **Am I required to file proof of cargo insurance?** No, you are not required to file proof of your cargo insurance with us. You must have proof of cargo insurance at your main office available for inspection by commission representatives.

**Part 4 - EQUIPMENT AND SAFETY REQUIREMENTS**

**Part 4.1 - EQUIPMENT**

NEW SECTION

**WAC 480-15-560 Equipment safety requirements.** (1) **What is the commission's equipment safety policy?** All motor vehicles operated under the provisions of this chapter must be at all times:

(a) Maintained in a safe and sanitary condition;

(b) Free of defects likely to result in an accident or breakdown; and

(c) Made available for inspection by commission representatives.

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

(2) **How does the commission enforce this policy?** Commission

representatives conduct inspections of motor vehicles and safety operations. These representatives may place out-of-service any motor vehicle having a defect defined in the *North American Uniform Out-Of-Service Criteria*. No motor vehicle which has been placed out-of-service may be operated until all out-of-service defects are repaired and the motor vehicle is safe to operate.

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

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

- (i) Clearly legible;
- (ii) No less than three inches high;
- (iii) In a color that contrasts with the background color; and
- (iv) Permanent. *Exception:* You may use temporary markings on vehicles you are operating under lease.

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

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

(a) You must comply with:

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

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

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

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

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

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

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

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

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

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

(b) If you fail to comply with these laws and rules, we may issue a citation to you, place your vehicle out-of-service, and/or initiate an administrative proceeding against you. See WAC 480-15-130(3).

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

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

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



## Part 4.2 - DRIVERS' REQUIREMENTS

### NEW SECTION

**WAC 480-15-570 Driver safety requirements.** (1) **What is the commission's policy for driver safety requirements?** No household goods carrier shall employ or allow any driver to operate a motor vehicle who fails to meet minimum criteria related to:

- (a) Driver's licensing;
- (b) Background and character;
- (c) Physical qualifications;
- (d) Hours of service; and
- (e) Controlled substances and alcohol use testing.

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

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

- (a) You must comply with:
  - (i) All state and local laws and rules governing driver safety, including, but not limited to, the rules in this chapter;
  - (ii) The following parts of Title 49 of the Code of Federal Regulations (49 CFR), as adopted by reference in this chapter:
    - (A) 49 CFR Part 390: Safety Regulations, General; except:
      - (I) The terms "exempt motor carrier," "motor carrier," "motor vehicle," and "private carrier" have the meanings assigned to them in this chapter;
      - (II) The term "commercial motor vehicle" means any motor vehicle used by a household goods carrier to transport household goods;
      - (III) Whenever the term "director" is used, it shall mean the commission.
    - (B) 49 CFR Part 382: Controlled Substance and Alcohol Use and Testing;
    - (C) 49 CFR Part 383: Commercial Driver's License Standards; Requirements and Penalties;
    - (D) 49 CFR Part 391: Qualification of Drivers; and
    - (E) 49 CFR Part 395: Hours of Service of Drivers.
  - (b) If you, or your driver, fail to comply with any driver safety law or rule, we may issue a citation to you or your driver, place your driver out-of-service, and/or initiate an administrative



proceeding against you. See WAC 480-15-130(3).

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

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

(i) 49 CFR Part 391.11(b)(1): Minimum age requirements. The minimum age for drivers of motor carriers operating solely intrastate is eighteen years of age rather than the twenty-one years of age required to operate in interstate commerce.

(ii) 49 CFR Part 391.49: Waiver of certain physical defects. This part does not apply if the driver has obtained from the Washington department of licensing a driver's license with endorsements and/or restrictions allowing operation of the motor vehicle they are driving.

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

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

#### **Part 4.3 - Accidents**

##### NEW SECTION

**WAC 480-15-580 Accident reporting.** (1) **When must I report a vehicle accident to the commission?** You must report to the commission, within twenty-four hours, any accident occurring within the state of Washington which:

(a) Results in bodily injury to any person who as a result of the injury requires immediate medical treatment away from the scene of the accident;

(b) Results in the death of any person;

(c) Results in damage to any motor vehicle which is severe enough to require the motor vehicle to be transported from the scene by a tow truck or other motor vehicle;

(2) **How do I report accidents?** You may report accidents to the commission by providing your name or company name, your permit number; the date, time and location of the accident; and the nature of the accident by:

(a) Telephoning 1-800-562-6150 (if calling from within

Washington) or 360-664-1222 (if calling from outside Washington);  
or

(b) Sending a FAX to 360-586-1150.

(3) **What accident records must I keep?** You must retain copies of all written accident reports for the period of one year from the date of the accident. You must keep the copies in your main office, subject to inspection by commission representatives.

#### Part 4.4 - EQUIPMENT LEASING

##### NEW SECTION

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

(1) You must receive commission approval before you may operate a leased motor vehicle. To request approval you must submit a completed lease agreement on a form supplied by the commission, or an alternate form as long as it contains substantially the same information as that on the commission form. The form must be:

(a) Completed in its entirety (we will reject and return incomplete forms);

(b) Signed by both parties;

(c) Submitted in duplicate (we will return one approved copy to you);

(d) Clearly marked "master lease" if you intend it to be used as such in lieu of submitting individual leases; and

(e) Submitted through any means identified in WAC 480-15-060.

(2) We may institute administrative action as described in WAC 480-15-130(3) against any household goods carrier who operates leased motor vehicles without first having obtained commission approval.

(3) You are not required to file a lease for approval on an emergency substitution of a disabled vehicle.

##### NEW SECTION

**WAC 480-15-600 What are my responsibilities when entering into a lease?** When entering into a lease agreement, it is your responsibility to ensure that:

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

- (2) Copies of all approved leases are kept in your permanent files for at least one year after the lease expires;
- (3) You give a copy of the approved lease to the owner of the leased motor vehicle;
- (4) You have complete possession, control and use of the motor vehicle during the period of the lease agreement;
- (5) You provide insurance on the leased motor vehicle as specified in WAC 480-15-530 and/or 480-15-550;
- (6) You properly identify the motor vehicle as specified in WAC 480-15-560(3);
- (7) The appropriate tariff rates and charges are billed and collected;
- (8) The driver of the leased motor vehicle is on your payroll during the leased period;
- (9) You comply with all safety rules;
- (10) You and the owner of the leased motor vehicle specify on the lease form who is responsible for all expenses relating to the leased motor vehicles; and
- (11) You comply with the terms of the approved lease.

## **Part 5 - CARRIER'S RESPONSIBILITIES TO SHIPPERS**

### **Part 5.1 - GENERAL RESPONSIBILITIES**

#### NEW SECTION

**WAC 480-15-610 What are my responsibilities regarding advertising?** (1) You must include your permit number in any advertising of your household goods moving services. Advertising includes, but is not limited to, reference to your services on your vehicles, equipment, and in telephone books, Internet, contracts, correspondence, cards, signs, posters, newspapers, and documents which show your name and address.

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

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

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



(5) If you violate these advertising rules we may assess a penalty of up to five hundred dollars for each violation, or initiate other administrative action. See WAC 480-15-130(3).

#### NEW SECTION

**WAC 480-15-620 - What information must I provide to each shipper?** (1) You must give each shipper a copy of the commission brochure, "*Your Rights and Responsibilities as a Moving Company Customer*".

- (a) At the time you issue a written nonbinding estimate;
- (b) At the time you issue a written binding estimate;
- (c) If you issue neither a written estimate or a written nonbinding estimate, prior to loading the shipment; or
- (d) Upon request, by the shipper.

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

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

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

**Make sure you know the full name, address and phone number of the mover:** Some movers perform the transportation themselves. Others act as agents for other movers who do the actual hauling. In other instances, the transportation is arranged by brokers. You should be sure to obtain the complete and correct name, business address, and telephone number of the mover who is to transport your shipment, and keep that mover informed as to how and where you may be reached at all times until the shipment is delivered.

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

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

- Accurately describing all articles to be included in the shipment: This requires you to carefully consider what articles, if any, you will pack or transport yourself. Be realistic in this assessment. Many shippers believe they will be able to pack most of their own goods, only to find that when moving day arrives they have been unable to attend to all of the items they were going to pack, sell, give away, or ship themselves.
- Accurately describing any problems the household goods mover may encounter at the pickup point: Are there large pieces of furniture that were moved into your current residence with a hoist, or that had to be disassembled before they could be moved into the residence?
- Accurately describing special services you wish to be performed during your move: For example: Picking up part of the load from another residence or storage facility, or disconnecting appliances.
- Accurately describing conditions at the delivery point: Will delivery involve the use of stairs, elevators, or hoisting goods using special equipment? Are there narrow roads, streets or alleys that will require the mover to transfer the shipment to smaller trucks to accomplish delivery? Are there ordinances or covenants that limit parking to unload or that restrict the hours of the day during which delivery may be done? Is there a narrow driveway that will hamper unloading?

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

**C. Types of estimates.**

**1. Binding estimates of total cost.** Binding estimates are provided at the option of the mover. Some movers may not offer binding estimates. When you receive a binding estimate, you cannot be required to pay any more than the amount shown in the binding estimate. *However:* If you request the mover to provide more or different services than those included on the estimate, the mover must provide you with a supplemental estimate. You will then be expected to pay the total of the original binding estimate, plus the amount shown on the supplemental estimate, at the time of delivery.

If you agree to a binding estimate, you are responsible for paying the total charges due. If you are unable to pay at the time the shipment is delivered, the mover may place your shipment in



storage, at your expense, until the charges are paid.

**2. Nonbinding estimates of approximate costs.** A nonbinding estimate is not a bid or a contract. It is provided by the mover to give you a general idea of the cost of the move, but does not bind the mover to the estimated cost. It does not guarantee that the final cost of your move will be the same amount as the estimate.

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

(a) On hourly-rated shipments:

(i) One hundred twenty-five percent of the amount of the estimate (and any supplemental estimates) for your move; and

(ii) One hundred fifteen percent of the amount of the estimate (and any supplemental estimates) for accessorial services provided during your move.

(b) On distance-rated shipments: One hundred fifteen percent of the amount of the estimate (and any supplemental estimates) for your move.

If the charges at the destination exceed the amount of the original estimate plus any supplemental estimate, the mover must, at your request, deliver the shipment to you upon payment of one hundred ten percent of the estimate. The mover will defer payment of the balance of the amount due for thirty days.

### **3. Paying for your move.**

Most carriers insist that you pay in cash, by money order, or by certified check. However, you may arrange in advance for the carrier to extend you credit. If the carrier will accept payment by credit card or personal check, be sure this arrangement is noted on the agreement. If a carrier accepts credit arrangements at the beginning of your move, the carrier must accept the same credit arrangements for the final bill.

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

**5. Preparing articles for shipment.** Some articles, such as large appliances and stereo sets, may require special servicing to prepare them for being moved, such as disconnection. If the mover provides these services there may be an extra charge. If you wish to avoid extra per-hour charges, you should consider taking down drapes, blinds, mirrors, and any other articles attached to the walls.

Movers are not responsible for articles of extraordinary value.



You should never pack the following items with your other belongings:

- jewelry
- valuable papers
- coins
- money
- valuable collections
- inflammables
- dangerous articles

**6. Valuation protection for loss and damage.** All movers are required to assume liability for the value of the goods which they transport. However, there are different levels of valuation protection, and consumers should be aware of the amount of protection provided and the charges for each option.

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

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

**Option 1: Basic value protection.**

This is the most economical protection option available. This option provides minimal protection at no additional cost, but may be inadequate in case of a major or total loss (as in the case of the moving truck being involved in an accident). Under this option, the mover assumes liability for only sixty cents per pound per article. Loss or damage claims are settled based on the pound weight of the article multiplied by sixty cents. For example: If a ten-pound stereo, valued at one thousand dollars were lost or destroyed, the mover would be liable for six dollars. You should think carefully before selecting this level of protection. There is no charge for this minimal protection, but you must sign a specific statement on the bill of lading agreeing to it.

**Option 2: Depreciated value protection.**

Under this option, the valuation of your shipment is based on the total weight of the shipment times two dollars per pound. For example, a four thousand-pound shipment would have a maximum liability of eight thousand dollars. Any loss or damage claim under this option is settled based on the depreciated value of the lost or damaged item(s) up to the maximum liability value based on the weight of the entire shipment. Under this option, if you shipped a ten-pound stereo that originally cost one thousand dollars, the mover would be liable for up to one thousand dollars, based on the depreciated value of the item. There is a charge for this type of protection.

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

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

Coverage under these plans is also referred to as "full value protection" or "full replacement value." If you choose to purchase full value protection, articles that are lost, damaged or destroyed will either be repaired, replaced with like items, or a cash settlement will be made for the current market replacement value regardless of the age of the lost or damaged item. Unlike the other options, depreciation of the lost or damaged item is not a factor in determining replacement value. The prices for these types of coverage are set in the tariff and are based on a charge per one hundred dollars of declared value. Declared value is the amount which you, the shipper, state in writing on the bill of lading. It must be equal to or exceed the figure determined by multiplying the weight of your shipment times three dollars and fifty cents. For example: If your shipment weighs five thousand pounds, the minimum declared value upon which you will be required to pay valuation charges must be at least seventeen thousand five hundred dollars.

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

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

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

- Notify you of the weight and charges as soon as the net weight of your shipment is established.
- Reweigh the shipment before delivery, if it is practical to do so. You are responsible for the cost of reweighing the shipment. The charges that apply in the tariff.

**8. Expedited service.** Movers must offer reasonable dispatch, but do not have to make delivery at any definite time. However, at your request, a shipment will be delivered on or before the date specified. You may have to pay an extra charge for delivery by a specified date.

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



**10. Temporary storage.** You may ask the mover to place your goods in temporary storage for a period not to exceed one hundred eighty days. You will be charged an additional amount for this service. If you do not remove the shipment from temporary storage within one hundred eighty days, then the shipment will revert to permanent storage and the mover ceases to have responsibility as a mover. The mover's responsibility becomes that of a warehouseman and the commission has no further jurisdiction over the shipment.

**11. Bill of lading contract.** The bill of lading is a receipt for goods, and is also a contract between you and the mover. You should obtain a copy of this document before your shipment leaves the point of origin. It is your responsibility to read the bill of lading and understand it. If you do not understand something on the bill of lading, ask the mover to explain it to your satisfaction. You should sign the bill of lading before transportation begins, and sign it again as a receipt upon delivery of the goods at your destination.

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

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

**13. Bills of lading on long distance moves.** Because long distance moves are charged on the basis of weight and distance, your receipt for the charges should show:

- The gross (loaded) and tare (empty) weights of the vehicle;
- The net weight of your shipment (loaded weight minus empty weight);
- The mileage;
- The rate per one hundred pounds for the transportation;
- The cost for valuation protection; and
- Rates or charges for any accessorial services.

**14. Bills of lading on local moves.** Because local moves are charged on an hourly basis, the receipt should show:

- The time the vehicle left the mover's place of business, and the time of return to that place of business;
- The rate per hour;
- The cost for valuation protection; and

- Rates or charges for any accessorial services.

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

**16. Loss or damage claims.** All claims for loss or damage must be filed with the mover in writing. Ask the mover for a claim form. Claims must be filed within nine months from date of delivery. It is preferable to do so as soon as possible -- while memories are fresh. While the commission can sometimes act informally to facilitate negotiation between parties, we cannot require you or the mover to settle claims for loss and damage. If the mover will not voluntarily settle a claim to your satisfaction, the recourses available to you are:

- Submitting the claim to arbitration or mediation through a third party (including services provided by a local government agency); or
- Filing suit in a court of law (depending upon the amount contested, you may be able to use small claims courts).

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

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

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

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

- Your name, current address and telephone number;
- The date of your move;
- The bill of lading number for your move;



- The name and address of the company who performed the move;
- The origin and destination cities of the move;
- The details of your dispute; and
- The resolution you seek.

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

You may file a **formal complaint** with the commission at any time. A formal complaint is a quasi-judicial proceeding, much like going to court. A formal complaint must state a situation in which the moving company is in violation or claimed to be in violation of a provision of law, order, or rule of the commission, or the provisions of the company's approved tariff. You are responsible for proving the violation occurred.

## Part 5.2 - ESTIMATES

### NEW SECTION

**WAC 480-15-630 Estimates.** An **estimate** is a written approximation of the probable cost of a move prepared in compliance with the provisions of the household goods tariff. Estimates are based on factors such as the van space required, the weight of the household goods, the amount of time needed to complete the move, and the type of special services provided. You may provide your customer with either of **two** basic types of estimates:

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

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

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

(b) Any change to the move, by the customer, that results in an increase in cost must be documented on a supplemental estimate

form which also must be attached to the bill of lading.

(c) A binding estimate cannot exceed the highest authorized tariff rate. If a binding estimate exceeds the highest tariff rate, the carrier may not collect more than the highest authorized tariff rate.

#### NEW SECTION

**WAC 480-15-640 Verbal estimates.** (1) **May I give verbal estimates to prospective shippers?** Verbal estimates are not allowed. 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 one hundred pounds from (origin) to (destination) is (state the dollar amount you charge within the tariff range).

#### NEW SECTION

**WAC 480-15-650 Form of estimates.** (1) **When must I provide a written estimate?** If a shipper requests an estimate, you must provide a written estimate 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 of the goods;

(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 seven 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 a nonbinding estimate, in contrasting lettering, and not less than eight-point bold or full-faced type, as follows:

#### IMPORTANT NOTICE

This nonbinding 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.

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:

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

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

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

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

(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.

NEW SECTION

**WAC 480-15-660 Supplemental estimates.** (1) **When must I prepare a written supplemental estimate?** You must provide a written supplemental estimate 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) **What rates must I use to prepare a supplemental estimate?** You must use the same rates as you used in determining charges for the original estimate.

(3) **Must the shipper sign the supplemental estimate?** Yes, the shipper must sign the supplemental estimate or the additional work cannot be performed.

NEW SECTION

**WAC 480-15-670 Exceptions for nonbinding estimates.** (1) **What must I do if the actual charges exceed the estimated charges?** If the actual charges exceed the estimated charges, you must:

(a) Inform the shipper of this rule as soon as possible; and

(b) Release the shipment when the shipper pays you one hundred ten percent of the estimated charges.

(2) **How long must I allow the shipper to pay the remaining balance?** If the actual charges exceed the estimated charges and the shipper has paid you one hundred ten percent of the estimated charges, you must allow the shipper at least thirty days to pay the remaining balance. Credit and payment schedules for shipments delivered into storage are in the commission tariff.

**Part 5.3 - UNDERESTIMATES**

NEW SECTION

**WAC 480-15-680 Am I required to provide an accurate estimate?** It is your responsibility to issue an accurate estimate to the shipper. Shippers must be able to base their moving decisions on accurate information. This cannot occur unless you provide an accurate estimate.



NEW SECTION

**WAC 480-15-690 What will happen if I underestimate a household goods move?** (1) You may not charge more than twenty-five percent above your written nonbinding estimate for time charges for a local hourly rated move nor can you charge more than fifteen percent above your written nonbinding estimate for accessorial and other services not related to time, unless the shipper signs a supplemental estimate.

(2) You may not charge more than fifteen percent above your written nonbinding estimate for a long distance-rated move, unless you obtain a shipper signed supplemental estimate.

(3) We may take administrative action against household goods carriers who fail to provide accurate estimates. Administrative actions may include, but are not limited to:

- (a) Assessing penalties of up to one thousand dollars, per incident, under RCW 81.80.132;
- (b) Suspending your permit;
- (c) Initiating a proceeding to cancel your permit;
- (d) Denying permanent authority if you are operating under temporary authority; or
- (e) Limiting collection of excess charges.

NEW SECTION

**WAC 480-15-700 What are the commission's guidelines in deciding to assess monetary penalties for underestimating?** The commission may assess monetary penalties against you for underestimating a move when:

(1) On long distance-rated moves, the actual total charges exceed the estimated and supplemental estimated charges by fifteen percent;

(2) On local (hourly) rated moves:

(a) The actual time charges exceed the estimated and supplemental estimated time charges by twenty-five percent; or

(b) The actual charges for accessorial and other services not related to time charges exceed the estimated charges for those services by fifteen percent.

**Part 5.4 - BILLS OF LADING**

NEW SECTION

**WAC 480-15-710 What is a bill of lading?** A bill of lading is a shipping document issued by the household goods carrier, signed by both the shipper and the household goods carrier, that establishes the legal contract terms and conditions for a shipment of household goods.

NEW SECTION

**WAC 480-15-720 Who must issue bills of lading?** You must issue a bill of lading for each shipment of household goods you transport.

NEW SECTION

**WAC 480-15-730 What is the format for bills of lading?** You must use the bill of lading format shown in our published tariff.

NEW SECTION

**WAC 480-15-740 What information must I include on a bill of lading?** You must list on the bill of lading all information necessary to determine tariff rates and charges. Any element that you use in determining transportation charges must be clearly shown on the bill of lading. This information includes, but is not limited to:

- (1) The date the shipment was packed, loaded, transported, delivered, unloaded and unpacked;
- (2) The number and size of each type of carton, crate, or container used in packing the shipper's goods;
- (3) The exact address at which the shipment, or any part of that shipment, was loaded or unloaded;
- (4) The nature of any special services performed on behalf of the shipper;
- (5) The name, address, and total charges of any third party services incurred on behalf of the shipper;
- (6) Any special circumstances that entered into the determination of transportation charges (for example: Detours or road conditions that required you to take a circuitous route, thus



incurring additional mileage charges);

(7) The start time, stop time, and any interruptions for each person involved in or on a shipment rated under hourly rates;

(8) On any shipments where the shipper did not receive a written estimate, you must make a notation on the bill of lading that the shipper was given a copy of the brochure "*Your Rights and Responsibilities as a Moving Company Customer.*" The shipper must initial on or near your notation on the bill of lading, acknowledging receipt of the information.

### Part 5.5 - SHIPMENT WEIGHTS

#### NEW SECTION

**WAC 480-15-750 How do I verify the weight of distance-rated shipments of household goods?** (1) You must obtain all tare and loaded weights by having your motor vehicles weighed by a certified weighmaster or on a certified scale;

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

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

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

(b) If no certified scale is available at the point of origin, at a point along the route to the destination, or at the destination point, you may use the constructive weight of the shipment;

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

#### Household Goods Uniform Weight Ticket

Date: \_\_\_\_\_

Name of carrier: \_\_\_\_\_

Vehicle identification: \_\_\_\_\_

Name of shipper: \_\_\_\_\_

Origin of 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)

NEW SECTION

**WAC 480-15-760** What are my responsibilities to notify the shipper of the actual weight and charges for the shipment? If the shipper requests notice 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, immediately after weighing the shipment. You are responsible for the cost of notifying the shipper.



NEW SECTION

**WAC 480-15-770** Must I reweigh the shipment at the point of delivery if the shipper requests it? Yes, upon shipper request, you must reweigh the shipment at the point of delivery. The shipper is responsible for the cost of reweighing the shipment. Prior to reweighing the shipment, you must notify the shipper of the cost of reweighing.

**Part 5.6 - REFUSAL OF SERVICE**

NEW SECTION

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

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

NEW SECTION

**WAC 480-15-790** When must I not refuse service? You must not refuse service due to discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation,

age, or the presence of any sensory, mental or physical handicap.

NEW SECTION

**WAC 480-15-795 Payment options.** You may accept payment for a move by cash, money order, or certified check. You may also extend credit to your customer, at your option, by accepting a personal check or credit card. However, if you agree to accept credit terms at the beginning of the move, you must accept the same credit terms for payment of any monies due to you during any part of the move and at the end of the move for the final payment.

**Part 5.7 - COMPLAINT AND CLAIM PROCEDURES**

NEW SECTION

**WAC 480-15-800 What must I do if a shipper is not satisfied with my service?** If a shipper is not satisfied with your service, you must allow the shipper to speak with you, or a representative of your company, and you must provide the shipper with all information and forms necessary to file a complaint or claim. The shipper has nine months from the delivery date or the date the household goods should have been delivered, to file a claim for loss and damage. The shipper must pay all proper charges for the move prior to filing a claim for loss or damage.

NEW SECTION

**WAC 480-15-810 What must I do when I receive a complaint or claim?** If your shipper files a complaint or claim concerning loss or damage, or your general service operations, or rates and charges, you must:

- (1) Notify the customer, in writing, within ten working days that you have received the claim or complaint;
- (2) Investigate the claim or complaint quickly;
- (3) Advise the shipper of your resolution; and



(4) If it is a loss or damage claim, pay the claim, refuse the claim, or make a compromise offer within one hundred twenty days.

NEW SECTION

**WAC 480-15-820 What must I do if I cannot resolve a claim within one hundred twenty days?** If you cannot resolve a loss or damage claim with your shipper within one hundred twenty days, you must, for each sixty-day period until the claim is settled, inform your shipper, in writing, of the reason for your failure to resolve the claim or clearly state your final offer or denial and close the claim.

NEW SECTION

**WAC 480-15-830 How long must I keep complaint and claim records?** (1) You must keep all papers relating to claim records for loss or damage, concealed or otherwise, for six years.

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

NEW SECTION

**WAC 480-15-840 Are complaint or claim records subject to commission review and in what order must I keep the records?** Yes, complaint or claim records are subject to commission review. You must number all complaints and claims consecutively and maintain a complaints and claims register.

NEW SECTION

**WAC 480-15-850 What additional requirements exist if a claim involves more than one carrier?** If more than one household goods carrier is involved in a damage claim, each household goods carrier must keep all paperwork relating to the claim, and each must show

the percentage and amount of the total claim paid by each.

NEW SECTION

**WAC 480-15-860** What information must be included in the claim or complaint record? You must include, at a minimum, the following information in a claim or complaint record:

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

NEW SECTION

**WAC 480-15-870** What must I do if, after review, the shipper is still dissatisfied with the resolution of the complaint or claim? If you are unable to satisfy the shipper's dispute, you must advise the shipper of the availability of the commission for further review. You must provide the shipper with the commission's toll-free number and mailing address: 1-800-562-6150; P.O. Box 47250, Olympia, Washington 98504-7250.

NEW SECTION

**WAC 480-15-880** Must I respond to all written correspondence, complaints and claims? You must acknowledge and consider all written correspondence, complaints and claims.

NEW SECTION

**WAC 480-15-890** What must I do if the commission refers a complaint to me? You must:

- (1) Respond with complete investigation results within five

business days. However, small businesses, as defined in WAC 480-15-020, must respond within ten business days. In addition, any person may request and commission staff may grant, if warranted, an extension of time for a specific number of days;

(2) Respond to commission staff inquiries regarding the complaint; and

(3) Keep the commission currently informed of any progress made in resolving the complaint.

## Part 6 - INTERSTATE OPERATIONS

### NEW SECTION

**WAC 480-15-900 General requirements for interstate operations.** (1) **General requirements:** No household goods carrier may operate any motor vehicle or combination of motor vehicles over the public highways of this state in interstate commerce unless the household goods carrier has:

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

(b) Obtained valid insurance as required by USDOT;

(c) (i) Registered with a base state as required by 49 CFR Part 1023, if operating as a registered carrier; or

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

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

(2) **Applicable laws and rules:**

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

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



NEW SECTION

**WAC 480-15-910 How do I register as a registered carrier?**

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

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

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

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

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

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

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

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

NEW SECTION

**WAC 480-15-920 How do I register as a registered exempt carrier?** (1) If you are operating under the exemptions of the Federal Motor Carrier Act, with no authority issued by the USDOT or its successor agency, you may not operate over the public highways of the state of Washington unless you register with the commission between August 1 and November 30 of each year, or at any time after November 30 when you begin interstate exempt operations, or when you will operate additional motor vehicles within the state.

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

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

(b) Identify the number of motor vehicles you will operate within the state;

(c) Pay the registration fee for each motor vehicle; and

(d) Provide proof of insurance.

NEW SECTION

**WAC 480-15-930 Registration fee and receipts.** (1) **Registration fee.** The annual registration fee for registered and registered exempt carriers in Washington state is ten dollars for each motor vehicle operated in interstate commerce over the public highways of the state.

(2) **Registration receipts.**

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

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

NEW SECTION

**WAC 480-15-940 Insurance requirements for interstate operations.** Registered and registered exempt carriers conducting interstate operations must provide evidence of insurance in the amount prescribed by the USDOT or its successor agency written by a company authorized to write insurance in any state.



REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-12-001	Supersession of this chapter.
WAC 480-12-003	Procedure.
WAC 480-12-005	Communications.
WAC 480-12-010	Rule book must be in main office-- Rule book fee--Updates-- Notification of pending and adopted rule changes--Compliance with rules.
WAC 480-12-015	Documents--When filed.
WAC 480-12-020	Remittances.
WAC 480-12-022	Procedures for contest of fees.
WAC 480-12-025	Address, change of.
WAC 480-12-030	Applications.
WAC 480-12-031	Petition to amend permit to incorporate commercial zone authority.
WAC 480-12-033	Temporary permits.
WAC 480-12-045	Application for authority, docketing--Protests--Hearings.
WAC 480-12-050	Transfer of permit rights.
WAC 480-12-065	Permits, canceled--New application.
WAC 480-12-070	Permit rights defined--
WAC 480-12-080	Classification of carriers. "Local cartage" defined, and restrictions.
WAC 480-12-081	Commercial zones defined.
WAC 480-12-083	Adoption by reference defined.
WAC 480-12-084	Federal Regulations, 49 C.F.R., Part 390--Adoption by reference.
WAC 480-12-115	Revision of permit.
WAC 480-12-120	Permits, location of.
WAC 480-12-121	Operating authority on vehicles.
WAC 480-12-125	Lost permits.
WAC 480-12-126	Interstate operations; requirements; definitions.
WAC 480-12-127	Registered carriers.
WAC 480-12-130	Interstate exempt carriers.
WAC 480-12-135	Permits and receipts--Return required--Loss improper use of cards or stamps.
WAC 480-12-150	Equipment--Identification.
WAC 480-12-165	Equipment--Inspection--Ordered for repairs.



WAC 480-12-170	Equipment of carrier suspended.
WAC 480-12-180	Equipment--Drivers--Safety.
WAC 480-12-185	Equipment, lawful operation of.
WAC 480-12-190	Hours of service--On duty--Adoption of federal safety regulations.
WAC 480-12-200	Accidents, reporting of.
WAC 480-12-210	Leasing.
WAC 480-12-215	Pseudo leasing.
WAC 480-12-220	Unfair or destructive competitive practices by carrier operating under permit.
WAC 480-12-235	Claims for loss or damage.
WAC 480-12-250	Accounts--Uniform system adopted-- Reports.
WAC 480-12-255	Contracts.
WAC 480-12-265	Tariffs.
WAC 480-12-270	Tariffs shall be issued, posted and filed.
WAC 480-12-275	Freight classifications.
WAC 480-12-280	Tariffs, must have.
WAC 480-12-285	Tariffs, distribution and fees.
WAC 480-12-290	Rules of distribution.
WAC 480-12-295	Tariffs, proposed changes in--How made.
WAC 480-12-300	Tariff rules.
WAC 480-12-320	Routing of freight.
WAC 480-12-325	Freight charges paid in any manner other than cash.
WAC 480-12-330	Tariffs, observance of.
WAC 480-12-335	Rebating and other violations-- Hearing.
WAC 480-12-340	Credit, extension of, by common carriers.
WAC 480-12-345	Credit, extension of, by contract carriers.
WAC 480-12-350	Insurance.
WAC 480-12-355	Insurance, continuance of.
WAC 480-12-360	Insurance endorsement.
WAC 480-12-365	Insurance termination.
WAC 480-12-375	Bond required--Broker--Forwarder.
WAC 480-12-385	Inactive status of permits during military service.
WAC 480-12-395	Rules--How changed.
WAC 480-12-400	Definitions.
WAC 480-12-405	Determination of weights.
WAC 480-12-410	Discounts prohibited--Rates based on prepayment charges prohibited.
WAC 480-12-415	Prohibition against carrier acting as agent for another carrier.
WAC 480-12-420	Acting as agent for compensation for insurance company prohibited.
WAC 480-12-425	Issuance of receipt or bill of lading for transportation prior to

WAC 480-12-430  
WAC 480-12-435  
WAC 480-12-440

WAC 480-12-445  
WAC 480-12-450  
WAC 480-12-455  
WAC 480-12-460  
WAC 480-12-465  
WAC 480-12-600  
WAC 480-12-990

receiving household goods prohibited.  
Liability of carriers.  
Estimates of charges.  
Absorption or advancement of dock charges.  
Information to shipper.  
Minimum weight shipments.  
Underestimates.  
Complaint procedures.  
Charge card plans.  
Regulatory fee.  
Appendix A--Classification of brokers, forwarders and motor carriers of property.