

Title 480 WAC
UTILITIES AND
TRANSPORTATION
COMMISSION

Chapters
480-14

Motor carriers, excluding household goods carriers and common carrier brokers.

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Household goods carriers.

Chapter 480-14 WAC

MOTOR CARRIERS, EXCLUDING HOUSEHOLD GOODS CARRIERS AND COMMON CARRIER BROKERS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-14-070 Federal regulations, 49 CFR, Part 390—General applicability and definitions. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-070, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-070, filed 11/22/95, effective 12/23/95.] Repealed by 09-22-057 (Order R-555, Docket TV-090400), filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 81.04.160.

480-14-080 Rule book fee—Updates—Notification of pending and adopted rule changes—Compliance with rules. [Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-080, filed 11/22/95, effective 12/23/95.] Repealed by 09-22-057 (Order R-555, Docket TV-090400), filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 81.04.160.

480-14-130 Remittances. [Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-130, filed 11/22/95, effective 12/23/95.] Repealed by 09-22-057 (Order R-555, Docket TV-090400), filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 81.04.160.

480-14-170 Periodic reporting requirements. [Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-170, filed 11/22/95, effective 12/23/95.] Repealed by 09-22-057 (Order R-555, Docket TV-090400), filed 10/30/09,

effective 11/30/09. Statutory Authority: RCW 80.01-040 and 81.04.160.

480-14-260 Leasing. [Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-260, filed 11/22/95, effective 12/23/95.] Repealed by 09-22-057 (Order R-555, Docket TV-090400), filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 81.04.160.

480-14-320 Registered exempt carriers. [Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-320, filed 11/22/95, effective 12/23/95.] Repealed by 09-22-057 (Order R-555, Docket TV-090400), filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 81.04.160.

480-14-340 Equipment—Identification. [Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-340, filed 11/22/95, effective 12/23/95.] Repealed by 09-22-057 (Order R-555, Docket TV-090400), filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 81.04.160.

480-14-350 Equipment, lawful operation of. [Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-350, filed 11/22/95, effective 12/23/95.] Repealed by 09-22-057 (Order R-555, Docket TV-090400), filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01-040 and 81.04.160.

480-14-360 Equipment—Inspection—Ordered out-of-service for repairs. [Statutory Authority: RCW 80.01.040, 80.04-160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-360, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-360, filed 11/22/95, effective 12/23/95.] Repealed by 09-22-057 (Order R-555, Docket TV-090400), filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01-040 and 81.04.160.

480-14-370 Equipment—Drivers—Safety. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-370, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-370, filed 11/22/95, effective 12/23/95.] Repealed by 09-22-057 (Order R-555, Docket TV-090400), filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 81.04.160.

480-14-380 Hours of service—On duty—Federal safety regulations. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-380, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-380, filed 11/22/95, effective 12/23/95.] Repealed by 09-22-057 (Order R-555, Docket TV-090400), filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 81.04.160.

480-14-390 Hazardous materials regulations. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-390, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-390, filed 11/22/95, effective 12/23/95.] Repealed by 09-22-057 (Order R-555, Docket TV-090400), filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 81.04.160.

480-14-400 Transportation of radioactive materials—Driving and parking rules. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-400, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-400, filed 11/22/95, effective 12/23/95.] Repealed by 09-22-057 (Order R-555, Docket TV-090400), filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01-040 and 81.04.160.

480-14-420 Optional provisions. [Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435,

Docket No. TV-941290), § 480-14-420, filed 11/22/95, effective 12/23/95.] Repealed by 09-22-057 (Order R-555, Docket TV-090400), filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 81.04.160.

480-14-900 Appendix A. [Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-900, filed 11/22/95, effective 12/23/95.] Repealed by 09-22-057 (Order R-555, Docket TV-090400), filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 81.04.160.

WAC 480-14-010 Purpose and application. These rules require intrastate common carriers of property by motor vehicle to obtain and maintain intrastate common carrier operating permits, to file reports and pay regulatory fees, and to file and maintain evidence of required insurance coverage. The rules also require interstate carriers to secure appropriate authority from the United States Department of Transportation (USDOT) and to register with the commission and pay fees as required by the Uniform Carrier Registration (UCR) program or any successor program.

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-010, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-010, filed 11/22/95, effective 12/23/95.]

WAC 480-14-020 Rules, general application of rules.

(1) No rule contained in this chapter can be changed, altered or revised except by general order of the commission pursuant to the Washington State Administrative Procedure Act.

(2) The rules in this chapter are for general application only, and are subject to such changes and modifications as the commission may deem advisable from time to time, and also to such exceptions as may be considered just and reasonable in individual cases.

(3) A person requesting an exemption from any of these rules must direct his or her request to the commission at its Olympia headquarters office. The person must identify the rule from which exemption is sought and give a full explanation of the reason(s) the exemption is desired.

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-020, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-020, filed 11/22/95, effective 12/23/95.]

WAC 480-14-040 Definitions. As used in this chapter, the following definitions shall apply:

(1) The term "common carrier" means any person who undertakes to transport property, including general commodities, materials transported by armored car service, and/or hazardous materials, for the general public by motor vehicle for compensation, including under individual contracts or agreements, and including motor vehicle operations of other carriers by rail or water and of express or forwarding companies. The term does not include household goods carriers, as defined by WAC 480-15-020, solid waste collection companies, as defined by WAC 480-70-041, or "exempt carriers."

(2) The term "exempt carrier" means any person operating a vehicle exempted from certain regulatory provisions under RCW 81.80.040.

(3) The term "carrier of hazardous materials" means any person who transports radioactive materials, hazardous

waste, hazardous materials and hazardous substances as defined in Title 49 Code of Federal Regulations. Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-14-999.

(4) The term "carrier of general commodities" means any person transporting the property of others for compensation, except persons performing the service of transporting household goods as defined in WAC 480-15-020.

(5) The term "armored car service" means carriers transporting property of very high value (gold, silver, currency, valuable securities, jewels and other property of very high value) using specially constructed armored trucks and providing policy protection to safeguard freight while it is being transported and delivered. It also means carriers which operate ordinary equipment in the carriage of high value commodities when guards are necessary to accompany the shipment.

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-040, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-040, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-040, filed 11/22/95, effective 12/23/95.]

WAC 480-14-050 Procedures and documents. (1) Procedures. The commission's procedural rules are contained in chapter 480-07 WAC and apply to common carriers regulated under this chapter. If a rule in this chapter conflicts with a rule in chapter 480-07 WAC, the rule in this chapter applies.

(2) **Documents.** All petitions, complaints, applications for common carrier permits or extensions, or any other matter required to be served upon or filed with the Washington utilities and transportation commission must be served or filed upon the commission at its headquarters office as shown in WAC 480-04-035, upon the secretary of the commission. Any petition, complaint, application, or other matter required to be served upon or filed with the commission will not be considered served or filed until it is received at the headquarters office.

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-050, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-14-050, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-050, filed 11/22/95, effective 12/23/95.]

WAC 480-14-090 Permits. Permit holders must carry a copy of operating authority issued by the Washington utilities and transportation commission on each power unit operated in intrastate operations.

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-090, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-090, filed 11/22/95, effective 12/23/95.]

WAC 480-14-100 Operations must be under permit name. Every common carrier must conduct its operations under its corporate, trade or assumed name as described in its permit. No common carrier may perform any carrier service,

or hold itself out to perform such service, by advertisement or otherwise in any name other than its corporate, trade or assumed name as described in its permit.

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-100, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-100, filed 11/22/95, effective 12/23/95.]

WAC 480-14-110 Improper use of permit or registration receipt. No person or firm may use a permit or registration receipt except the carrier to whom it was issued.

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-110, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-110, filed 11/22/95, effective 12/23/95.]

WAC 480-14-120 Change of address. A carrier must immediately report to the commission in writing any change in the address of its principal place of business.

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-120, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-120, filed 11/22/95, effective 12/23/95.]

WAC 480-14-140 Fees. Fees for applications are as follows:

Type of Application	Fee
Change of name or business structure	\$50
Permanent common carrier operating authority	
Hazardous materials	\$275
General commodities	\$275
Armored car service	\$275
Extension of common carrier permit authority	
Hazardous materials	\$100
General commodities	\$100
Armored car service	\$100
Reinstatement of authority (within 10 months of cancellation)	
Hazardous materials	\$100
General commodities	\$100
Armored car service	\$100

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-140, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-140, filed 11/22/95, effective 12/23/95.]

WAC 480-14-150 Periodic reports and regulatory fees. (1) The commission may require, on an annual basis, a special report from each common carrier that operated within the state during the prior calendar year. The report must be filed on or before the first day of May, to cover the operations of the prior calendar year. The report must include a statement on oath showing the common carrier's gross operating revenue from intrastate operations during the prior calendar year.

(2) Each common carrier must pay a regulatory fee at the time it files a report. The regulatory fee is 0.0025 times the

stated gross operating revenue, unless that rate is reduced or waived by commission order.

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-150, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-150, filed 11/22/95, effective 12/23/95.]

WAC 480-14-160 Contested fees. (1) A person may contest any fee imposed by these rules.

- (a) The person must first pay the fee.
- (b) Within six months of the date the fee is due, the payor may petition the commission for a refund of the fee paid.
- (c) The petition must be in writing and must include:
 - (i) The name of the payor/petitioner.
 - (ii) The date and the amount paid.
 - (iii) A copy of any receipt, if available.
 - (iv) The nature of the fee paid.
 - (v) The amount of the fee that is contested.
 - (vi) The statute under which the fee is imposed, if known.

(vii) Any reasons why the commission may not impose the fee.

(2) The commission may grant the petition administratively or may set the petition for adjudication or for brief adjudication.

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-160, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-160, filed 11/22/95, effective 12/23/95.]

WAC 480-14-180 Applications for intrastate authority. No person may conduct operations as a common carrier in Washington intrastate commerce without having first obtained a permit from the commission to do so.

(1) Common carriers must apply to the commission to acquire permanent common carrier authority, to extend existing permanent common carrier authority, or to change a carrier name or business structure. Common carriers must apply on forms furnished by the commission and must include all the information, documents and exhibits called for in the form or the form's instructions. The commission may refuse to accept any application until all required information is supplied.

(2) The commission will not accept an application unless it is accompanied by the required fee as shown in WAC 480-14-140.

(3) The commission's acceptance of an application for filing does not indicate the commission's approval, nor is the commission precluded from finding that the information presented in the application is insufficient.

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-180, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-180, filed 11/22/95, effective 12/23/95.]

WAC 480-14-190 Common carrier permits. (1) The commission will issue a common carrier permit to any applicant that files an application satisfying the requirements of

WAC 480-14-180 and that files insurance in accordance with the requirements of WAC 480-14-250.

(2) The commission may dismiss an incomplete application. The applicant may request a review of dismissal through a brief adjudicative proceeding, pursuant to WAC 480-07-610.

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-190, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-14-190, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-190, filed 11/22/95, effective 12/23/95.]

WAC 480-14-200 Armored car service. Common carriers defined as providing "armored car service" under WAC 480-14-040(8), when transporting cash or coin with a value exceeding one hundred thousand dollars, are subject to the following provisions:

(1) The vehicle must be accompanied by at least two armed security guards qualified under chapter 18.170 RCW and chapter 308-18 WAC.

(2) When the vehicle is located in an unsecured area, one guard must remain within the area.

(3) Those portions of the vehicle surrounding the cargo and personnel must have a UL 752 Testing Certification to Level 1 Medium Powered Small Arms (MPSA); except that any vehicle owned by an armored car service and operated as an armored car prior to December 23, 1995, is exempt from this regulation.

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-200, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-200, filed 11/22/95, effective 12/23/95.]

WAC 480-14-210 Change of carrier name and business structure. (1) An application to change carrier name or business structure is required when:

(a) The carrier changes its registered name, with no change in ownership or business structure.

(b) The carrier changes its business structure:

(i) From an individual to a corporation or limited liability corporation (LLC), when the individual is the majority stockholder.

(ii) From an individual to a partnership, when the individual is the majority partner.

(iii) From a corporation or LLC to a proprietorship of the majority shareholder.

(iv) From a partnership to a proprietorship of the majority partner.

(c) The carrier changes its name because of a change in business structure from a partnership to a corporation or LLC when the partners are the majority stockholders in the same proportionate ownership.

(d) The carrier changes its name resulting from a change in business structure from a corporation or LLC to another corporation or LLC where both corporations are wholly owned by the same stockholders in the same proportions.

(2) A carrier must file a new permanent common carrier application when the resulting business entity does either more or less than assume all of the existing business.

(3) A carrier must file a new permanent common carrier application when the transaction involves the sale or acquisition of assets other than the property of the acquired or substituted business or if the carrier conducts different activities.

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-210, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-210, filed 11/22/95, effective 12/23/95.]

WAC 480-14-220 Application for reinstatement of a canceled permit. (1) A common carrier may apply to reinstate a canceled permit within ten months of the cancellation date provided the carrier:

(a) Corrects the cause of cancellation.

(b) Satisfies any outstanding fees or filings.

(c) Submits the appropriate application and fee as required in WAC 480-14-140.

(2) If the common carrier does not file for reinstatement within ten months of cancellation, it must submit a new application for a common carrier permit under WAC 480-14-190 subject to all provisions in WAC 480-14-180.

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-220, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-220, filed 11/22/95, effective 12/23/95.]

WAC 480-14-230 Suspension and cancellation of a permit. A common carrier may not operate any of its equipment while its permit is suspended or canceled.

(1) **Involuntary suspension.**

(a) The commission may suspend a carrier permit if the carrier fails to maintain evidence that it has the required level of insurance in effect for its operations.

(b) The commission will make a good faith effort to notify a carrier that its evidence of insurance is likely to become invalid. The commission will suspend any carrier who fails to maintain evidence of current insurance, whether or not it is able to provide advance notice.

(2) **Voluntary cancellation.** A carrier may request that its permit be canceled. The commission will enter an order canceling the permit. The commission will reinstate the permit, provided the carrier meets current entry requirements, if the carrier applies for reinstatement and pays the application fee within ten months of cancellation.

(3) **Involuntary cancellation.** The commission may cancel a permit because the carrier fails to:

(a) Pay required regulatory fees.

(b) Demonstrate that the carrier has corrected the conditions leading to suspension within the time defined in the order of suspension.

(c) Provide information as required by the commission or submits false, misleading or inaccurate information.

(4) **Cancellation hearing.** The commission will hold a hearing prior to canceling a carrier's authority, pursuant to RCW 81.80.280, except when cancellation results from failure to correct causes of a suspension in which an adjudication or brief adjudication was held or was available to the carrier. A carrier whose permit is cancelled may apply for reinstatement under WAC 480-14-220, or may apply for a new permit

under WAC 480-14-180, if the carrier has corrected the causes of cancellation.

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-230, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-230, filed 11/22/95, effective 12/23/95.]

WAC 480-14-240 Inactive status of permits during military service. (1) When the holder of a common carrier permit is called into or enters the military service of the United States and must cease its common carrier operations, the carrier may apply to the commission, at no charge, for inactive status. The written, informal application must include:

- (a) The applicant's name and permit number.
- (b) The branch of military service the applicant is to enter.

(c) The date upon which the applicant requests the inactive status to begin.

(d) A statement that the applicant will not permit its equipment to be operated under inactive status.

(2) Upon receipt of the properly completed application, the commission will place the permit in inactive status for the period of military service.

(3) The carrier must apply to reinstate its permit within six months after military service has ended. In its application, the carrier must state it will comply with the requirements of law governing its operations. The commission will grant reinstatement at no charge.

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-240, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-240, filed 11/22/95, effective 12/23/95.]

WAC 480-14-250 Insurance requirements. (1) **Required insurance coverage.** Each applicant for common carrier authority and each common carrier must file with the commission evidence of currently effective liability and property damage insurance written by a company authorized to write such insurance in the state of Washington, covering each motor vehicle as defined in RCW 81.80.010 used or to be used under the permit.

(a) For vehicles with gross vehicle weight ratings of ten thousand pounds or more, filings must be for the amount shown on the following table:

Category of Carrier Operation	Filing Required
1. Property (nonhazardous)	\$750,000
2. Hazardous substances, as defined in 49 Code of Federal Regulations (CFR) 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Division 1.1, 1.2 and 1.3 materials, Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material, in bulk Division 2.1 or 2.2; or highway route controlled quantities of a Class 7 material, as defined in 49 CFR 173.403	\$5,000,000
3. Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in 2. above or in 4. below	\$1,000,000

Category of Carrier Operation	Filing Required
4. Any quantity of Division 1.1, 1.2, or 1.3 material; any quantity of a Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; or highway route controlled quantities of a Class 7 material, as defined in 49 CFR 173.403	\$5,000,000

(b) For vehicles with gross vehicle weight ratings less than ten thousand pounds, filings shall be for the amounts shown on the following table:

Category of Carrier Operation	Filing Required
1. Property (nonhazardous)	\$300,000
2. Property (hazardous); any quantity of Division 1.1, 1.2, or 1.3 material; any quantity of a Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; or highway route controlled quantities of a Class 7 material, as defined in 49 CFR 173.403	\$5,000,000

(c) Insurance requirements do not apply to taxicabs whose only operation subject to commission jurisdiction is the operation of small parcel general freight service under a permit issued pursuant to chapter 81.80 RCW. Those taxicabs must comply with the provisions of RCW 46.72.040 and 46.72.050 in lieu of the above. However, all carriers must comply with the reporting requirements of this section.

(d) The commission may dismiss an application or suspend or cancel a permit if a carrier does not file proof that such insurance is in full force and effect.

(e) Carriers must submit evidence of insurance by either a Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance (Form E) or a written binder evidencing the required coverage. A binder may not be effective for longer than sixty days, during which time the carrier must file the Form E.

(2) **Continuing proof of insurance.** A carrier must file evidence of continued insurance with the commission not less than ten days prior to the termination date of the current insurance.

(3) **Insurance endorsement.** All liability and property damage insurance policies issued to common carriers must carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) **Insurance termination.** All insurance policies issued under the requirements of chapter 81.80 RCW must provide that the coverage continues in full force and effect unless and until canceled by at least thirty days' written notice served on the insured and the commission by the insurance company. The thirty days' notice must commence to run from the date notice is actually received by the commission.

(a) An insurance binder may be canceled on ten days' written notice.

(b) The carrier or carrier's insurance company must notify the commission of cancellation or expiration on forms prescribed by the commission.

(c) The carrier or carrier's insurance company must provide notice of cancellation or expiration not more than sixty days before the termination date, except binders which may be canceled on ten days' written notice.

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-250, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-250,

filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-250, filed 11/22/95, effective 12/23/95.]

WAC 480-14-290 Interstate operations. No person may perform interstate transportation service for compensation upon the public roads of this state without first having secured appropriate authority from the United States Department of Transportation (USDOT) or its successor agency.

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-290, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-290, filed 11/22/95, effective 12/23/95.]

WAC 480-14-300 Interstate carrier fees. A carrier operating under interstate authority issued by the United States Department of Transportation (USDOT) or its successor agency must register with the commission and pay fees as required by the Uniform Carrier Registration (UCR) program or any successor program as required by the laws and rules of USDOT.

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-300, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-300, filed 11/22/95, effective 12/23/95.]

WAC 480-14-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publication, effective dates, references within this chapter, and availability of the resource is within Title 49 Code of Federal Regulations (CFR), including all appendices and amendments is published by the United States Government Printing Office.

(1) The commission adopts the version in effect on April 30, 2008, for 49 CFR Parts 171, 172 and 395.

(2) This publication is referenced in WAC 480-14-250 (Insurance requirements; cause for suspension or cancellation).

(3) Copies of Title 49 CFR are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

[Statutory Authority: RCW 80.01.040 and 81.04.160. 09-22-057 (Order R-555, Docket TV-090400), § 480-14-999, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 09-01-171 (Docket A-081419, General Order R-554), § 480-14-999, filed 12/23/08, effective 1/23/09; 06-17-087 (Docket A-060475, General Order No. R-537), § 480-14-999, filed 8/14/06, effective 9/14/06; 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-14-999, filed 10/10/05, effective 11/10/05; 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-14-999, filed 12/22/03, effective 1/22/04; 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-14-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-999, filed 9/28/01, effective 10/29/01.]

Chapter 480-15 WAC

HOUSEHOLD GOODS CARRIERS

WAC

480-15-020 Definitions.
480-15-145 Enforcement.

480-15-180 Carrier operations that require a household goods permit.
480-15-450 Involuntary cancellation of a permit.
480-15-610 Advertising.

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: 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.

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 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.

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 miles or less.

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

Motor vehicle or vehicle: Any motor truck, tractor or other self-propelled vehicle, any trailer, semi-trailer or any combination of such vehicles moving as a single unit.

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

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

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.

[Statutory Authority: RCW 80.01.040, 80.04.160, 34.05.353, and 2009 c 94. 09-24-104 (Docket TV-091038, General Order R-556), § 480-15-020, filed 12/2/09, effective 1/2/10. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-020, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-020, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-020, filed 12/15/98, effective 1/15/99.]

WAC 480-15-145 Enforcement. The commission has a number of options available to enforce its statutes, rules, orders and tariff requirements, as follows:

(1) RCW 81.04.110 allows the commission to file a complaint and hold a hearing.

(2) RCW 81.04.260 allows the commission to file in court for an immediate injunction for violations of law, commission rule, order, direction or requirement of the commission.

(3) RCW 81.04.380 allows penalties against public service companies of up to one thousand dollars for each violation for each day the violation occurs or continues to occur.

(4) RCW 81.04.387 allows penalties against corporations, other than public service companies, of up to one thousand dollars for each offense.

(5) RCW 81.04.390 provides that violations may be treated as misdemeanors.

(6) RCW 81.04.405 allows penalties of one hundred dollars for each violation for each day the violation occurs or continues to occur. These penalties are issued through a penalty assessment with a fifteen-day response period.

(7) RCW 81.04.510 allows the commission to issue cease and desist orders against a carrier operating without a permit.

(8) Section 4(5), chapter 94, Laws of 2009 (HB 1536), allows a penalty of up to ten thousand dollars per violation

for any person who engages in business as a household goods carrier in violation of a cease and desist order.

(9) RCW 81.80.280 allows the commission to cancel, suspend, alter, or amend a permit for violations of federal or state law, or commission rule.

(10) Section 4(4), chapter 94, Laws of 2009 (HB 1536), allows a penalty of up to five thousand dollars to any carrier operating without a permit. If the basis for the violation is advertising, each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation.

(11) RCW 81.80.355 provides that advertising without a permit may be treated as a misdemeanor.

(12) RCW 81.80.357 allows a penalty of five hundred dollars for each violation when a carrier does not include its permit number, physical address, and telephone number in its advertisements.

(13) WAC 480-120-172 allows a telecommunications company to disconnect a customer's service if that service is used for illegal purposes, such as operating without a permit issued by the commission.

[Statutory Authority: RCW 80.01.040, 80.04.160, 34.05.353, and 2009 c 94. 09-24-104 (Docket TV-091038, General Order R-556), § 480-15-145, filed 12/2/09, effective 1/2/10. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-145, filed 12/27/07, effective 1/27/08.]

WAC 480-15-180 Carrier operations that require a household goods permit. A carrier must receive a permit from the commission before transporting household goods, for compensation, by motor vehicle (including a rental truck) over public roads between two points within the state, or before advertising, soliciting, offering, or entering into an agreement to transport household goods.

[Statutory Authority: RCW 80.01.040, 80.04.160, 34.05.353, and 2009 c 94. 09-24-104 (Docket TV-091038, General Order R-556), § 480-15-180, filed 12/2/09, effective 1/2/10. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-180, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-180, filed 12/15/98, effective 1/15/99.]

WAC 480-15-450 Involuntary cancellation of a permit. (1) The commission may cancel a permit without the carrier's authorization for good cause. Good cause includes, but is not limited to, the carrier:

(a) Failing to file an annual report or pay required regulatory fees.

(b) Failing to correct, within the time frame specified in the suspension order, all conditions that led to the suspension of a permit.

(c) Failing or refusing to comply with applicable laws and commission rules pertaining to operations of household goods carriers, including safety requirements set in law or rule.

(d) Failing to supply information necessary to the commission for the performance of its regulatory functions when the commission requests the carrier to do so.

(e) Submitting false, misleading or inaccurate information.

(f) Allowing others to transport goods under the carrier's permit authority.

(g) Operating in a manner that constitutes unfair or deceptive business practices.

(h) Committing fraud.

(2) The commission will hold a hearing prior to canceling a permit unless the permit is subject to cancellation because the carrier failed, within the time frame specified by a suspension order, to correct the causes of the suspension. In that case:

(a) The commission will send the carrier notice of the date the commission will cancel a permit. The commission will enter an order canceling the permit thirty days after the service date of the notice.

(b) A carrier may contest the cancellation of its permit by requesting a hearing or brief adjudicative proceeding. Chapter 480-07 WAC describes the procedures for such hearings.

(3) When the commission has canceled a household goods carrier permit, the carrier must, when directed by the commission, provide notice to every customer that its permit has been canceled, and provide proof of such notice to the commission.

(4) If the permit is canceled and the carrier corrects all conditions that led to cancellation of the permit, the carrier may apply for reinstatement.

(a) To reinstate the permit within thirty days of cancellation, the carrier must file an application for reinstatement and pay the applicable reinstatement fees as stated in WAC 480-15-230.

(b) If the carrier files an application for reinstatement after thirty days of cancellation, the 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.

[Statutory Authority: RCW 80.01.040, 80.04.160, 34.05.353, and 2009 c 94. 09-24-104 (Docket TV-091038, General Order R-556), § 480-15-450, filed 12/2/09, effective 1/2/10. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-450, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-450, filed 12/15/98, effective 1/15/99.]

WAC 480-15-610 Advertising. (1) Carriers must include the commission-issued permit number, name or trade name as recorded at the commission, physical address and telephone number in any advertising for household goods moving services. Advertising includes, but is not limited to:

(a) Advertisements in telephone books, newspapers, correspondence, cards, or any other written document.

(b) Signs, posters or similar displays.

(c) Web sites or other on-line advertising.

(2) Advertisements may not be misleading, false or deceptive.

(3) Radio or television advertising need not contain the carrier's permit number if the carrier provides its permit number, physical address, and telephone number to the person selling the advertisement and it is recorded in the advertising contract.

(4) Carriers may advertise services provided as an agent of, or connecting carrier to, another household goods carrier

if they include the name and permit number of the other household goods carrier in their advertising.

(5) No person may falsify a permit number or use a false or inaccurate permit number in connection with any advertisement, solicitation or any form of identification as an authorized household goods carrier.

(6) Carriers may not advertise services or rates and charges that conflict with those in the tariff.

[Statutory Authority: RCW 80.01.040, 80.04.160, 34.05.353, and 2009 c 94. 09-24-104 (Docket TV-091038, General Order R-556), § 480-15-610, filed 12/2/09, effective 1/2/10. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-610, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-610, filed 12/15/98, effective 1/15/99.]