

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

Accessorial services: Any service provided by a household goods carrier that supplements, or is incidental to, the transportation of household goods. Examples include packing, unpacking, wrapping, or protecting a portion of the shipment or providing special equipment or services such as hoisting.

Agent: A permitted carrier, who, under the provisions of a formal written agreement, performs services on behalf of another permitted carrier.

Application docket: A commission publication listing applications requesting operating authority.

Authority: The rights granted to a carrier to transport household goods.

Cancellation: An act by the commission to terminate a household goods carrier's authority.

Carrier ((or)), household goods carrier, or motor carrier: A person who transports for compensation, by motor vehicle within this state, or who advertises, solicits, offers, or enters into an agreement to transport household goods.

Commercial motor vehicle: Any motor vehicle used by a household goods carrier to transport household goods, if either the vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 pounds or more or if the gross vehicle weight or gross combination weight is 10,001 pounds or more.

Commission: The Washington utilities and transportation commission.

Customer: Anyone who hires a household goods carrier.

Engaging in business as a household goods carrier: Transporting household goods for compensation, by motor vehicle within this state, or advertising, soliciting, offering, or entering into an agreement to transport household goods.

Estimate:

(a) Nonbinding estimate: The written estimate the carrier gives to the customer in advance of the move. A nonbinding estimate is not binding on the mover. The final charges will be based upon the actual cost of the move and the services provided, although a carrier may not charge more than ((twenty-five)) 25 percent over the nonbinding estimate.

(b) Binding estimate: The written estimate the carrier gives to the customer in advance of the move, signed by the carrier and the customer, and by which both the carrier and customer are bound. The carrier may not charge any amount other than the binding estimate and the customer must pay the amount of the binding estimate.

(c) Supplemental estimate: An amendment to the original nonbinding estimate, necessary when the circumstances of a move change in a way from the original written estimate that increases the cost of the move.

Exempt motor carrier: Any person operating a motor vehicle exempt from certain provisions of Title 81 RCW as defined in RCW 81.80.040.

Filing: Any application, petition, tariff proposal, annual report, comment, complaint, pleading, or other document submitted to the commission.

Household goods: The personal effects and property used, or to be used, in a residence when transported or arranged to be transported between residences or between a residence and a storage facility with the intent to later transport to a residence or when referenced in connection with advertising, soliciting, offering, or entering into an agreement for such transportation. Transportation of the goods must be arranged and paid for by the customer or by another individual, company, or organization on behalf of the customer.

Local move: A move taking place within the limits of a city or town or moves where the shipment is transported (~~(fifty-five)~~) 55 miles or less.

Long distance move: A move where the shipment is transported (~~(fifty-six)~~) 56 miles or more.

Motor vehicle or vehicle: Any (~~(motor truck, tractor or other self-propelled vehicle, any trailer, semi-trailer)~~) vehicle, machine, tractor, trailer, or semi-trailer propelled or drawn by mechanical power, or any combination of such vehicles ((moving as a single unit)), used on the public roads to transport household goods.

Permit: A document issued by the commission describing the authority granted to a household goods carrier.

Person: Any individual, firm, corporation, company, or partnership.

Private carrier: Persons who transport their own household goods, transport household goods bought or sold by them or transport household goods purely as an incidental adjunct to an established business.

Shipment: A load of household goods moved by a carrier from a single residence or as a single transaction.

State: The state of Washington.

Suspension: Also includes suspend, suspended, suspending: An act by the commission to withhold temporarily a household goods carrier's authority.

Tariff: A publication containing rates and charges carriers must assess on shipments of household goods and the rules that govern how rates and charges are assessed.

AMENDATORY SECTION (Amending WSR 13-23-048, filed 11/15/13, effective 12/16/13)

WAC 480-15-530 Public liability and property damage insurance.

(1) Before operating under a household goods permit, carriers must have public liability and property damage insurance covering every motor vehicle used in its operations. The commission will not issue a permit for authority to operate without acceptable proof of required insurance coverage. Carriers must maintain the required public liability and property damage insurance at all times for every motor vehicle used in Washington intrastate operations.

(a) The policy must be written by an insurance company authorized to write insurance in Washington state or by an unauthorized insurer providing surplus lines coverage subject to the provisions of RCW 48.15.040, covering each motor vehicle as defined in RCW 81.80.010 used or to be used under the permit.

(b) The policy must include the Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance (Form E) or Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond (Form G).

(c) The commission may suspend or cancel the permit of any carrier operating without proof of required insurance coverage.

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

(a) At least (~~three hundred thousand dollars~~) \$300,000 in combined single limit coverage for motor vehicles with a gross vehicle weight rating of (~~less than ten thousand~~) 10,000 pounds or less.

(b) At least (~~seven hundred fifty thousand dollars~~) \$750,000 in combined single limit coverage for motor vehicles with a gross vehicle weight rating of (~~ten thousand~~) 10,001 pounds or more.

(3) Carriers must file a Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance (Form E) or Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond (Form G) as a condition of maintaining a household goods permit.

(a) The Form E or Form G filing must be issued in (~~exactly~~) the same name as the carrier's permit.

(b) The Form E or Form G filing must be continuous, until canceled by a Notice of Cancellation (Form K) filed with the commission no less than (~~thirty~~) 30 days before the cancellation effective date.

(4)(a) The commission will accept an insurance certificate or binder for up to (~~sixty~~) 60 days. A certificate or binder may be canceled by filing written notice with the commission at least (~~ten~~) 10 days before the cancellation effective date. A certificate or binder must be replaced by a Form E or Form G within (~~sixty~~) 60 days of filing, or before the expiration date, whichever occurs first.

(b) Certificates or binders must include (~~all of~~) the following information:

(i) The commission as the named certificate holder.

(ii) The carrier's name, (~~exactly~~) as it appears on the permit or application, as the insured.

(iii) The insurance company name.

(iv) The insurance policy number.

(v) The effective and expiration dates.

(vi) The insurance limits of coverage.

AMENDATORY SECTION (Amending WSR 13-23-048, filed 11/15/13, effective 12/16/13)

WAC 480-15-555 Criminal background checks for prospective employees. (1) Each carrier must complete a national criminal background check for every person the carrier intends to hire.

(2) The carrier must keep evidence that it has completed a national criminal background check for every person the carrier intends to hire for as long as that person is employed and for three years (~~thereafter~~) after the person is no longer employed by the carrier.

(3) No carrier may hire a person who has been convicted of any crime involving theft, burglary, assault, sexual misconduct, identity

theft, fraud, false statements, or the manufacture, sale, or distribution of a controlled substance within the past five years.

AMENDATORY SECTION (Amending WSR 11-04-041, filed 1/25/11, effective 2/25/11)

WAC 480-15-560 ((Equipment)) Vehicle and driver safety requirements. ((1) All carriers must comply with all of the following requirements:

(a) Maintain all vehicles in a safe and sanitary condition.
(b) Maintain vehicles free of defects likely to result in an accident or breakdown.

(c) Maintain vehicles consistent with the *North American Uniform Out-Of-Service Criteria* as adopted in WAC 480-15-999.

(d) Make vehicles available for inspection by commission representatives at any time upon request.

(2) A household goods carrier must display its 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.

(iv) Permanent. *Exception:* Carriers may use temporary markings on vehicles operated under a lease.

(b) Carriers with both intrastate and interstate authority must display either the commission permit number, federal permit number or both on the power unit.

(3) Carriers must comply with all of the following requirements:

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

(b) The following parts of Title 49 of the Code of Federal Regulations (49 C.F.R.), as adopted by reference in this chapter on the date specified in WAC 480-15-999:

(i) 49 C.F.R. Part 390: Safety Regulations, General; except the following definitions will apply:

(A) Exempt motor carrier: Any person operating a motor vehicle exempt from certain provisions of RCW Title 81 as defined in RCW 81.80.040.

(B) Motor carrier: Any common carrier, exempt carrier and private carrier as defined in WAC 480-15-020.

(C) Motor vehicle: Any vehicle, machine, tractor, trailer or semi-trailer propelled or drawn by mechanical power, or any combination of such vehicles, used on the public roads to transport household goods.

(D) Private carrier: Persons who transport their own household goods, transport household goods bought or sold by them or transport household goods purely as an incidental adjunct to an established business.

(E) Commercial motor vehicle: Any motor vehicle used by a household goods carrier to transport household goods, if either the vehicle has a gross vehicle weight rating or gross combination weight rating of ten thousand one pounds or more or if the gross vehicle weight or gross combination weight is ten thousand one pounds or more.

~~(F) Director: The commission.
(ii) 49 C.F.R. Part 392: Driving of Commercial Motor Vehicles.
(iii) 49 C.F.R. Part 379: Preservation of Records.
(iv) 49 C.F.R. Part 385: Safety Fitness Procedures.
(v) 49 C.F.R. Part 397: Transportation of Hazardous Materials.
(vi) 49 C.F.R. Part 393: Parts and Accessories Necessary for Safe Operation.~~

~~(vii) 49 C.F.R. Part 396: Inspection, Repair, and Maintenance.
(viii) 49 C.F.R. Part 375: Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations. However, 49 C.F.R. Part 375 does not apply to intrastate operations. 49 C.F.R. Part 375 applies only to interstate operations.~~

~~(ix) 49 C.F.R. Part 380: Special Training Requirements.
(c) All motor vehicles must be equipped with mud flaps which effectively reduce the spray or splash of water from the road.~~

~~(d) 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.))~~

(1) Household goods carriers must ensure that all vehicles and drivers used to provide household goods comply with all federal, state, and local laws and rules, and commission orders, governing licensing, vehicle safety, and driver safety. Carriers must also comply with parts of Title 49 Code of Federal Regulations (49 C.F.R.) shown in the following chart, that are adopted by reference. Information about 49 C.F.R. regarding the version adopted and where to obtain copies is set out in WAC 480-15-999.

49 C.F.R. Part:		Notes:
<u>Part 40 -</u>	<u>Procedure for Transportation Workplace Drug and Alcohol Testing</u>	<u>Entire Part 40 is adopted and applies to Washington intrastate operations.</u>
<u>Part 375 -</u>	<u>Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations</u>	<u>Applies only to interstate operations.</u>
<u>Part 379 -</u>	<u>Preservation of Records</u>	<u>Entire Part 379 is adopted and applies to Washington intrastate operations.</u>
<u>Part 380 -</u>	<u>Special Training Requirements</u>	<u>Entire Part 380 is adopted and applies to Washington intrastate operations.</u>
<u>Part 382 -</u>	<u>Controlled Substance and Alcohol Use and Testing</u>	<u>Entire Part 382 is adopted and applies to Washington intrastate operations.</u>
<u>Part 383 -</u>	<u>Commercial Driver's License Standards; Requirements and Penalties</u>	<u>Entire Part 383 is adopted and applies to Washington intrastate operations.</u>
<u>Part 385 -</u>	<u>Safety Fitness Procedures</u>	<u>Entire Part 385 is adopted and applies to Washington intrastate operations.</u>
<u>Part 390 -</u>	<u>Safety Regulations, General</u>	<u>Entire Part 390 is adopted and applies to Washington intrastate operations, with the following exceptions:</u> <u>(1) The terms "motor carrier," "motor vehicle," "commercial motor vehicle," "exempt motor carrier," and "private carrier" are not adopted. Instead, where those terms are used in 49 C.F.R., they have the meanings assigned to them in WAC 480-15-020.</u> <u>(2) Whenever the term "director" is used in 49 C.F.R., it means the commission.</u>
<u>Part 391 -</u>	<u>Qualifications of Drivers</u>	<u>Entire Part 391 is adopted and applies to Washington intrastate operations, with the following exceptions:</u>

49 C.F.R. Part:		Notes:
		(1) A driver who operates exclusively in intrastate commerce is not subject to the provisions of Part 391.11(b)(1) (general qualifications - age). A driver operating exclusively in intrastate commerce may drive a motor vehicle if they are at least 18 years of age.
		(2) A driver who operates exclusively in intrastate commerce is not subject to the provisions of Part 391.49 (Waiver of certain physical defects), if that driver has obtained from the Washington department of licensing, a driver's license with endorsements and restrictions allowing operation of the motor vehicle being driven.
Part 392 -	<u>Driving of Motor Vehicles</u>	Entire Part 392 is adopted and applies to Washington intrastate operations.
Part 393 -	<u>Parts and Accessories Necessary for Safe Operation</u>	Entire Part 393 is adopted and applies to Washington intrastate operations.
Part 395 -	<u>Hours of Service of Drivers</u>	Entire Part 395 is adopted and applies to Washington intrastate operations.
Part 396 -	<u>Inspection, Repair, and Maintenance</u>	Entire Part 396 is adopted and applies to Washington intrastate operations.
Part 397 -	<u>Transportation of Hazardous Materials, Driving and Parking Rules</u>	Entire Part 397 is adopted and applies to Washington intrastate operations.

(2) Companies must:

(a) Maintain all vehicles in a safe and sanitary condition.

(b) Ensure that vehicles are in proper working condition and repair all identified defects or deficiencies likely to result in an accident or breakdown.

(c) All motor vehicles must be equipped with fenders, covers, mud flaps, or splash aprons which effectively reduce the spray or splash of water from the road. All such devices 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.

(3) All motor vehicles and drivers operating under the provisions of this chapter and used to provide permitted services are always subject to inspection by the commission or its duly authorized representatives. The commission will place out-of-service for the provision of household goods moving service any motor vehicle or the driver of that vehicle if the vehicle or driver meets any condition listed in the *North American Uniform Out-of-Service Criteria*. A company must not require or permit a vehicle or driver that has been placed out-of-service to operate until the condition(s) causing the out-of-service violation is corrected. Information about the *North American Uniform Out-of-Service Criteria* is set out in WAC 480-15-999.

NEW SECTION

WAC 480-15-565 Motor vehicle identification. (1)(a) A household goods carrier must display its permit name and number, as registered with the commission, on both sides of the self-propelled motor vehicle.

(b) The markings must be:

(i) Legible, during daylight hours, from 50 feet while the motor vehicle is not moving.

(ii) In a color that contrasts with the background color of the motor vehicle.

(iii) Permanent. *Exception:* Carriers may use temporary markings on vehicles when operated under a lease, when the rental agreement or lease has a term of 30 days or less.

(2) All carriers must display the U.S. Department of Transportation identification number on both sides of self-propelled motor vehicles.

NEW SECTION

WAC 480-15-575 Intrastate medical waivers. (1) **Department of licensing intrastate medical waiver.** A household goods carrier may use a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 C.F.R. Part 391.41, if the driver:

(a) Only operates motor vehicles intrastate, wholly within the state of Washington; and

(b) Has obtained from the Washington state department of licensing an intrastate medical waiver to drive a commercial motor vehicle.

For the purposes of a department of licensing medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating of 26,001 pounds or more;

(ii) Transporting 16 or more passengers, including the driver; or

(iii) With a manufacturer's seating capacity of 16 or more passengers, including the driver.

(2) **Doctor's statement of intrastate medical waiver.** A carrier may use a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 C.F.R. Part 391.41 if the driver:

(a) Holds a valid Washington state driver's license;

(b) Has received a doctor's statement that:

(i) The driver's medical condition is not likely to interfere with the driver's ability to safely operate a commercial motor vehicle; and

(ii) The driver's condition is likely to remain stable for the next two years or other specified date, but not more than the two years that the medical certificate is valid.

(c) Operates commercial motor vehicles intrastate wholly within the state of Washington. For the purposes of a doctor's statement of intrastate medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating under 26,001 pounds;

(ii) Transporting 15 or fewer passengers, including the driver; or

(iii) With a manufacturer's seating capacity of 15 or fewer passengers, including the driver.

(3) **Driver qualification files.** Carriers that use a driver under an intrastate medical waiver must maintain in the driver's qualification file a physical or digital copy of the doctor's statement of intrastate medical waiver.

WAC 480-15-590 Leasing vehicles. A carrier must enter into an equipment lease agreement before operating a leased motor vehicle. The carrier must ensure that all ~~((of))~~ the following conditions are met:

~~((1))~~ (1) The carrier signs the form and ensures the lessor signs the form.

~~((2))~~ ~~((The carrier marks "master lease" if the carrier intends to use a master lease instead of individual leases.~~

~~((3))~~ (3) A physical or digital copy of the lease is carried in all leased motor vehicles.

~~((4))~~ ~~Copies of all leases are kept in the carrier's permanent files for at least))~~ (3) A physical or digital copy of the lease is kept in the carrier's files during the effective period of the lease and for one year after the lease expires.

~~((5))~~ (4) The carrier gives a physical or digital copy of the lease to the owner of the leased motor vehicle.

~~((6))~~ (5) The carrier takes possession, control, and use of the motor vehicle during the period of the lease agreement.

~~((7))~~ (6) The leased motor vehicle is properly insured as specified in WAC 480-15-530 and 480-15-550.

~~((8))~~ (7) The carrier properly identifies the motor vehicle as specified in RCW 81.80.305.

~~((9))~~ (8) The carrier charges appropriate tariff rates and charges.

~~((10))~~ (9) The driver of the leased motor vehicle is on the carrier's payroll during the leased period.

~~((11))~~ (10) The leased motor vehicle is operated in compliance with laws and rules as specified in WAC 480-15-560 and 480-15-570.

~~((12))~~ (11) The driver of the leased motor vehicle is subject to the ~~((company's))~~ carrier's alcohol and controlled substance policies.

~~((13))~~ (12) The carrier 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.

~~((14))~~ (13) The carrier complies with the terms of the lease.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-15-570 Driver safety requirements.