

**2016 FEDERAL ADVISORY  
COMMITTEE:  
Household Goods Consumer Protection  
Working Group**

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Recommendations to the U.S. Department of  
Transportation to Improve Household Goods Consumer  
Education, Simplify and Reduce Paperwork, and  
Condense FMCSA Publication ESA 03005

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## EXECUTIVE SUMMARY

This report provides information on the 19 recommendations developed by the Working Group formed at the request of the Fixing America’s Surface Transportation Act (FAST Act), Pub. Law No. 114-9 to:

- Condense publication ESA 03005 (“Ready to Move?”) of the Federal Motor Carrier Safety Administration (FMCSA) into a format that can be more easily used by consumers;
- Use state-of-the-art education techniques and technologies, including optimizing the use of the internet as an educational tool; and
- Reduce and simplify the paperwork required of motor carriers and shippers in interstate transportation.

Congress enacted the Fixing America’s Surface Transportation Act (FAST Act), Pub. Law No. 114-94, on December 4, 2015. Section 5503 of the FAST Act called for the creation of a Working Group to develop recommendations on how to best convey relevant information to consumers about Federal laws related to the interstate transportation of household goods by motor carrier. The FAST Act mandated that the Household Goods Consumer Protection Working Group (Working Group) comprise individuals with expertise in consumer affairs, educators with expertise in how people learn most effectively, and representatives of the household goods moving industry.

In addition to its primary safety mission, FMCSA is responsible for a national household goods compliance and enforcement program that promotes increased compliance through data analysis, investigations, enforcement, and public education and outreach activities, and is responsible for regulating more than 5,000 interstate household goods motor carriers and brokers. Consumer protection is a critical component of FMCSA’s household goods compliance and enforcement program. While it might be that only a small population of consumers experience hardship at the hands of rogue operators, the magnitude of the hardship can be severe, as it can include the loss of irreplaceable family heirlooms or even everything they own. Most consumers do not hire movers often, so they are less likely to be knowledgeable about what to look for without proper education.

On behalf of the Secretary, FMCSA solicited applications and nominations from interested persons to serve on the Working Group through the issuance of a Federal Register Notice (FRN) on April 20, 2016 [81 FR 23354]. The Secretary announced the appointment of the 15 original members of the Working Group in the Federal Register on December 23, 2016 [81 FR 94481].

The Working Group was subject to the requirements of the Federal Advisory Committee Act (FACA) (Pub.L. 92–463, 86 Stat. 770, enacted October 6, 1972), and as such, the Working Group’s meetings were open to the public. During the meetings, public comments were considered and discussed at length. Many of these comments were incorporated into the recommendations described herein.

Working Group members also reached out to additional stakeholders between meetings to gather feedback and input on potential recommendations in an effort to help the Working Group gauge the impact and feasibility of their recommendations, as well as to gather input from other stakeholders who were not part of the Working Group.

Through this process, the Working Group collaborated in determining the following 19 recommendations, found below in Table 1 and explained more fully in the relevant report sections. See the appendices for greater detail on Working Group members, education approaches, consumer protection resources, current order for service requirements, current bill of lading requirements, recommended language for updated bill of lading requirements, examples of existing consumer education materials, and recommended brochure content.

**Table 1. Recommendations and Relevant Report Sections**

#	Recommendation	Report Section
1	Develop and maintain modern communications tools, platforms, and partnerships to educate consumers. (For suggested approaches, see the examples listed in Part II, Section 2C.)	Part II, Section 2
2	Develop online (and other) education modules that are short and easily understood, and aligned with the different phases of the moving process. (See Appendix B for suggested modules and content.)	Part II, Section 3
3	Develop and maintain modern tools to assist the moving industry with its efforts to educate consumers.	Part II, Section 4
4	Provide additional funding for staff and resources dedicated to HHG consumer education. This funding would allow FMCSA to: <ul style="list-style-type: none"><li>• Procure full time, year-round, dedicated resources and personnel (either Federal or contracted) with the expertise needed to implement state-of-the-art education utilizing the internet as a tool for the purpose of consumer protection education and outreach efforts.</li><li>• Collect data (such as intake interviews) to ensure that education and outreach efforts are effective and continuously improving.</li><li>• Collaborate and build partnerships with industry, the public, and other organizations.</li><li>• Develop content delivery and messaging tactics for consumer protection education and outreach.</li></ul>	Part II, Section 5

#	Recommendation	Report Section
5	<p>This Working Group recommends the following with regard to FMCSA-ESA-03-006, “Your Rights and Responsibilities When You Move”:</p> <ul style="list-style-type: none"> <li>• The 2013 version should be formally adopted by rulemaking to officially replace the pre-2013 version which FMCSA currently permits movers to choose to use in lieu of the formally approved wording.</li> <li>• FMCSA should look for opportunities to further condense and streamline this document.</li> <li>• If applicable, and as other recommendations are adopted in the future, the contents of this document should be updated to reflect the changes that are implemented as a result of this Working Group’s efforts.</li> <li>• It should be acceptable for movers to provide this document electronically without requiring the shipper to provide written consent to waive their right to a hard copy.</li> <li>• Movers should be required to provide this document earlier in the move process (along with the estimate instead of before the order for service.)</li> </ul>	Part III, Section 2
6	<p>FMCSA’s guidance should be formally adopted that if a consumer tenders additional items or requests additional services <i>prior</i> to load, and the mover agrees to such additions, the mover should prepare a completely <i>new</i> estimate (instead of amending the existing one). Additionally, the mover should maintain a record of the date, time, and manner that the new estimate was accepted by the shipper.</p>	Part III, Section 3
7	<p>Change the requirement for a “physical” survey to a “visual” survey. The term “visual survey” should include both physical and virtual surveys.</p>	Part III, Section 3
8	<p>Movers should be required to offer visual surveys for all household goods shipments, including those that are located over 50-miles from the mover’s location. Consumers should continue to have the option to waive in writing the visual survey if they choose, but movers must offer them the option of a visual survey regardless of distance.</p>	Part III, Section 3
9	<p>The requirement for an order for service should be eliminated, and the unique, critical items from the order for service should be moved to the bill of lading. (Note: the Working Group is recommending eliminating the order for service as a requirement of all movers, but movers that prefer to use an order for service should still be allowed to do so.)</p>	Part III, Section 4

#	Recommendation	Report Section
10	<p>The following changes should be made to the bill of lading requirements:</p> <ul style="list-style-type: none"> <li>• The carrier’s physical address, telephone number, and DOT number should be added to the bill of lading requirements.</li> <li>• The bill of lading should continue to require the carrier’s name, and either the legal or trade name registered with FMCSA should be acceptable.</li> <li>• The requirement to provide names, addresses, and telephone numbers of additional motor carriers involved in the move should be eliminated. (However, movers should still be allowed to provide this information if they choose to.)</li> <li>• Any reference to the order for service should be removed from the bill of lading.</li> <li>• Add “Any identification or registration number you assign to the shipment” to the bill of lading requirements (carried over from the current order for service requirements).</li> <li>• A statement should be added that the bill of lading incorporates by reference all of the services and charges printed on the estimate.</li> </ul>	Part III, Section 5
11	The bill of lading should be made available to consumers prior to the date of load, <i>at least</i> as early as the time when the order for service was previously provided (before a mover receives a shipment from an individual shipper).	Part III, Section 5
12	Remove the requirement for a freight bill, and the written notices for a freight bill should be transferred to an invoice.	Part III, Section 6
13	Finalize the proposed rulemaking published at 79 FR 23306 (4/28/14) to allow for electronic delivery of all required documents.	Part III, Section 7
14	Eliminate the current requirement for consumers to sign a written waiver in order to receive their documents electronically.	Part III, Section 7
15	Movers should be required to provide FMCSA publication ESA 03005 (“Ready to Move?”) when the visual survey is either scheduled or waived by the consumer.	Part IV, Section 2
16	The title of FMCSA publication ESA 03005 should be changed from “Ready to Move?” to “Choose Your Mover.”	Part IV, Section 2
17	ESA 03005 should be made available electronically and should be printable. It should fit on a standard desktop or laptop screen without requiring scrolling, and it should also be mobile-friendly. Consideration should be given to how the brochure can be both visually appealing and also direct consumers’ attention to the right places.	Part IV, Section 3
18	All movers who have a website should be required to prominently display, at their option, either a link to the brochure (ESA 03005) on the FMCSA website or a true and accurate copy of ESA 03005 on their own websites.	Part IV, Section 3
19	ESA 03005 should be condensed to include only the content found in Appendix H.	Part IV, Section 4

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## DEFINITION OF TERMS

Note: Some of these terms may not be found in the report, but are included here as terms that are helpful to consumers and should be defined in educational materials provided to consumers.

<b><u>Term</u></b>	<b><u>Definition</u></b>
<b>Agent</b>	An entity that provides services for or on behalf of an HHG mover under a formal written agreement with the HHG mover, including the selling of, or arranging for, transportation services to consumers under the HHG mover's FMCSA operating authority. Agents typically have no liability separate or apart from their disclosed HHG movers.
<b>Arbitration program</b>	Arbitration is a form of dispute resolution. Arbitration is a private method of alternative dispute resolution through an independent third party. An arbitration hearing may involve the use of an individual arbitrator or a tribunal. Arbitration is an alternative to judicial action (litigation), and the parties may decide that decisions will be final and binding. Federal law requires that certain household goods (HHG) movers who engage in interstate moves must offer an arbitration program to individuals who are moving.
<b>Bill of lading</b>	Receipt for a shipment and the contract for its transportation.
<b>Broker</b>	A company that, although not a mover itself or an agent of a mover, is compensated to arrange for the transportation of property, including household goods. Brokers do not provide actual transportation service or take responsibility for shipments.
<b>Carrier</b>	Either a motor carrier or freight forwarder.
<b>Claim</b>	A written notice from the shipper to a mover of loss, damage, injury, or delay to the household goods shipped which contains sufficient information to identify the shipment, asserts liability of the mover for the loss, damage, injury, or delay, and makes a demand for payment of a specified or determinable amount of money. Bad order reports, appraisal reports of damage, notifications of shortages or damages on shipping documents, receipts, or other documents are <i>not</i> considered valid claims. To be considered for payment, claims must be received by the mover within the time limits described in the mover's tariff.
<b>Containers</b>	A piece of moving equipment usually of varying size, which may be moved on flatbeds or in moving trailers.

<b>Date spreads</b>	The range of consecutive dates that a mover may load or deliver goods. These can be referred to as “load spreads” or “delivery spreads.” Load or delivery are not considered to be late as long as they occur within the agreed-upon date spreads.
<b>Delivery</b>	Occurs when all of the services contemplated by the mover’s bill of lading for a shipment have been completed. Delivery typically means the beginning of certain time limits for shippers to file claims with their movers or to dispute their mover’s charges.
<b>Estimate, Binding</b>	A written agreement made in advance with a mover that details the total cost of the move based upon the quantities and services shown on the estimate.
<b>Estimate, Non-Binding</b>	What a mover believes the cost will be, based on the estimated weight of the shipment and the services requested. A non-binding estimate is not binding on the mover. The final charges will be based on the actual weight of a shipper’s shipment, the services provided, and the tariff provisions in effect.
<b>Freight forwarder</b>	A freight forwarder is a person or entity that provides transportation of property and, in the ordinary course of its business assembles and consolidates, or provides for assembling and consolidating, shipments and performs break-bulk and distribution operations of the shipments; assumes responsibility for shipments; and may use another carrier for any part of the transportation.
<b>Hostage load</b>	A shipment is deemed to be held hostage when the mover knowingly and willingly, in violation of a contract, to deliver, or unload at, the destination of an HHG shipment for which the shipper has tendered a statutorily required payment. <sup>1</sup>
<b>Household goods</b>	Used in connection with transportation, the personal effects, or property used or to be used in a dwelling, when part of the equipment or supplies of the dwelling. Household goods includes property moving from a factory or store only if purchased with the intent to use in a dwelling and is transported at the request of the householder, who also pays the transportation charges.

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<sup>1</sup> Pursuant to 49 C.F.R. § 357.703, the mover must deliver after a shipper offers to pay: (1) either 100 % of the charges contained in a binding estimate provided by the carrier or not more than 110 % of the charges contained in a non-binding estimate provided by the carrier, or in the case of a partial delivery of the shipment, the prorated percentage of the charges; and if applicable, (2) charges of up to 15% of all charges for necessary impracticable operations; and (3) an additional 100% of all charges for additional services (i.e., not listed on the estimate) requested by the shipper *after* the mover commenced loading the shipment.

**Household goods motor carrier**

(1) In general, a motor carrier that, in the ordinary course of its business of providing transportation of household goods, offers some or all of the following additional services:

- (i) Binding and non-binding estimates;
- (ii) Inventorying;
- (iii) Protective packing and unpacking of individual items at personal residences;
- (iv) Loading and unloading at personal residences.

(2) The term includes any person considered to be a household goods motor carrier under regulations, determinations, and decisions of the Federal Motor Carrier Safety Administration in effect on the date of enactment of the Household Goods Mover Oversight Enforcement and Reform Act of 2005 (August 10, 2005).

(3) The term does not include any motor carrier providing transportation of household goods in containers or trailers that are entirely loaded and unloaded by an individual other than an employee or agent of the motor carrier.

(4) The term does not include any motor carrier that acts as a service for the delivery of new furniture, appliances, or other furnishings between a factory or a store and an individual's household.

**Individual shipper**

Any person who is the shipper, consignor, or consignee of a household goods shipment; is identified as such on the face of the carrier's bill of lading; owns the household goods being transported; and pays his or her own charges.

**Inventory**

A complete itemized list of the contents of the shipment and the condition of these items. Movers are required to prepare an inventory, and must list any damage or unusual wear to any items. The purpose is to make a record of the existence and condition of each item before it is moved and the count and condition of those items at the time of delivery. Both the shipper and the mover must sign each page of the inventory at loading and delivery.

**Loading**

The process of placing the household goods to be shipped onto the mover's equipment from a residence or storage, i.e. when the mover takes possession of the household goods.

**Mover**

An individual or entity that presents itself to the public as arranging and providing household goods moving services.

<b>Order for service</b>	Document traditionally used by movers for shippers to authorize household good motor carriers to transport an individual shipper's household goods. Information on this document must be identical to what is printed on the estimate and bill of lading.
<b>Packing</b>	The preparation of personal property in advance of loading, which may include including wrapping and/or placing of personal objects in boxes/cartons. This may be done by the mover or shipper.
<b>“Ready to Move?”</b>	Department of Transportation publication FMCSA-ESA-03-005, which must be furnished by a mover to prospective individual shippers with the exact content provided by the department, when a written estimate is provided.
<b>Rogue operator</b>	An entity that poses as a mover and engages with consumers through a variety of deceptive acts, usually involving unrealistically low estimates, refusal to deliver, and similar fraudulent practices.
<b>Shuttle service</b>	A process typically utilized when the origin or destination address is not accessible, usually due to geographical or congestion access conditions and can involve the transfer of the household goods from those locations to the mover’s equipment using a smaller truck (i.e., the household goods are “shuttled”). This is typically also considered an “impracticable operation” (see footnote 1).
<b>Storage-in-transit</b>	Short or long term holding of shipment for the convenience of and/or need of the shipper provided under the mover’s operating authority and bill of lading.
<b>Tariff</b>	A document containing a carrier’s household goods rates, rules, regulations, classifications, or other provisions related to its transportation services. Federal statutes and the Surface Transportation Board require a tariff contain specific items. These specific items include an accurate description of the services offered to the public and the specific applicable rates (or the basis for calculating the specific applicable rates) and service terms. A tariff must be arranged in a way that allows for the determination of the exact rate(s) and service terms applicable to any given shipment. Tariffs must either be published or filed (for non-contiguous domestic trade only).
<b>Valuation</b>	A statutorily-based agreement between the mover and the shipper to limit the mover’s liability for loss or damage to the property being moved. This is not insurance. Movers must offer as the default option of their two required valuation choices, “full

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You Move”**

valuation coverage” for a charge. The second required option is a minimal \$0.60 per pound per article, at no cost.

The contents of Appendix A of 49 C.F.R. Part 375 (Department of Transportation publication FMCSA-ESA-03-006, or its successor publication). This document must be furnished by the mover as provided by the Secretary to prospective individual shippers prior to their executing an order for service for an interstate shipment of household goods.

## ACRONYMS

AMSA	American Moving & Storage Association
CADRS	Consumer Affairs and Dispute Resolution Services
C.F.R.	Code of Federal Regulations
DFO	Designated Federal Officer
FACA	Federal Advisory Committee Act
FAST Act	Fixing America’s Surface Transportation Act
FBI	Federal Bureau of Investigation
FHWA	Federal Highway Administration
FMC	Federal Maritime Commission
FMCSA	Federal Motor Carrier Safety Administration
FRN	Federal Register Notice
FSM	Full Service Moving
FVP	Full Value Protection
HHG	Household Goods
ICC	Interstate Commerce Commission
MAP-21	Moving Ahead for Progress in the 21 <sup>st</sup> Century Act
NCCDB	National Consumer Complaint Database
OIG	Office of the Inspector General
OPAGAC	Office of Public Assistance, Governmental Affairs and Compliance
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
STB	Surface Transportation Board
U.S. DOT	Department of Transportation
U.S.C.	United States Code

# I. INTRODUCTION

## *I. FMCSA, Household Goods, and the FAST Act*

### **A. Background of FMCSA and Household Goods Regulations**

The Federal Motor Carrier Safety Administration (FMCSA) of the U.S. Department of Transportation, formerly part of the Federal Highway Administration (FHWA), was established on January 1, 2000. FMCSA's primary mission is to reduce crashes, injuries, and fatalities involving large trucks and buses. In order to support this mission, FMCSA:

- Develops and enforces data-driven regulations that balance motor carrier (truck and bus companies) safety with efficiency;
- Harnesses safety information systems to focus on higher risk carriers in enforcing safety regulations;
- Targets educational messages to carriers, commercial drivers, and the public; and
- Partners with stakeholders including Federal, State, and local enforcement agencies, the motor carrier industry, safety groups, and organized labor on efforts to reduce bus and truck-related crashes.

In addition to the primary safety mission, FMCSA is responsible for a national household goods (HHG) compliance and enforcement program that promotes increased compliance through data analysis, investigations, enforcement, and public education and outreach activities, and is responsible for licensing and regulating more than 5,000 interstate household goods motor carriers, freight forwarders, and brokers. The FMCSA Commercial Enforcement and Investigations Division, which is a division of the FMCSA Office of Enforcement and Compliance, is responsible for managing FMCSA's household goods compliance and enforcement program.

FMCSA maintains a database of these registered entities, which consumers can search to check whether the entity or party they are considering doing business with is properly registered with the agency. Additionally, FMCSA maintains the National Consumer Complaint Database (NCCDB), a database of consumer moving complaints.

FMCSA also administers a public education and outreach campaign called "Protect Your Move."<sup>2</sup> FMCSA's Protect Your Move campaign helps fight moving fraud by educating consumers about how to plan an interstate move. In addition to the website, FMCSA also created public service announcements that are available on the U.S. DOT's YouTube channel, and are distributed to broadcast and cable outlets as well as networks across the country during peak moving season (April through October). Billboards, bus shelters, and other outdoor advertising are also provided to geographic regions with a high propensity for moving fraud.

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<sup>2</sup> <https://www.fmcsa.dot.gov/protect-your-move>



Historically, the Interstate Commerce Commission (ICC) was responsible for regulating all aspects of the interstate moving process from assessing the need to permit entities to participate in the industry; to pricing; to how claims would be handled. The ICC also issued and enforced consumer protection regulations. These regulations covered a wide range of operational and economic activities, including weighing practices, claims liability, requirements for delivery, and other matters. When the ICC was terminated in 1995 [ICC Termination Act of 1995, Pub.L. 104-88], Congress transferred household goods regulation to the Department of Transportation and explicitly directed that the ICC's direct dispute resolution functions were to be discontinued. The legislation enables aggrieved parties to take disputes directly to the courts, but also imposed a requirement for household goods carriers to offer arbitration of disputes to consumers as an inexpensive and effective means of resolving their loss or damage claims. Until August 2000, FMCSA addressed household goods complaints through a task force of employees who handled a broad range of safety and regulatory matters.<sup>3</sup>

Since FMCSA's inception in 2000, Congress and the agency have frequently addressed the regulation of household goods movers, including:

- Section 4201-4216 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub.L.109-59, in 2005. These sections of SAFETEA-LU are also referred to as the "Household Goods Mover Oversight Enforcement and Reform Act of 2005."
- Section 32921-32923 of Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), Pub.L.112-141, in 2012. MAP-21 brought about significant updates to licensing requirements for all participants in the transportation industry. Section 32921-32923 created additional registration requirements for household goods motor carriers, including the requirement for a proficiency examination to test knowledge and intent to comply with applicable Federal laws relating to consumer protection, estimating, consumers' rights and responsibilities, and options for limitations of liability for loss and damage.
- Several Federal Register Notices (FRNs), U.S. Government Accountability Office reports, and Congressional hearings, which have provided updates and clarifications to the regulations.

Currently, five FMCSA headquarters personnel and nine commercial enforcement specialists located throughout the country are responsible for HHG commercial enforcement nationwide.

Although today FMCSA is the primary agency responsible for regulating interstate moves, other State and Federal agencies partner with FMCSA to support the household goods consumer protection mission, including:

- The Surface Transportation Board (STB) has a limited role in overseeing the interstate transportation of household goods by motor carrier. The STB's oversight includes:

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<sup>3</sup> <https://www.fmcsa.dot.gov/newsroom/hearing-oversight-household-goods-moving-industry>

- Tariffs (documents that contain a moving company's rates, charges, and service terms), and
- Maintaining rules on how a moving company can limit its liability to a customer in the event that it loses or damages the customer's household possessions during the move.
- The STB's Office of Public Assistance, Governmental Affairs and Compliance (OPAGAC) is available to provide informal guidance to moving companies and customers on the following subjects:
  - Moving company tariffs,
  - Rates and rate disputes, and
  - Lost or damaged possessions and a moving company's liability.<sup>4</sup>
- Note that the STB does not impose formal resolutions in HHG-related disputes.
- The Federal Maritime Commission (FMC) Office of Consumer Affairs and Dispute Resolution Services (CADRS) offers guidance and services to consumers who are shipping their household goods overseas.<sup>5</sup> This includes assistance with resolving disputes between consumers, movers, and others in the logistics chain. FMC also has Area Representatives in major port regions (New Jersey; South Florida; Houston, TX; New Orleans, LA; Los Angeles/Long Beach, CA; and Seattle, WA) that investigate household goods challenges that may violate the Shipping Act of 1984. Area Representatives may also refer matters to CADRS and assist with dispute resolution efforts.
- Eight State agencies have signed memoranda of agreement to train State officials to conduct Federal HHG investigations. State partners conduct HHG investigations enforcing Federal regulations and statutes.
- While FMCSA does not conduct criminal enforcement activities against rogue operators, it does work closely with the U.S. DOT Office of the Inspector General (OIG) and the Federal Bureau of Investigation (FBI), assisting in their pursuit of criminal charges in egregious cases.

## B. Consumer Protection and the HHG Moving Industry

Approximately 16.4 million households in the United States move each year;<sup>6</sup> annually about 3-4 million people move across State lines.<sup>7</sup> Industry research suggests that only 25% of these 3-4 million people moving (approximately 800,000 to 1 million people) make their moves using full

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<sup>4</sup> <https://www.stb.gov/STB/HouseholdGoods/Introduction.html>

<sup>5</sup> [https://www.fmc.gov/resources/household\\_goods\\_shipper\\_resources.aspx](https://www.fmc.gov/resources/household_goods_shipper_resources.aspx)

<sup>6</sup> According to 2015 U.S. Census data, there were 124.6 million U.S. households for which there was an approximately 13.2% moving incidence rate.

<sup>7</sup> Proprietary moving industry statistics based upon analysis of several sources, including U.S. Census data, AMSA, UniGroup, Inc. custom research and other sources, including technical and industry surveys further break down the annual number of U.S. household moves as 75% (12.3 million) intrastate and 25% (4.1 million) interstate. Other sources estimate the number of annual interstate moves to be closer to 3 million, see <https://www.fmcsa.dot.gov/protect-your-move/moving-fraud>

service movers (FSM),<sup>8</sup> which are typically licensed as HHG motor carriers with FMCSA.<sup>9</sup> The remaining majority of people moving interstate obtain moving services from a variety of other service options<sup>10</sup> and providers, some of which may be licensed by FMCSA as brokers (either household goods or property), property motor carriers, or as freight forwarders (either household goods or property). Some moving service providers are not licensed by FMCSA.

In FY 2016, FMCSA received 3,134 moving-related complaints from consumers, though it estimates that more interstate move consumers filed or otherwise published complaints with State or private consumer entities or online using social media. Several categories of complaints exist, including but not limited to delays in services, loss or damage to property, deceptive business practices, overcharges, and hostage loads.

One of the most egregious types of consumer complaints is hostage loads, which can occur when delivery is withheld without prior payment of significantly more money than legally permitted after the consumer's goods have been loaded onto a truck. Of the 3,134 complaints received by FMCSA in FY 2016, 17% (or 531) were coded as complaints alleging hostage load situations. Although hostage loads are comparatively rare (531 complaints constitutes only 0.00017% of 3 million interstate moves), the hardship experienced by these households can be severe. In extreme cases, a household's entire shipment could be lost or stolen. This not only constitutes a substantial financial hardship, but can also cause additional stress if family heirlooms or other irreplaceable items are lost, damaged, or stolen.

Anyone planning a move can be taken advantage of and become a victim of moving fraud. FMCSA receives complaints from consumers of all ages, incomes, ethnicities, and education levels. Rogue operators often hide behind professional-looking websites, making it difficult for consumers to distinguish between a legitimate, reliable moving company and one that is fraudulent or engages in criminal business practices, especially if consumers have not been educated in how to protect themselves against moving fraud.

FMCSA has taken steps to educate the public about moving fraud through a number of resources, including:

- The Protect Your Move website, which serves as the primary resource for the moving public (<https://www.fmcsa.dot.gov/protect-your-move>).

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<sup>8</sup> Ibid.

<sup>9</sup> Only "household goods motor carriers" as defined at 49 U.S.C. § 13102(12) and 49 C.F.R. § 375.103 are subject to the FMCSA's household goods consumer protection regulations found at Part 375 of Title 49 of the Code of Federal Regulations. See 49 C.F.R. § 375.101. The recommendations detailed in this report, then, apply only to FSMs and to what the HHG Consumer Protection Working Group believes are the minority of interstate move consumers, i.e., the minority who use HHG motor carriers.

<sup>10</sup> Proprietary moving industry statistics derived from sources described in footnote 7, *infra*, suggest that the 75% of people not using FSMs for interstate moves obtained moving services from a variety of sources, including property motor carriers or freight forwarders (either property or household goods) offering services in trailers or containers; brokers (including online marketplace companies) arranging moves with motor carriers; rental truck services with arranged labor at the origin and destination locations; and pure "DIY." Approximately 36% of all interstate moves are conducted as purely DIY, without any third-party company or moving industry involvement.

- A database of carriers so that consumers may check if their mover holds active operating authority and valid insurance.
- The NCCDB, which allows consumers to file HHG complaints and check the complaint status on movers/brokers.
- Social media pages.
- Local ads on television, billboards, and bus shelters in geographic areas with a high-propensity for moving fraud (only during peak moving season).

Despite these efforts, every year many Americans still fall victim to rogue operators, and there is a need for FMCSA to improve its outreach and educational strategies to better inform and protect consumers.

### C. The FAST Act

Congress enacted the Fixing America's Surface Transportation Act (FAST Act), Pub. Law No. 114-94, on December 4, 2015. Section 5503 of the FAST Act calls for the formation of a Working Group to develop recommendations on how best to convey to consumers relevant information with respect to the Federal laws that pertain to the interstate transportation of household goods by motor carrier. Specifically, the FAST Act directed the Working Group to develop recommendations on:

1. Condensing publication ESA 03005 ("Ready to Move?") of the Federal Motor Carrier Safety Administration into a format that is more easily used by consumers;
2. Using state-of-the-art education techniques and technologies, including optimizing the use of the internet as an educational tool; and
3. Reducing and simplifying the paperwork required of motor carriers and shippers in interstate transportation.

A Working Group was convened by FMCSA to respond to the requirements of section 5503 of the FAST Act, and this report is the result of that Working Group's efforts.

## ***2. The Household Goods Consumer Protection Working Group***

### A. Working Group Formation

The FAST Act mandated that the Household Goods Consumer Protection Working Group (Working Group) comprise individuals with expertise in consumer affairs, educators with expertise in how people learn most effectively, and representatives of the household goods moving industry.

On behalf of the Secretary, FMCSA solicited applications and nominations of interested persons to serve on the Working Group through the issuance of a Federal Register Notice (FRN) on April 20, 2016 [81 FR 23354]. The criteria established to evaluate candidates included:

- Letter/email of interest or nomination letter;
- Professional credentials, experience, education, and achievements;

- Knowledge of the Household Goods industry; and
- Affirmative statement that the candidate meets all eligibility requirements.

The Department also endeavored to appoint members of diverse views and interests to ensure the committee was balanced, with appropriate consideration of background.

The Secretary announced the appointment of the 15 original members of the Working Group in the Federal Register on December 23, 2016 [81 FR 94481].<sup>11</sup> Daniel Veoni of the American Moving & Storage Association (AMSA)<sup>12</sup> was initially elected by the Working Group to serve as the Working Group chairperson. In March 2017, Heather Paraino, Esq., of MoveRescue<sup>13</sup> replaced Mr. Veoni as chairperson. Working Group members are listed in Appendix A.

### B. Working Group Process

The Working Group was subject to the requirements of the Federal Advisory Committee Act (FACA) (Pub.L. 92–463, 86 Stat. 770, enacted October 6, 1972), and as such, the Working Group’s meetings were open to the public and an announcement was published in the Federal Register at least 15 days in advance of each meeting. Members of the public attended each meeting and provided written or verbal comments during the public comment periods. The minutes from each meeting are available to the public on the Working Group’s public website.<sup>14</sup>

The Working Group met in person three times at the DOT Headquarters in Washington, D.C. Additionally, the Working Group divided into three subcommittees (also called “subgroups”) to allow them to work more efficiently and make progress toward recommendations between in-person meetings. The three subcommittees corresponded with each of the three requirements of the FAST Act:

- **The Education Subgroup** worked toward developing recommendations for using state-of-the-art education techniques and technologies, including optimizing the use of the internet as an educational tool.
- **The Paperwork Subgroup** worked toward developing recommendations for reducing and simplifying the paperwork required of motor carriers and shippers in interstate transportation.

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<sup>11</sup> Chad W. Hall, an industry representative from All My Sons Moving and Storage, did not attend the first meeting and withdrew from the Working Group later in January 2017. Daniel Veoni withdrew from the Working Group in March 2017 when he left his position with the American Moving & Storage Association, and was replaced by Scott Michael.

<sup>12</sup> AMSA is the national trade association for the professional moving and storage industry, representing about 3,500 members. AMSA also provides consumer education resources and tools via its ProMover program. See: <http://www.moving.org>.

<sup>13</sup> MoveRescue is a service offered by UniGroup, Inc., owner of two national moving companies: United Van Lines, LLC, and Mayflower Transit, LLC. MoveRescue’s mission is to educate consumers on how to select an interstate mover and their rights in order to avoid being scammed by rogue operators. MoveRescue also provides real-time assistance to consumers who have been scammed. All services are provided at no cost. See <http://moverescue.com>.

<sup>14</sup> <https://www.fmcsa.dot.gov/fastact/household-goods-consumer-protection-working-group>

- **The Brochure Subgroup** worked toward developing recommendations for condensing publication ESA 03005 of FMCSA into a format that is more easily used by consumers.

During the in-person meetings, public comments were received, considered, and discussed at length. Many of these comments were incorporated into the recommendations described herein.

The subgroups held calls and webinars between meetings, and met in breakout sessions during the in-person meeting. Per FACA requirements and the Working Group's charter, the subcommittees did not work independently of the chartered Working Group and reported all of their recommendations and advice to the full Working Group for deliberation and discussion. The subcommittee meeting minutes are also posted on the Working Group's website.

Working Group members also reached out to additional stakeholders between meetings to gather feedback and input on potential recommendations in an effort to help the Working Group gauge the impact and feasibility of their recommendations, as well as to gather input from other stakeholders who were not part of the Working Group.

### C. Working Group Goals and Values

Beginning at the initial onsite meeting in January 2017, the Working Group's discussion centered on the following key goals, which helped shape the recommendations that the Working Group ultimately put forth:

- Education
  - Increase awareness and expose practices that place consumers at risk.
  - Create a structure for continuous improvement of education to the public.
  - Make the currently available educational content easier to understand and more accessible.
  - Find effective ways to communicate with the public and industry.
  - Communicate in ways that reach the target audience.
  - Enhance year-round outreach campaigns.
- Paperwork
  - Streamline and reduce the paperwork to simplify the moving process for both consumers and movers.
  - Provide information to consumers earlier in the process so that they have the opportunity to educate themselves before entering into an agreement with a mover or broker.
  - Make it easier for FMCSA to take enforcement action against HHG carriers who are not complying with Federal regulations without overburdening reputable movers who are adhering to the Federal regulations.
  - Simplify and improve the language in existing documents to prevent misinterpretation and misuse.
- Brochure



- Keep the brochure short and eye-catching enough so that consumers will read and absorb the information.
- Get the brochure into more consumers' hands as early as possible.

### **D. Purpose and Scope of Recommendation**

This document contains the Working Group's recommendations on how to best convey to consumers relevant information with respect to the Federal laws concerning the interstate transportation of household goods by motor carrier. It also documents the discussions and deliberations that took place to reach these recommendations.

Parts II-V of this report explain the recommendations put forth by this Working Group, as well as provide a description of the conversations that took place and the rationale behind each recommendation. It should be noted that the recommendations are not laid out in the order of the FAST Act requirements to allow the report to flow logically from the more broad recommendations about education and outreach to more specific recommendations for a single document.

Part II sets forth recommendations to use state-of-the-art education techniques and technologies. Part III explains the different paperwork items, and sets forth recommendations to reduce and simplify the paperwork required of motor carriers and shippers in interstate transportation. Part IV then discusses recommendations to condense one specific paperwork item—publication ESA 03005, or the “Ready to Move?” brochure.

Part V contains the Working Group's discussion of other considerations not included as formal recommendations.

Part VI contains the report's conclusions; additional supplemental information can be found in the appendices.

## II. STATE-OF-THE-ART EDUCATION TECHNIQUES AND TECHNOLOGIES

### ***1. Description of FAST Act Requirement and Working Group Goals***

Under the FAST Act, Congress directed the HHG Consumer Protection Working Group to develop recommendations on using state-of-the-art education techniques and technologies, including optimizing the use of the internet as an educational tool.

The Working Group discussed their interpretation of the FAST Act's intent and determined their goals and values as they relate to this task. The recommendations described in Part II were developed to meet the following five goals:

***1. Increase awareness and expose practices that place consumers at risk.***

The purpose of convening this Working Group was to improve consumer protection, with the highest priority goal for the Education Subgroup being to warn consumers about the deceitful practices that can put consumers at risk. Since most people do not hire movers frequently, they may be less informed about moving than other services like taxis or airplane flights. Without this knowledge, consumers cannot take steps to protect themselves. The Working Group also aimed to find ways to prompt consumers to do research upfront, before selecting a mover.

***2. Create a structure for continuous improvement of education to the public and industry.***

FMCSA should be learning from their outreach efforts, and adapting and shaping their messaging and educational methods based on the results and feedback of prior outreach efforts. Outreach efforts should be adaptable to new technologies and changes in the ways that consumers research movers and gather information. Furthermore, education should be directed at both the public and industry because industry can be an important partner in sharing the consumer protection message.

***3. Make the currently available educational content easier to understand and more accessible.***

The educational material that FMCSA currently makes available to consumers on their Protect Your Move website, as well as their publications (“Ready to Move?” and “Your Rights and Responsibilities When You Move”), contains good information for consumers, but much of the material is lengthy and cumbersome to read. Consumers are not fully reading and understanding this information until after a problem arises. An opportunity exists for FMCSA to format the content so it is easier to read and understand. FMCSA also has an opportunity to make this information more accessible by making it available through multiple outlets earlier in the moving process, and adapting it so that the information can be shared through different media.

***4. Find effective ways to communicate with the public and industry.***

As noted above, the currently available information to consumers is valuable. However, that information is not always communicated effectively. Furthermore, the information is almost exclusively for consumers and there is less information available to industry about



how they can help FMCSA educate and inform consumers. These recommendations are aimed toward developing different ways of communicating with both the industry and the public to deliver the right information to the right people using modern and effective messaging and tools.

5. ***Communicate in ways that reach the target audience.***

Many consumers are not getting the information they need until too late in the moving process. Consumers need to be educated about how to choose a mover prior to beginning their search. By the time consumers receive the “Ready to Move?” brochure (when they receive their estimate), many have already selected a mover. FMCSA should strive to create a broad public awareness of how to choose a mover and the potential pitfalls of rogue operators at all times, rather than waiting for moving season and relying on consumers to find this information on the Protect Your Move website.

## 2. ***A Modernized Approach to Communications and Outreach***

### **A. Challenge**

Currently, although there is information available, consumers fail to utilize the tools and information made available by FMCSA and industry groups. Consumers search for information too late in the moving process, often after they have already selected a mover, and/or after they have become a victim of moving fraud.

### **B. Observations**

The ways in which consumers are getting their information and making purchasing decisions are changing rapidly.

Consumer behavior is changing in the following ways:

- **Their buying habits are changing.** Consumers frequently use the internet to search for movers, and are utilizing search engines, social media, and/or third-party websites that list and review services.
- **Their lifestyles and moving habits are changing.** Younger generations are less likely than prior generations to own a home. The “sharing economy” has led to more peer-to-peer-based sharing of goods and services. These societal changes have most likely sparked differences in the numbers and types of belongings that consumers are moving, how often they are moving, and how they are choosing to move their household goods.
- **Their communication preferences are changing.** There is a high demand for easily accessible information on multiple internet-based platforms. According to a 2016 study by the Pew Research Center, a majority of U.S. adults (62%) get their news from social media.<sup>15</sup> Other trends are emerging. Podcasts are increasingly popular, and new information-sharing forums like TED Talks are becoming more mainstream.

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<sup>15</sup> <http://www.journalism.org/2016/05/26/news-use-across-social-media-platforms-2016/>

- **Their expectations for a moving service are changing.** Traditional FSM services are becoming less popular in favor of other types of moving services, such as do-it-yourself truck rentals and portable storage containers. These alternatives may not require the additional tasks required of FSMs (i.e., of providing estimates and other voluminous paperwork presently required by regulation. Innovations in other sectors of the transportation industry (such as car sharing or mobile phone apps that provide on-demand car services) may have also changed consumers expectations for the technical capabilities of movers, as well as the level of effort needed to arrange for an interstate move with traditional FSMs.
- **Market segments are changing.** The current generational-based marketing paradigm is no longer applicable to the moving public. People of all ages use the internet, social media, and online listing websites to find movers, and people move at different points in their lives for many different reasons. Furthermore, anyone, regardless of age, can become the victim of moving fraud, so FMCSA's message and educational tools should be made available to all age groups.

FMCSA's website and outreach efforts have adapted to some but not all of these changes. For example, the Protect Your Move campaign shares content on social media sites and FMCSA has created Protect Your Move videos. However, the Protect Your Move campaign is limited annually to April through October to encompass the peak moving season. More could be done to research and develop content that is widely available, quick to read and understand, and better suited for today's consumer.

### C. Recommendation

FMCSA should adapt their messaging to meet the needs and expectations of changing consumers by modernizing their approach to communications and outreach by using multiple platforms and different strategies.

The Working Group encourages FMCSA to better optimize the use of the internet, partnerships, and multiple platforms to bring the information to consumers wherever they are getting their information rather than relying on consumers to find the information on their own.

Emphasis should be placed on messaging that is short and to the point. Infographics, short videos, and actionable statements are preferable to lengthy, verbose documents. The Protect Your Move website has a wealth of great information, but there is an opportunity to create an improved, modernized user interface to help direct consumers to the information they need. IdentityTheft.gov is an example of a particularly useful, modern user interface that Protect Your Move could emulate, although it's important to remember that the website should be adaptable over time as behaviors and trends change.

Instead of using a generational-based marketing approach, it may be more useful to collaborate with industry stakeholders to target individuals who are experiencing life events that might necessitate a move (e.g., marriage, new home, graduation, new job, retirement). FMCSA should partner with other organizations (such as AARP, Inc. or the National Association of Realtors) to

share data and collaborate in the consumer protection effort. They could also make an effort to promote consumer awareness at bridal shows, job fairs, and other gatherings where people are collecting information and potentially planning for a move in the coming months or years.

Additionally, consumer protection outreach should be emphasized year-round rather than limited to a seasonal approach. Although the Protect Your Move website and FMCSA's consumer protection resources are available year-round, FMCSA's campaign (advertising, social media efforts, etc.) is based around moving season. People move throughout the year, and moving fraud can occur at any time of year. Additionally, people often plan moves several months in advance, so even if they move during peak moving season, it may actually be more beneficial to provide the information to them a few months earlier. Therefore, it would benefit consumers if FMCSA were able to expand their moving-season campaign efforts so that they are able to advertise throughout the entire year.

The Working Group developed suggestions for a modernized communications approach, including:

- 1) Develop internet-based video and audio content
  - a) YouTube/Videos—short tips, scam red flags, stories from victims—visual storytelling, highlight reel of what to look out for.
  - b) Find established “How To” or “Ask the Expert” podcasts to pitch FMCSA tips to, position as experts.
  - c) Public service announcements—video and radio media campaign around National Moving Month, wedding season, etc.
- 2) Increase and improve social media presence
  - a) Facebook presence/Twitter presence—engage with consumers, join Twitter chats and be the expert, use Facebook Ads to target different demographics.
  - b) Raise awareness through scam examples/personal stories, create one unified hashtag to use on Twitter and throughout platforms that use hashtags.
  - c) Create and share infographics—topics could include: red flags of a rogue operator, scam story examples, what to do if you fall victim, how to file a complaint, how to choose a mover.
- 3) Improve the Protect Your Move website and increase traffic to it
  - a) Google AdWords campaigns for moving related keywords.
  - b) Make website easier to use (and mobile and search engine optimization friendly) by having FAQs broken out with simple answers, similar to [identitytheft.gov](http://identitytheft.gov). Show a step by step on how to choose a mover, how to file a complaint, list other industry experts like AMSA and the Better Business Bureau to assist with the “doing your homework” part of finding a mover.
- 4) Generate discussion and interest offline
  - a) Position brand ambassadors on college campuses to help spread the word on how to “protect your move.”
  - b) Collaborate with industry stakeholders to target individuals who are experiencing life events that might necessitate a move (e.g., marriage, new home, graduation, new job, retirement).

**Recommendation #1**

**Develop and maintain modern communications tools, platforms, and partnerships to educate consumers. (For suggested approaches, see the examples listed in Part II, Section 2C.)**

***3. Education Modules*****A. Challenge**

As mentioned in Part II, Section 1, FMCSA currently makes good educational materials and information available to consumers on the Protect Your Move website, but much of the material is too lengthy. Consumers today are more likely to read and understand information presented in short modules that are quick to read and easy to understand. The way the current “Protect Your Move” information is being delivered does not reflect current learning styles and consumers are not fully reading and comprehending this information until after a problem arises.

**B. Observations**

Lengthy, verbose messaging is not effective with today’s consumer. A modular approach to education is preferable for several reasons:

- ☐ It breaks the information down into shorter snippets that can be read and understood quickly, rather than overwhelming consumers with information.
- ☐ It creates the opportunity to help people at different phases of the moving process. Consumers can jump to the module that is relevant to them at their current phase in the moving process, and this module can provide information and links to the resources that are most relevant to them.
- The modules can be used to provide information very early in the moving process—or before consumers have even started the moving process—without overwhelming consumers with too much information upfront.

**C. Recommendation**

FMCSA should develop a modular approach to education. Examples of possible modules and the information they should contain can be found in Appendix B. In general, modules should be formatted chronologically to guide consumers through the moving process. As an example, they could be broken down into the following categories:

- First steps: I’ve made my decision to move. What’s next?
  - ☐ Selecting a mover: How do I make an informed decision on a mover? What questions do I need to ask?
  - ☐ What to look for and expect on Moving Day.
  - ☐ What to look for and expect on Delivery Day.

Furthermore, outreach opportunities could be related to the most relevant module based on the type of outreach needed. FMCSA could provide outreach information in each of the different modules to meet different needs. For example, the “First steps” module might be good for general outreach to the public, while “What to look for and expect on Delivery Day” would be more applicable to someone who has already started the moving process.

The Working Group also recommends including definitions of important moving-industry terminology throughout the modules. For example, consumers should understand the difference between valuation and insurance, what “spread dates” are, and other moving industry terms. The definitions could be embedded in the text so that when a consumer hovers their mouse over the term, the definition will appear.

### **Recommendation #2**

**Develop online (and other) education modules that are short and easily understood, and aligned with the different phases of the moving process. (See Appendix B for suggested modules and content.)**

## ***4. Education for the Moving Industry***

### **A. Challenge**

There are no public resources targeting movers as an audience today. FMCSA does not currently provide training or materials to assist movers in their public education efforts.

### **B. Observations**

Consumers often receive initial estimates from either movers or brokers, and are more likely to get their initial information from the entity that provides the estimate rather than from FMCSA. Because movers or brokers may be the ones to provide estimates and initial information to consumers, the moving industry could be a valuable partner to FMCSA in spreading consumer protection education and outreach.

FMCSA oversees the licensing process and other regulatory requirements, but does not currently provide educational tools to movers or brokers. Educational materials and training would be a valuable asset to newly licensed entities, and one opportunity for providing the information to movers could be during the New Entrant Safety Audits. FMCSA could also use other tools and platforms to provide the information to more established moving companies.

### **C. Recommendation**

FMCSA should provide simple, easy-to-use educational tools for movers so that they can become partners in the consumer protection education and outreach effort. These tools could include website content, webinars, videos, or any other training or materials that FMCSA deems appropriate. FMCSA should develop a “train the trainer” approach, so that once members of the

moving industry are trained, they would be equipped to educate consumers about how to avoid moving fraud.

The target audience for these trainings and materials would be new entrant brokers and motor carriers, as well as established motor carriers. If well-informed, movers and brokers will be better equipped to provide accurate information and advice to consumers.

This Working Group believes that movers and brokers would take full advantage of the opportunity to receive free, voluntary training and materials from FMCSA. Both industry and FMCSA would benefit from this partnership. Movers and brokers would receive the benefit of free training and materials, and would be able to demonstrate to their customers that they are taking an active role in FMCSA's consumer protection outreach. FMCSA would benefit by having a broad network of movers and brokers nationwide helping to educate consumers.

Voluntary training opportunities should be available in collaboration with FMCSA, State agencies, other stakeholders, and industry partners. By partnering with industry and other stakeholders, FMCSA can greatly expand the reach of their consumer protection message.

### **Recommendation #3**

**Develop and maintain modern tools to assist the moving industry with its efforts to educate consumers.**

## ***5. Additional Resources for FMCSA***

### **A. Challenge**

There is currently a lack of dedicated FMCSA resources, in terms of both staff and funding needed to manage and deliver year-round modern educational outreach to consumers and industry.

### **B. Observations**

There is currently less emphasis on HHG consumer protection in terms of the amount of resources allocated to this mission as compared to the FMCSA safety mission. Victims of moving fraud suffer substantial hardship, additional stress, and possibly loss of all possessions and keepsakes, and this issue deserves more attention, emphasis, and resources than it currently receives. Although this Working Group understands that FMCSA's primary mission is safety, Congress and the Secretary should recognize that funding directed toward consumer protection is funding well spent because it reduces the need for enforcement and saves money in the long run.

FMCSA currently lacks the dedicated funding and necessary personnel to maintain a year-round consumer education campaign. Currently, FMCSA has five personnel at DOT Headquarters that are dedicated to HHG compliance and enforcement. These headquarters personnel have many responsibilities, including complaint handling and data analysis, managing partnerships with State partners, developing policies, developing curriculum and instructing HHG courses, and coordinating enforcement efforts among nine commercial enforcement specialists located



throughout the country (a list of current FMCSA resources, publications, and training courses can be found in Appendix C). In addition to these other responsibilities, they also oversee FMCSA's HHG consumer protection outreach efforts. These FMCSA personnel have done great work and are dedicated to consumer protection, but are constrained by limited resources. Enforcement is always the first priority for FMCSA's HHG team, and FMCSA's personnel are often kept busy trying to resolve active hostage load situations, which leaves less time and fewer resources for consumer protection efforts.

Although some consumer protection resources are available from FMCSA year-round, the annual outreach campaign is constrained to within peak moving season (April through October) due to budget limitations. In order to expand the campaign, FMCSA would benefit from additional funding for more personnel with the right expertise (marketing, social media, etc.) dedicated to consumer education year-round. As discussed in the previous sections, year-round outreach is critical to increasing general public awareness.

Additional funding would allow FMCSA to expand and improve the effectiveness of educational programs. For example, FMCSA would be able to strive for a broader level of awareness for the general public rather than focusing efforts on consumers who are actively planning a move during moving season. Furthermore, additional staff and resources for consumer protection, education, and enforcement on a national scale is an abundantly reasonable request because of the evolution of the market for moving services (i.e., increased public use of the internet).

### **C. Recommendation**

In order to create an effective campaign that improves public awareness, FMCSA will need additional resources provided to procure full time, year-round, dedicated resources and personnel (either Federal or contracted) with the expertise needed to implement state-of-the-art education utilizing the internet as a tool. This will allow FMCSA to make consumer protection a priority, and will allow them to expand their campaign so that it will run year-round. It will also allow them to improve their campaign by having more resources dedicated to managing the campaign and associated contractors, thus ensuring its effectiveness.

There are other, non-personnel-related costs associated with creating an effective, continuously improving year-round campaign, such as costs associated with purchasing air time for commercials, search engine optimization tools, advertising fees, supplies and materials, and many others. Additionally, the different types of expertise required to develop an effective outreach campaign will need to be acquired through contracts with IT developers, web designers, data analysts, marketing and communications experts, and others.

An effective consumer outreach campaign should be data-driven. FMCSA should collect and analyze data to determine if their campaigns are effective. For example, FMCSA could conduct intake interviews with consumers who have become victims of moving fraud. Using the results of the data analysis, they could modify their outreach efforts as needed.

FMCSA should also collaborate with other organizations to further their educational mission. Other organizations may be able to provide guidance on how best to develop the aforementioned

intake interview questions, or could provide input about marketing tactics that have been effective in the past. Additionally, FMCSA should be collaborating with members of the public and industry to develop partnerships that will help further spread the consumer protection message. Resources are needed to develop and manage these critical relationships.

FMCSA will also require resources to develop effective content delivery and messaging tactics. The agency will need funding to consult with or hire personnel with marketing and communications expertise, and to develop a strategic consumer protection education plan.

Congress should ensure that FMCSA is provided the resources needed to deliver this critical information to consumers in an effective way. Of note, funding spent on consumer education is an efficient and effective use of Federal dollars because this money has the potential to directly improve the lives of consumers by preventing consumers from experiencing moving fraud. Although enforcement is also very important, FMCSA has limited ability to recover a consumer's goods if consumers have become the victim of a moving fraud scheme. By increasing funding and dedicating it to consumer education, FMCSA can take steps to prevent this hardship from occurring in the first place.

### **Recommendation #4**

**Provide additional funding for staff and resources dedicated to HHG consumer education. This funding would allow FMCSA to:**

- **Procure full time, year-round, dedicated resources and personnel (either Federal or contracted) with the expertise needed to implement state-of-the-art education utilizing the internet as a tool for the purpose of consumer protection education and outreach efforts.**
- **Collect data (such as intake interviews) to ensure that education and outreach efforts are effective and continuously improving.**
- **Collaborate and build partnerships with industry, the public, and other organizations.**
- **Develop content delivery and messaging tactics for consumer protection education and outreach.**

## ***6. Items Considered and Rejected***

### **A. Ombuds Position**

Initially the Working Group considered recommending that FMCSA create an ombuds position within their organization, similar to the type of position that the Federal Maritime Commission utilizes to provide consumers with preventative information in protecting their move. The ombuds would conduct general outreach and answer questions and inquiries from consumers. However, this idea was ultimately not recommended because it was decided that this recommendation would be too prescriptive. The Working Group instead decided to recommend that FMCSA be granted more resources dedicated to consumer protection, so it could determine how best to use these resources within their organization.



## III. PAPERWORK REQUIRED OF MOTOR CARRIERS AND SHIPPERS

### ***1. Description of FAST Act Requirement and Working Group Goals***

Under the FAST Act, Congress directed the HHG Consumer Protection Working Group to develop recommendations on reducing and simplifying the paperwork required of motor carriers and shippers in interstate transportation.

The Working Group discussed their interpretation of the FAST Act's intent and determined their goals and values as they relate to this task. The recommendations described in Part III were developed to meet the following goals:

***1. Streamline and reduce the paperwork to make the moving process easier for both consumers and movers.***

Currently there is a cumbersome amount of paperwork (occasionally as many as 80+ pages of paper for one move) involved in the moving process. Some paperwork items are repetitive or duplicative, and the amount of paperwork can be so overwhelming for consumers that they may not read it carefully. It can be difficult for consumers to distinguish which paperwork items are the most important to retain if they receive multiple documents that all look similar and contain similar information.

***2. Eliminate existing loopholes that put the consumer at risk.***

Some of the existing required documents contain loopholes that can be used by rogue operators to intentionally mislead or cheat consumers. The Working Group aimed to eliminate any of these loopholes that they have identified to better protect consumers while also simplifying the paperwork requirements.

***3. Provide information to consumers earlier in the process, so that they have the opportunity to educate themselves before entering into an agreement with a mover or broker.***

The current requirements aim to inform consumers by requiring movers to provide the "Ready to Move?" brochure and "Your Rights and Responsibilities When You Move." However, the Working Group determined that these documents were provided too late in the process, after consumers had already selected a mover. The Working Group sought to make recommendations that would provide information to consumers earlier in the process so that they may have an opportunity to educate themselves before entering into a contract.

***4. Make it easier for FMCSA to take enforcement action against rogue operators without overburdening the reputable movers who are doing business in good faith.***

Reducing paperwork will not only prevent movers from being overburdened by multiple document requirements, but it will also help FMCSA to regulate movers if existing loopholes are closed and the current paperwork requirements are streamlined and simplified.

Part III is organized into sections, and each section corresponds to a specific paperwork requirement. The current paperwork requirements are described in Table 2 below. Movers may, and frequently do, provide additional non-required documents, e.g., invoices.

**Table 2. Current Paperwork Requirements**

<b>Document Name</b>	<b>Document Requirements</b>
“Ready to Move?” Brochure	<ul style="list-style-type: none"><li>• Must be given to consumers when the estimate is delivered.</li><li>• Required text is provided by FMCSA.</li><li>• The brochure can be provided as paper copy or by providing a hyperlink on the carrier’s website (with written waiver from the consumer).</li></ul>
“Your Rights and Responsibilities When You Move” Publication	<ul style="list-style-type: none"><li>• “Your Rights and Responsibilities When You Move” is the contents of Appendix A of 49 C.F.R. Part 375 (Department of Transportation publication FMCSA-ESA-03-006, or its successor publication).</li><li>• Must be furnished to prospective individual shippers prior to executing an order for service for a shipment of household goods.</li><li>• Unless copied exactly from Appendix A, published copies must:<ul style="list-style-type: none"><li>○ be printed using 10 point type font or larger; size must be at least 36 square inches.</li><li>○ the following must appear prominently on the front cover in 12 point or larger bold or full-faced type font: <i>“Your Rights and Responsibilities When You Move, Furnished by [Your Mover], as Required by Federal Law.”</i></li></ul></li><li>• Consumers can waive physical receipt of the pamphlet and elect to access it via the hyperlink, but carrier must:<ul style="list-style-type: none"><li>○ include a statement of waiver on the estimate; and</li><li>○ obtain a signed and dated receipt showing consumer has received the pamphlet information on the internet.</li></ul></li></ul>
Notice of availability of carrier’s tariff	<ul style="list-style-type: none"><li>• Must be given to consumers before executing an order for service.</li><li>• This notice must include an explanation that consumers can examine the tariff or have copies sent to them upon request.</li></ul>
Summary of arbitration program	<ul style="list-style-type: none"><li>• A clear, concise summary of the arbitration program must be given to consumers before executing an order for service.</li></ul>
Summary of complaint and inquiry handling procedures	<ul style="list-style-type: none"><li>• A clear, concise, easy-to-read summary of the process for handling consumer complaints and inquiries must be given to the consumer before executing an order for service.</li><li>• This document must include:<ul style="list-style-type: none"><li>○ the main telephone number the consumer can use to communicate with the carrier; and</li><li>○ a clear, concise, statement concerning who must pay for telephone calls.</li></ul></li></ul>

Document Name	Document Requirements
Estimate	<ul style="list-style-type: none"> <li>• The estimate must be given to consumers before executing an order for service.</li> <li>• It must be in writing and concise, “easy-to-read,” and accurate.</li> <li>• The estimate must be based on a physical survey of the goods to be transported (2 exceptions; see below).</li> <li>• All estimates must include following: <ul style="list-style-type: none"> <li>○ the date of the estimate;</li> <li>○ total charges, including charges for any accessorial services;</li> <li>○ if the estimate is volume-based, an explanation of formula used to calculate conversion to weight;</li> <li>○ indication of whether the estimate is binding or non-binding;</li> <li>○ form of payment the carrier will honor at delivery; and</li> <li>○ the liability election notice provided in the STB’s released rates order.</li> </ul> </li> <li>• <i>Binding</i> estimates must additionally include: <ul style="list-style-type: none"> <li>○ on the face of the estimate, a statement that the estimate binds both parties and that charges only apply to listed services;</li> <li>○ a clear description of the services the carrier provides;</li> <li>○ the amount the consumer will be expected to pay for delivery.</li> </ul> </li> <li>• <i>Non-binding</i> estimates must be based on weight and must additionally include: <ul style="list-style-type: none"> <li>○ on the face of the estimate, a statement that the estimate isn’t binding and that charges are only approximate;</li> <li>○ a statement that the shipper won’t be required to pay more than 110% of the estimated amount at delivery;</li> <li>○ on the face of the estimate, a description of the entire shipment and all services being provided;</li> <li>○ a reasonably accurate estimate of the approximate costs a consumer should expect to pay;</li> <li>○ a statement that final charges will be those appearing in the tariff and may exceed estimate amount.</li> </ul> </li> <li>• Both the consumer and the carrier must sign the estimate.</li> <li>• The estimate cannot be amended after loading occurs.</li> </ul>
Waiver of Visual Survey	<ul style="list-style-type: none"> <li>• Consumers may elect to waive a physical survey in writing prior to load.</li> <li>• A copy of written waiver must be retained as an addendum to a bill of lading.</li> </ul>
Revised Estimate	<ul style="list-style-type: none"> <li>• Before loading, if it appears a consumer has tendered additional household goods or requires additional services not identified in the estimate, the motor carrier is not required to honor the estimate.</li> <li>• If the motor carrier decides to service the shipment, the motor carrier must either: <ul style="list-style-type: none"> <li>○ reaffirm the estimate; or</li> <li>○ negotiate a revised written estimate; or</li> </ul> </li> </ul>

Document Name	Document Requirements
	<ul style="list-style-type: none"> <li>○ if the estimate is binding, agree with the consumer, in writing, that both will consider the original binding estimate as a non-binding estimate.</li> <li>● Once the motor carrier loads a shipment, failure to execute a new estimate signifies the motor carrier has reaffirmed the original estimate.</li> </ul>
Order for Service	<ul style="list-style-type: none"> <li>● The order for service must be provided before the motor carrier receives the shipment.</li> <li>● It must be in writing.</li> <li>● The order for service must include following:               <ul style="list-style-type: none"> <li>○ motor carrier's name, address and DOT number;</li> <li>○ consumers' name, address and, if available, telephone number;</li> <li>○ name, address, and telephone number of the motor carrier or its agent located nearest to destination;</li> <li>○ telephone number where consumer can contact motor carrier or its designated agent;</li> <li>○ either the agreed pick-up and delivery dates, the agreed period of the entire move or, if moving on a guaranteed basis, the guaranteed dates or periods for pick-up, transportation, and delivery;</li> <li>○ any penalties or per diem requirements on the agreed-upon dates (described above);</li> <li>○ names and addresses of any other motor carriers, when known, who will participate in interline transportation of shipment;</li> <li>○ form of payment motor carrier will honor at delivery (must be the same as what is entered on estimate);</li> <li>○ terms and conditions for payment of total charges;</li> <li>○ maximum amount motor carrier will demand at time of delivery to deliver shipment;</li> <li>○ either statement of declared value of shipment if released under Full Value Protection (FVP) or consumer's written waiver of FVP;</li> <li>○ The STB's required released rates statement;</li> <li>○ Charges, if any, for optional valuation coverage (other than FVP);</li> <li>○ Complete description of any special or accessorial services ordered and minimum weight or volume charges applicable to shipment and associated charges (unless tariff provides computation of final charges based upon actual weight);</li> <li>○ any identification or registration number motor carrier assigns to shipment;</li> <li>○ whether consumer requests notification of charges before delivery;</li> </ul> </li> </ul>

Document Name	Document Requirements
	<ul style="list-style-type: none"> <li>○ if non-binding estimate: reasonably accurate estimate of amount of charges and maximum;</li> <li>○ amount motor carrier will demand at time of delivery to relinquish shipment (can't be more than 110% of estimate); and</li> <li>○ if binding estimate: amount of charges motor carrier will demand based upon binding estimate and terms of payment thereunder.</li> <li>● The order for service must be signed by both the motor carrier and the consumer and dated by the motor carrier.</li> <li>● The motor carrier can provide a blank or incomplete order for service.</li> <li>● The motor carrier can require the consumer to sign an incomplete order for service at the origin of the move, provided it contains all relevant shipping information except the actual shipment weight and any other information needed to determine final charges for all services performed.</li> <li>● Consumers can rescind the order for service, without penalty, for a 3-day period after consumer signs the order for service, if the consumer scheduled the shipment to be loaded more than 3-days after signing the order for service.</li> <li>● The order for service can be amended prior to load, but not after.</li> </ul>
Inventory	<ul style="list-style-type: none"> <li>● An inventory is a complete itemized list of the contents of a shipment and the condition of these items.</li> <li>● The inventory must be prepared at the time that the mover loads the shipment.</li> <li>● The consumer must have an opportunity to observe and verify the accuracy of the inventory, if he/she requests.</li> <li>● The inventory must identify every cartoned and uncartoned item included in shipment.</li> <li>● An identification number corresponding to the inventory must be placed on each article included in shipment.</li> <li>● The consumer must be furnished with a copy of the inventory before or at time the shipment is loaded.</li> <li>● The mover and consumer must sign the inventory before or at the time the shipment is loaded.</li> <li>● The signed copy of the inventory must be given to the consumer before or at the time the shipment is loaded.</li> <li>● Upon delivery, the consumer must be given: <ul style="list-style-type: none"> <li>○ An opportunity to observe and verify their same articles are being delivered and the condition of those articles;</li> <li>○ An opportunity to note in writing any missing articles and condition of any damaged/destroyed articles; and</li> <li>○ A copy of any notations made by consumer (above).</li> </ul> </li> </ul>

Document Name	Document Requirements
High Value Inventory	<ul style="list-style-type: none"> <li>• If the shipment is released at greater than \$0.60 per pound per article, shippers must notify the HHG carrier in writing of any high-value items, which are valued at more than \$100 per pound.</li> </ul>
Bill of Lading	<ul style="list-style-type: none"> <li>• The bill of lading is the contract between a motor carrier and an individual shipper for the transportation of a shipment.</li> <li>• Under current regulations, the information on a bill of lading is required to be the same information shown on the order for service.</li> <li>• The individual shipper must receive a copy of the bill of lading before the shipment leaves the origin address.</li> <li>• The bill of lading must be in writing.</li> <li>• It can be combined with the order for service.</li> <li>• The bill of lading must include the following: <ul style="list-style-type: none"> <li>○ the carrier's name, address, and authority registration number under which the service is provided;</li> <li>○ names and addresses of any other carriers, when known, who will participate in interline transportation of shipment;</li> <li>○ carrier's or its agent's located nearest to destination name, address, and telephone number;</li> <li>○ consignor's and consignee's name, address, and phone number;</li> <li>○ description of freight;</li> <li>○ unit or volume;</li> <li>○ origin and destination points;</li> <li>○ form of payment they will honor at delivery (must be same as what is entered on estimate and order for service);</li> <li>○ if non-binding estimate, the amount of estimate charges;</li> <li>○ name, address and, if furnished, phone or fax number, or email of person to notify charges;</li> <li>○ if non-guaranteed service, the agreed pick-up and delivery dates, the agreed period of the entire move (must be the same as entered on the order for service, or proper amendment to the order for service);</li> <li>○ if guaranteed service, the guaranteed dates or periods for pick-up and delivery and any penalties or per diem requirements;</li> <li>○ terms and conditions for payment of total charges;</li> <li>○ maximum amount the carrier will demand at time of delivery to deliver shipment consumer's elected valuation;</li> <li>○ the STB's required released rates statements;</li> <li>○ charges, if any, for optional valuation coverage (other than FVP);</li> <li>○ evidence of any insurance sold or procured for consumer from an independent insurer, including amount of premium;</li> </ul> </li> </ul>

Document Name	Document Requirements
	<ul style="list-style-type: none"> <li>• The bill of lading (or other delivery document) cannot include any language that releases or discharges the carrier from any liability for the shipment.</li> <li>• The bill of lading (or other delivery receipt) can, but isn't required to, include a statement that the shipment was received in apparent good condition, except as noted on documents.</li> <li>• The bill of lading, or other document, can include customer's written waiver of observation of re-weigh of shipment, when applicable.</li> <li>• A copy of the bill of lading must accompany the shipment at all times, starting before vehicle leaves origin.</li> <li>• The carrier can provide a blank or incomplete bill of lading.</li> </ul>
Attachment to Bill of Lading	<ul style="list-style-type: none"> <li>• After the shipment is loaded, if additional services are required or requested, the consumer must be informed of additional services and charges and be given one hour to agree (only if required, not requested).</li> <li>• If the consumer agrees, the consumer must sign a written acknowledgment of services and the document will be attached to the bill of lading.</li> <li>• If the consumer refuses or isn't available to sign, then this should be noted by the driver and the mover should only perform those additional services as are required to complete delivery.</li> </ul>
Weight Tickets	<ul style="list-style-type: none"> <li>• A written scale ticket from a certified scale (unless shipment weight 3,000 pounds or less) is required.</li> <li>• Two tickets are required for each shipment.</li> <li>• Timing depends on the method of weighing chosen.</li> <li>• Weight tickets must include: <ul style="list-style-type: none"> <li>○ complete name and location of scale;</li> <li>○ date of weighing;</li> <li>○ identification of the weight entries as being tare, gross or net weights;</li> <li>○ the company or carrier identification of vehicle;</li> <li>○ the last name of the consumer as it appears on the bill of lading;</li> <li>○ the carrier's shipment registration or bill of lading number.</li> </ul> </li> <li>• If both weighings are performed on the same scale, one ticket may be used to record both.</li> </ul>
Notice of Conversion	<ul style="list-style-type: none"> <li>• If a shipment is held in storage in transit for the maximum period described in the mover's tariff, it may convert to local, permanent storage.</li> <li>• The mover must issue written notice of conversion to the consumer 10 days prior to the end of the storage-in-transit period via fax, email, overnight courier, or certified mail.</li> <li>• The notice must include:</li> </ul>



<b>Document Name</b>	<b>Document Requirements</b>
	<ul style="list-style-type: none"><li>○ date of conversion;</li><li>○ notice of start of 9-month claims filing period;</li><li>○ notice that mover liability is ending;</li><li>○ notice that continuing storage is subject to rules, regulations, and charges of warehouseman.</li></ul>
Freight Bill	<ul style="list-style-type: none"><li>• The freight bill must be presented to the consumer within 15 days (excluding Saturdays, Sundays, and Federal holidays) of the date of delivery at the destination.</li><li>• The freight bill must be “honest” and “truthful” (cannot present any false or misleading information about the actual rate, charge, or allowance to any party to the transaction).</li><li>• It must disclose actual rates, charges, or allowances for any service and also disclose whether and to whom any allowance or reduction in charges is made.</li><li>• It must include:<ul style="list-style-type: none"><li>○ names of consignor and consignee;</li><li>○ date of shipment;</li><li>○ origin and destination points;</li><li>○ weight, volume of freight;</li><li>○ exact rate assessed;</li><li>○ total charges due, including nature and amount of any charges for special service and the points at which such service was rendered;</li><li>○ name of each carrier participating in transportation;</li><li>○ address where remittance must be made or address of bill issuer’s principle place of business;</li><li>○ all rates and charges must be in accordance with carrier’s tariff, including payment method.</li></ul></li><li>• The freight bill must provide customer 30 days to pay.</li><li>• The freight bill must include true copies of all weight tickets to collect any charges dependent upon weight.</li><li>• When the freight bill is electronic, a receipted copy shall be given to the payor upon payment.</li></ul>
Rate Information	<ul style="list-style-type: none"><li>• On a consumer’s request, a carrier must provide a written or electronic copy of the rate, classification, rules, and practices upon which any rate applicable to shipment or agreed upon between parties is based.</li></ul>



## ***2. Your Rights and Responsibilities When You Move (FMCSA-ESA-03-006)***

### **A. Document Description**

The recommendations in this section pertain to FMCSA-ESA-03-006, “Your Rights and Responsibilities When You Move.”

Movers are required to provide “Your Rights and Responsibilities When You Move” to a prospective individual shipper before an order for service is executed. The requirements relating to the content and delivery of this pamphlet can be found in 49 U.S.C. §14104(b)(2) and 49 C.F.R. §375.213 and Appendix A to Part 375. The general purpose of this document is to inform prospective shippers about their rights and responsibilities, as well as to explain some of the terminology, paperwork requirements, and regulations that govern the household goods moving industry.

### **B. Discussion**

“Your Rights and Responsibilities When You Move” was updated by FMCSA in 2013 but the updates were not officially adopted in the Code of Federal Regulations. The revised version is improved and streamlined, and also incorporates new valuation requirements issued by the STB. The 2013 version is available on FMCSA’s website, but some movers are still distributing copies of the pre-2013 version. FMCSA currently permits distribution of both versions. The pre-2013 version is the one officially referenced in 49 C.F.R. §375.213, but in May of 2013 FMCSA issued an FRN which provided guidance and allowed for the distribution of both versions [78 FR 25782, May 2, 2013].<sup>16</sup> The FRN stated that FMCSA intended to publish a proposed rulemaking at a later date soliciting comments on the new streamlined version, but FMCSA has not yet initiated the rulemaking process. The pre-2013 version is long and cumbersome, and therefore less helpful to consumers. For that reason, the rulemaking process should be initiated and the 2013 version of this document should be formally adopted.

Additionally, this document will need to be updated again if certain recommendations of this Working Group are accepted. For example, the current (2013) version mentions that an order for service is required, which will no longer be correct if the recommendations of this Working Group are implemented.

The Working Group noted that, although the 2013 version is much improved, there is still an opportunity for the language to be condensed and streamlined. The Working Group recommends that FMCSA look for more opportunities to further condense and streamline the document, but will defer to FMCSA to determine the specific areas that should be reduced or simplified.

Currently, shippers are required to waive their right to receive a paper copy of this document in order to receive an electronic copy, and the mover must retain that waiver. Electronic delivery is

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<sup>16</sup> <https://www.regulations.gov/document?D=FMCSA-2013-0161-0001>

an acceptable means of delivery in today's business world, and the regulations should be flexible enough to allow the industry to adapt to modern business practices without additional, cumbersome requirements that may make traditional FSMs unappealing to modern consumers (see Part II, Section 2B). Furthermore, consumers often prefer electronic delivery because paper gets lost or packed in a box during the move, so this recommendation is in the best interest of consumers. This Working Group recommends that FMCSA remove the additional step of requiring consumers to waive their right in writing to receive the paper version, in order to receive an electronic version. Paper copies should still be considered acceptable if the consumer or mover prefers the paper version. The intent is not to eliminate the use of a paper version altogether, but rather to make the process simpler for shippers and movers that prefer electronic documents. The burden of proof will be on the mover to choose how they will demonstrate that they have provided this document to the consumer (FMCSA does not have to dictate how HHG carriers will prove that the document was delivered as this is the HHG carrier's or broker's responsibility).

Currently, this document must be provided prior to executing the order for service. This is often too late in the process to be useful. When the order for service is signed, the shipper has entered into a contract and they no longer have the flexibility to select a different mover. Movers should be required to provide this document along with the estimate, while the shipper is still in the decision-making process.

### C. Recommendation

#### **Recommendation #5**

**This Working Group recommends the following with regard to FMCSA-ESA-03-006, "Your Rights and Responsibilities When You Move":**

- ☐ **The 2013 version should be formally adopted by rulemaking to officially replace the pre-2013 version which FMCSA currently permits movers to choose to use in lieu of the formally approved wording.**
- ☐ **FMCSA should look for opportunities to further condense and streamline this document.**
- ☒ **If applicable, and as other recommendations are adopted in the future, the contents of this document should be updated to reflect the changes that are implemented as a result of this Working Group's efforts.**
- ☐ **It should be acceptable for movers to provide this document electronically without requiring the shipper to provide written consent to waive their right to a hard copy.**
- ☐ **Movers should be required to provide this document earlier in the move process (along with the estimate instead of before the order for service.)**

### 3. Estimate

#### A. Document Description

Movers are required to provide consumers with a written estimate of the total charges. There are two types of estimates, binding and non-binding.

According to 49 U.S.C. §14104(b)(1) and 49 C.F.R. §375.401, movers are required to conduct a physical survey of the household goods to be transported and must provide the prospective individual shipper with a written estimate, based on the physical survey, of the charges for their transportation and all related services. There are two exceptions to the requirement to conduct a physical survey:

- (1) If the household goods are located more than 50 miles from the household goods motor carrier's agent preparing the estimate, the requirement to base the estimate on a physical survey does not apply.
- (2) An individual shipper may elect to waive the physical survey.

Estimates play a vital role in the moving process and consumer protection because this document establishes the *maximum* amount a mover can generally require a consumer to pay in exchange for delivery of the shipment. Federal law and regulation limit movers from demanding payment of more than 100% of the amount of a binding estimate or 110% of a non-binding estimate. Movers must defer collection of any other amounts due until after delivery has occurred. There are two exceptions to these collection limits:

- (1) Movers may demand payment of 100% of all charges for additional services requested by the consumer after loading has commenced; and
- (2) Movers may collect up to 15% of all other charges collected at delivery for impracticable operations, as defined in the mover's tariff.

Estimates may *not* be amended or changed after loading of the shipment has commenced. This is because once a consumer's household goods are in the possession of the mover, the mover is deemed to have an imbalance in power over the consumer.

#### B. Discussion

##### Amending an Estimate

The Working Group discussed the possibility of eliminating loopholes that can be exploited by rogue operators. One such loophole pertains to the practice of amending an estimate.

In accordance with 49 C.F.R. §375.403(a)(6) (binding estimates) and 375.405(b)(7) (non-binding estimates), movers have several options if the shipper has tendered additional household goods or requires additional services not identified in the binding estimate. They may choose not to service the shipment, or they may choose one of the following three options:

1. Reaffirm the estimate and service the shipment despite the changes.

2. Negotiate a revised written estimate accurately listing, in detail, the additional household goods or services.
3. If binding, agree with the individual shipper, in writing, that both parties will consider the original binding estimate as a non-binding estimate subject to 49 C.F.R. §375.405.

Once the mover loads the shipment, failure to execute a new estimate signifies it has reaffirmed the original estimate and it will be limited by that estimate to the amount it may collect from the shipper prior to delivery.

FMCSA also issued guidance in 2011, which clarifies the regulations in clear language that movers may not require shippers to sign “revised written estimates” or other documents authorizing the mover to rescind an estimate unless the shipper and carrier mutually agree to amend the estimate and the shipper must sign a *new estimate before* the carrier loads the shipment.<sup>17</sup> This guidance should be formally adopted into the Code of Federal Regulations.

One way that rogue operators currently document changes to estimates is through a form purporting to amend the estimate and which includes a checkbox that indicates whether or not the estimate was amended prior to commencement of loading. Rogue operators will take advantage of this type of form by checking the box *after* the individual shipper has signed the document and nearly always after loading has commenced. Investigators have no way of knowing whether or not the box was checked at the time the shipper signed the estimate or prior to loading.

The Working Group recommends that FMCSA amend current regulations by adding language to clarify that issuing a completely new estimate is the only option for the mover if the conditions of the estimate must change prior to load, and that amendments to original estimates are *not* permitted. This new estimate must also be signed by the individual shipper and a record of the date, time, and manner that the new estimate was accepted must be provided.

The amount listed on an estimate is very important because it fixes the amount of money that a mover can collect prior to shipment delivery. Alterations made to the estimate can impact the amount of money that a shipper is required to provide to the mover prior to delivery. For this reason, estimates should only be revised after the shipper and mover come to a mutual agreement, and only when the new, revised estimate (as opposed to simply amending the original estimate) is signed by the shipper *prior* to loading the shipment. Once loading has started, the shipper is under enormous pressure to agree to the movers’ requested changes since they have possession of their property.

Members of the Working Group reached out to members of the moving industry to determine if this recommendation would create undue hardship for movers. There was one concern about the technical challenges of creating a revised estimate, but all of the other movers who responded did not think this requirement would be problematic from a technical standpoint. The few stakeholders who determined that this change would cause hardship noted that some movers do

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<sup>17</sup> <https://www.regulations.gov/document?D=FMCSA-2011-0249-0001>

not provide electronic estimates and some customers cannot or prefer not to receive electronic estimates. Movers could need to upgrade to electronic estimates soon to keep up with the demands of the current business world, and all movers (regardless of their technical capabilities) will need to determine how they will accommodate consumers who prefer paper copies of estimates. The Working Group does not want to delay this recommendation to wait for the few movers and consumers who were not currently using electronic documents or communications processes. This loophole (amending the estimate rather than issuing a new document) has caused significant hardship for consumers and should be addressed, despite the few movers who may be opposed to this recommendation.

Aside from the technical challenges, other movers had concerns about what the new process would look like given that there are often changes that happen on move day (i.e., would the mover need to send a sales person?). The Working Group considered outlining a recommended process, but decided that the recommendation should be flexible enough to allow movers to determine their own processes.

### **Physical vs. Visual Survey**

Despite the legal requirement to perform physical surveys of household goods and base estimates on those surveys, Working Group members discussed how rogue operators never conduct such physical surveys. Rather, they perform telephone or non-visual, online surveys which are rarely accurate representations of items to be moved. This causes inaccurate estimates and problems for consumers when these operators demand more money after shipments are loaded.

The Working Group acknowledged that physical surveys are often inconvenient for consumers, and can be burdensome if they are getting multiple estimates. The Working Group also discussed currently available technology that allows movers to conduct virtual surveys using the customer's smartphone or tablet without the mover needing to be present in the home. Based on the Working Group's experience, the available technology used to conduct these visual surveys can be very good, and virtual surveys should be an acceptable alternative to physical surveys. Virtual surveys are low-cost and more convenient for consumers because they can be conducted at any time of day that best fits their schedule. Allowing a low-cost and convenient alternative to an in-person survey will incentivize consumers not to waive their right to a visual survey, resulting in greater protection for consumers.

The Working Group also discussed the current exception to the survey requirements for consumers who are over 50 miles from the HHG carrier's agent. The reason for this exception is because consumers living in remote areas may not be able to obtain one or more estimates if movers were required to travel long distances to physically inspect shipments. The Working Group determined that since virtual surveys are a realistic possibility, that consumers' ability to obtain a visual survey should not now be waived automatically because of distance. Rather, if consumers' goods are located more than 50 miles from the mover's agent that is providing the estimate, they should be given the option of a visual survey. Consumers should continue to have the option to waive the visual survey if they choose, but movers must offer them the option of a

visual survey regardless of distance. Movers will be required to perform a visual survey unless the *consumer* decides to voluntarily waive the right for such survey.

It should be noted that surveys conducted verbally over the phone without any visual or video component should not be considered acceptable. Likewise, forms filled out online by consumers should not be acceptable. Phone surveys and online forms are often used by rogue operators in place of legitimate visual surveys because consumers are not usually knowledgeable or qualified enough to accurately assess the scope of their move. These types of questionnaires can also be intentionally misleading.

### C. Recommendations

#### **Recommendation #6**

**FMCSA’s guidance should be formally adopted that if a consumer tenders additional items or requests additional services *prior* to load, and the mover agrees to such additions, the mover should prepare a completely *new* estimate (instead of amending the existing one). Additionally, the mover should maintain a record of the date, time, and manner that the new estimate was accepted by the shipper.**

#### **Recommendation #7**

**Change the requirement for a “physical” survey to a “visual” survey. The term “visual survey” should include both physical and virtual surveys.**

#### **Recommendation #8**

**Movers should be required to offer visual surveys for all household goods shipments, including those that are located over 50-miles from the mover’s location. Consumers should continue to have the option to waive in writing the visual survey if they choose, but movers must offer them the option of a visual survey regardless of distance.**

## ***Order for Service***

### A. Document Description

The order for service is a document that authorizes a household goods motor carrier to transport an individual shipper's household goods. The purpose of the order for service is to provide written confirmation of the services that will be provided. There are 15 items of information that are currently required to be on the order for service. These items can be found in 49 C.F.R. §375.501, and also in Appendix D.

### B. Discussion

The bill of lading is the written agreement for the services that will be provided, and contains much of the same information as the order for service. The order for service could be eliminated as a requirement if the critical information on the order for service that is not currently found on



the bill of lading is added to the bill of lading. Since the remaining information is repetitive, this paperwork reduction would be in the best interest of both consumers and movers, and would not put the consumer at any additional risk. Furthermore, movers often combine the order for service with either the estimate or the bill of lading. Since there are only a few unique items on the order for service that cannot be found on other documents, it would be easy to combine this requirement with the bill of lading and, therefore, eliminate an unnecessary document from the current list of paperwork requirements.

For recommendations on how to combine the unique order for service information with the bill of lading, see Part III, Section 4. Note that some companies may choose to continue to use an order for service; it just would not be required by Federal regulation.

### C. Recommendation

#### **Recommendation #9**

**The requirement for an order for service should be eliminated, and the unique, critical items from the order for service should be moved to the bill of lading. (Note: the Working Group is recommending eliminating the order for service as a requirement of all movers, but movers that prefer to use an order for service should still be allowed to do so.)**

### ***Bill of Lading***

#### **A. Document Description**

The bill of lading is the contract between the mover and the consumer for transportation of the HHG shipment. Under current regulations, the information on a bill of lading is required to be the same information shown on the estimate and the order for service. The mover must give the individual shipper a copy of the bill of lading before or at the time of loading the shipment. There are 14 items of information that are currently required to be on the bill of lading. These items can be found in 49 C.F.R. § 375.505, 49 C.F.R. Part 373, and also in Appendix E.

#### **B. Discussion**

As discussed in the previous section, the information currently found on both the order for service and the bill of lading is repetitive and duplicative. It would be in the best interest of consumers as well as the moving industry to remove one of these required documents. Since the bill of lading is the official contract, the Working Group determined that the bill of lading should remain a requirement, and that the order for service could be eliminated if the critical items were moved from the order for service to the bill of lading. The Working Group compared both lists of requirements and determined the critical items that were missing from the current bill of lading.

Additionally, the Working Group discussed eliminating some of the requirements on the bill of lading to further streamline the document and minimize confusion for consumers. For example, the bill of lading currently requires “the names and addresses of any other motor carriers, when known, who will participate in transportation of the shipment.” The Working Group determined



that there should only be one set of contact information, and that should be for the mover who issues the bill of lading since they are the ones who are ultimately responsible for the shipment because multiple points of contact would cause confusion for the individual shipper. The Working Group also recommended adding a statement incorporating the items from the estimate by reference.

Finally, whether or not the recommendation to eliminate the order for service is accepted, the Working Group also recommends that movers be required to provide the bill of lading earlier in the process, *before* a mover receives a shipment from an individual shipper. Essentially, since the Working Group is recommending combining the order for service and the bill of lading, they are also recommending making the bill of lading available to consumers in advance of the day of load, which is often hectic, to *at least* at the stage in the moving process when the order for service was previously provided. Making the bill of lading available earlier in the moving process would be beneficial to consumers as it would allow consumers more time to read and understand their contracts. An added benefit would be that their mover's representative (rather than a driver who is likely an independent contractor) would provide the document and be better able to answer consumers' questions.

Rogue operators tend to not provide documents until after the shipment is loaded, which gives them leverage against the shipper. Therefore, this recommendation is good for consumer protection because it removes the opportunity for this leverage and would support the Working Group's goal of providing the necessary paperwork and information to consumers as early in the process as possible to help give them more time to make informed decisions.

## C. Recommendation

### **Recommendation #10**

**The following changes should be made to the bill of lading requirements:**

- **The carrier's physical address, telephone number, and DOT number should be added to the bill of lading requirements.**
- **The bill of lading should continue to require the carrier's name, and either the legal or trade name registered with FMCSA should be acceptable.**
- **The requirement to provide names, addresses, and telephone numbers of additional motor carriers involved in the move should be eliminated. (However, movers should still be allowed to provide this information if they choose to.)**
- **Any reference to the order for service should be removed from the bill of lading.**
- **Add "Any identification or registration number you assign to the shipment" to the bill of lading requirements (carried over from the current order for service requirements).**
- **A statement should be added that the bill of lading incorporates by reference all of the services and charges printed on the estimate.**

Appendix F contains the recommended updated language for the bill of lading requirements.

### **Recommendation #11**

**The bill of lading should be made available to consumers prior to the date of load, *at least* as early as the time when the order for service was previously provided (before a mover receives a shipment from an individual shipper).**

## ***Freight Bill***

### **A. Document Description**

Movers must provide a freight bill at the time of payment of transportation charges. Freight bills must identify the service provided and the charge for each service, and it is customary for most movers to combine the freight bill with their bill of lading document. However, some movers use an entirely separate document for this purpose.

Freight bills and accompanying written notices must state the following twelve items:

- 1) Names of the consignor and consignee
- 2) Date of shipment
- 3) Origin and destination points
- 4) Weight of shipment
- 5) Exact rates assessed
- 6) Total charges due
- 7) Address for remittance
- 8) Penalties for late payment
- 9) The period of time for any credit extended
- 10) Service or finance charges
- 11) Collection expense charges
- 12) Any applicable discount terms

These items can be found in 49 C.F.R. § 373.103 and 49 C.F.R. Part 375.

### **B. Discussion**

The freight bill requirement is repetitive and unnecessary, reflected in the fact movers typically combine it with the bill of lading. For customers who have already paid for their charges in full, later receipt of this document can be confusing as it provides no new information. For customers with a balance due after their deliveries, an invoice serves as a better understood request for payment.

### **C. Recommendation**

Carriers with HHG authority should not be required to provide a freight bill since it is duplicative and contains the same information as the invoice, the bill of lading, and other documents. To accommodate this change, the language in 49 C.F.R. Part 375 Subpart H should be changed from “freight bill” to “invoice.”

It should be noted that if this recommendation is adopted, movers that prefer to provide a freight bill would still be allowed to do so, but it would no longer be a requirement for all movers.

### **Recommendation # 12**

**Remove the requirement for a freight bill, and the written notices for a freight bill should be transferred to an invoice.**

## ***Other Paperwork Recommendations***

### **A. Discussion**

The Working Group discussed some general recommendations that would apply to all documents, including modernizing the requirements to allow for electronic documents and transmission of documents. The Working Group determined that the regulatory requirements should be adapted to meet the needs of modern consumers and businesses. Electronic documents could provide further protection for consumers because they are more easily retained and if stored in an email account or on the cloud they can be accessed from multiple devices in multiple locations. Hard copies of documents can be easily lost or packed into a box. Furthermore, consumers should not have to continue the required practice of providing a written waiver of their rights to receive a paper copy in order to receive the documents electronically. Such a requirement may have been helpful when electronic commerce was less common, but in today's digital marketplace electronic documents and processes are not only common, but are how consumers expect to be able to do business. FMCSA does not need to determine how movers will prove that they transmitted these documents because the burden of proof will be on the motor carrier.

### **B. Recommendations**

#### **Recommendation #13**

**Finalize the proposed rulemaking published at 79 FR 23306 (4/28/14) to allow for electronic delivery of all required documents.**

#### **Recommendation #14**

**Eliminate the current requirement for consumers to sign a written waiver in order to receive their documents electronically.**

## ***Items Considered and Rejected***

The Working Group also considered making other paperwork and related processes recommendations, but ultimately decided not to move forward with these recommendations.

### **A. Eliminate Non-Binding Estimates**

The Working Group considered but rejected a recommendation to eliminate non-binding estimates. Initially, the Working Group thought eliminating non-binding estimates could improve consumer protection because non-binding estimates provide consumers with less certainty about what the final charges will be. However, members of the Working Group reached out to movers and determined that non-binding estimates have a legitimate purpose and are used frequently in some geographic areas (e.g., New York City) where additional services, such as shuttle services, are more likely to be required and the mover may not necessarily be aware of these charges before the delivery date. In reaching its decision, the Working Group took into consideration protections afforded shippers by current rules limiting the amounts movers can collect from consumers prior to delivery of their belongings.

### **B. Add Date Spreads to Estimates**

The Working Group considered recommending that delivery date spreads be added to estimates. This information is not currently required to be placed on estimates, so the first information a consumer may receive about scheduled delivery times may be on their bill of lading, which currently may not be provided prior to loading day.

The reason for this recommendation was that consumers may not understand the delivery date terms and receiving the information during loading of their shipment may be too late if they do not agree with the terms. The Working Group thought that providing the information sooner would be helpful.

The Working Group also recognized a practice of rogue operators in which the bill of lading identifies a “first available date” which is not actually a delivery date, but signifies the beginning of an unusually long period of time within which the operator can deliver, i.e., often 15-20 business days, which is significantly longer than most mover’s typical 3-4 day delivery spread.

The Working Group discussed whether requiring disclosure on the estimate of a spread that includes both the first and last available dates would mitigate this issue. However, the Working Group concluded that providing date spreads on an estimate could be prohibitively difficult for the moving industry and consumers alike. Consumers do not often know the exact date that they will move when gathering estimates (details like delivery date can be firmed up prior to the move date). In addition, current reasonable dispatch rules should address prohibitively long delivery spreads. Therefore, the Working Group recommends that the topic of date spreads should be covered as part of the consumer education plan (see Appendix B for the recommended education modules).

### **C. Allow Consumers to Waive the Inventory**

The inventory is a complete itemized list of the contents of the shipment and the condition of these items. Movers are required to prepare a descriptive inventory, and must list any pre-existing damage or unusual wear to any items prior to loading the shipment and consumers are required to list any new damage or loss discovered at delivery. Both the shipper and the mover

must sign each page of the inventory. The purpose is to aid consumers in meeting their burden of proof during any subsequent claims process.

The inventory is an important document that protects both movers and consumers. However, the cost of labor for movers required to generate an inventory can be substantial, and it greatly increases the time spent in consumers' homes (something disfavored by many consumers). Unscrupulous operators who ignore the regulation and avoid conducting an inventory are able to offer better prices to consumers. Consumers who do not know that an inventory is required can be tempted by these lower prices, and will unknowingly put themselves at risk.

When these operators do complete inventories, they often describe non-existent damage to property to be loaded in an attempt to protect themselves from later having to pay legitimate customer damage claims. This practice defeats the purpose of inventories and turns a tool intended for use by consumers to aid in the claims process against those it was created to help.

The Working Group also recognized that local or intrastate movers often do not use inventories, apparently without creating problems for consumers. Therefore, the Working Group initially considered recommending that consumers be given the option to waive the inventory. The reasoning for this suggestion was that it would allow consumers to save money, and would allow law-abiding movers to offer competitive prices and removed problems caused by rogue operators. The group also recognized that rapid changes in technology could soon give consumers realistic alternatives to inventories (such as video inventories) and discussed whether allowing consumers to waive the inventory would be helpful in the future. However, the group recognized that this change could also put consumers at risk if they are coerced to waive the inventory without fully understanding the risks of doing so.

Members of the Working Group were conflicted about this potential recommendation, and reached out to other HHG carriers, AMSA members, and other stakeholders to get outside opinions on this issue. Many of the individuals who were contacted opposed allowing consumers to waive the inventory. Movers wanted to continue to use the inventory as a tool/resource to protect themselves against fraud during claims adjudications, and a member of the public submitted a written statement at the second in-person meeting that also cautioned against waiving inventories because they help provide proof of tender.

Ultimately, the Working Group decided that the inventory is an important document that protects both movers and consumers, and that consumers, therefore, should not be given the option to waive the inventory at this time.

### **D. Add High Value Inventory to the Bill of Lading**

Consumers must prepare and present to the mover a separate, written inventory of any high value items (articles that are valued at \$100 or more per pound) included in their shipment. It is not the mover's responsibility to determine if the shipper has any high value items, only to notify the consumer via notice prescribed by the STB on its bill of lading. Rather, the burden is on the individual shipper to notify the mover and prepare this document.

The purpose of this “high value inventory” is to allow the carrier to better understand its potential liability for loss or damage to the shipment. If a consumer fails to provide the mover with this document, or omits any high value article from the inventory, the mover’s potential liability for any high value articles not disclosed will be limited to no more than \$100 per pound per article. Its potential liability for items listed will be their full replacement value, subject to the carrier’s maximum liability limits for that shipment. This only applies to orders released to the mover at the full value protection option. The mover’s liability for all items, including high value items (even if disclosed) in orders released to the mover at the minimum liability option shall not exceed \$0.60 per pound per article.

The Working Group discussed maintaining the requirement for disclosures of high value articles, but eliminating any requirement for a separate document. Rather, the group discussed the high value inventory as a requirement to be printed on the bill of lading. The reasons were two-fold. First, the Working Group recognized that rogue operators do not advise consumers of the need to prepare a separate high value inventory. If the high value inventory were printed on the bill of lading, the consumer would have a better chance of learning about this important requirement and would be better able to protect their ability to receive the maximum amount of compensation for subsequent claims. Second, requiring incorporation of the high value inventory into the bill of lading with the other valuation information would eliminate a separate document and further streamline paperwork processes.

It is very important for consumers to disclose their high value items, and it is in their best interest to make sure they have sufficient coverage. The Working Group ultimately determined that the bill of lading already conveys a great deal of information, and a separate document could highlight the importance of the high value inventory to consumers. Some movers also prefer to keep the high value inventory on a separate, standalone document. Therefore, the Working Group decided that movers should be allowed the flexibility to handle the high value inventory in the way that they deem most appropriate and makes no formal recommendation.

### **E. Create Standard Forms or Templates**

The Working Group also discussed the creation of standard forms or templates. It would be easier for FMCSA to enforce the regulations if the forms were standardized, and FMCSA officials knew exactly where to look on each form to find the information they needed. They would also be able to easily identify if the forms had been modified or manipulated in a way that could harm consumers. However, legitimate movers that have been in business for many years have created their own, customized forms that, while meeting all regulatory requirements, serve to differentiate themselves among competitors and are best suited to their individual business needs. For example, tariff structures can be complicated and can vary widely, so it would be difficult to create a form that could accommodate every pricing structure. Standardized forms may also not be able to change quickly enough to keep up with the speed of changing business practices. Changing forms would also represent a significant information technology investment for most movers, which would serve to make them less competitive against rogue operators who would not likely use the form documents.

The Working Group ultimately decided that although government-specified standardized forms would, in theory, be a useful tool for consumers and regulators, they are not practical to implement at this time.



## IV. PUBLICATION ESA 03005: “READY TO MOVE?”

### ***1. Description of FAST Act Requirement and Working Group Goals***

Under the FAST Act, Congress directed the HHG Consumer Protection Working Group to develop recommendations on condensing FMCSA publication ESA 03005 (“Ready to Move?”) into a format that is more easily used by consumers.

Under 49 C.F.R. §375.213(a), movers are required to provide FMCSA publication ESA 03005 to shippers along with a written estimate. The purpose of the “Ready to Move?” brochure is to provide consumers with information they need to protect themselves and their goods from moving fraud. This brochure is designed to help consumers to choose a qualified, reputable mover, and is an extremely important document for consumers to receive and understand. It is very difficult, and sometimes impossible, for enforcement officials to help consumers recover their goods *after* consumers have been victimized by a rogue operator. That is why it is critical for consumers to receive and understand the right information *before* they select a mover.

The Working Group discussed their interpretation of the FAST Act and proposed changes to the brochure accordingly. The recommendations described in Part IV were developed to address the following concerns:

- The current brochure has too much information for today’s consumer.
- The brochure is not getting to consumers at the right time. It needs to get to consumers prior to the selection of a mover.
- Additionally, the timing of the brochure distribution should be earlier in the moving process to align with the earlier timing of the distribution of “Your Rights and Responsibilities When You Move.” (*See Recommendation #5.*)
- Consumers do not understand the difference between movers and brokers. The revised brochure needs to provide clearly outlined guidance on this.

With these concerns in mind, the Working Group developed the following requirements:

- The new brochure should be designed to be distributed to consumers prior to selecting their mover.
- The key message from the new brochure should be “choose your mover carefully.”

The Working Group’s ultimate goals for the brochure are:

- 1. Keep the brochure short and eye-catching so that consumers will read the information and absorb its message.***

The brochure is often the first touch-point that FMCSA has with consumers. The brochure does not have to provide a comprehensive explanation of the entire moving process (as such information is available via other documents, like the “Rights and Responsibilities When

You Move” pamphlet). Rather, it should grab the consumers’ attention and provide them with enough information to make a good decision about hiring a mover.

**2. *Get the brochure into more consumers’ hands earlier in the process.***

Too many consumers are not getting the brochure, or they are not getting it early enough to use it to make an informed choice of mover. This group hopes to correct this.

## **2. *Brochure Timing***

### **A. Challenges**

The FAST Act requires the Working Group to develop recommendations on condensing the brochure into a format that is more easily used by consumers. The Working Group determined that condensing the brochure was only one step in making the brochure more accessible to consumers. The Working Group also considered several other ways to make the brochure more effective and widely utilized, and therefore more easily used by consumers.

The Working Group determined that consumers are not currently receiving the brochure at the right time in the moving process. Consumers should receive the information contained in the brochure earlier in the process, before picking a mover. The brochure provides critical information about how to select a mover. Therefore, the best time for consumers to receive this information is during the very early stages of the process.

### **B. Discussion**

Currently, the brochure must be provided by the mover along with the written estimate. However, rogue operators or brokers do not usually provide the brochure or consumers do not always get multiple estimates (even though they should, and which would increase their chance to receive it), therefore by the time they are exposed to the brochure, they may have already decided which mover they were going to do business with. The Working Group therefore proposed that brokers and movers should be required to provide the “Ready to Move?” brochure when the visual survey is either scheduled or waived, so that the brochure will reach consumers earlier in the process.

The Working Group also discussed changing the name of the brochure. The name of the brochure, “Ready to Move?” implies a later stage in the moving process. The name can, therefore, be misleading, because for many consumers, the brochure is the first educational material they will see, and ideally, they should receive it well before they have selected a mover and are ready to embark on a move.

Ultimately, the Working Group decided “Choose Your Mover” was the most streamlined and straightforward title to convey the right message of the brochure.

## C. Recommendations

### Recommendation #15

Movers should be required to provide FMCSA publication ESA 03005 (“Ready to Move?”) when the visual survey is either scheduled or waived by the consumer.

### Recommendation #16

The title of FMCSA publication ESA 03005 should be changed from “Ready to Move?” to “Choose Your Mover.”

## 3. *Brochure Distribution Methods*

### A. Challenge

The Working Group also considered current brochure distribution methods, and considered ways to improve distribution in order to make the brochure more accessible to consumers.

The current brochure is available on FMCSA’s website, but FMCSA does not print copies of the brochure. Movers still print copies, and it is acceptable for movers to provide a printed copy to consumers, or, after receiving a written waiver, to provide a copy electronically (this waiver is addressed in an earlier recommendation, see Part III, Section 7). However, because the brochure is formatted like a printed brochure, it is not ideal for viewing on a computer screen. The brochure is also larger than a standard 8.5 x 11 inch page, so its size should be reduced in order to print it on a standard piece of letter paper.

Additionally, not all consumers currently receive the brochure. If they only reach out to one or two rogue operators or brokers, and those entities do not provide them with the brochure, they may never receive it. However, if movers are required to prominently display the brochure on their websites, consumers will be more likely to see the brochure online well before they select a mover and begin their actual move, particularly if the name were changed to coincide with common search terms, i.e. “choose” and “mover.”

### B. Discussion

Standard brochure formats are not ideal for electronic viewing. The ideal brochure format would be one that could be viewed both electronically and in hard copy. Considerations should be given to the aesthetics of both the printed and electronic brochures. Examples of eye-catching, well-formatted educational materials from other entities can be found in Appendix G.

Additionally, more can be done to make sure consumers receive the brochure. Movers should be required to prominently post an accurate copy of the brochure or, at their option, instead display a link to the brochure on the FMCSA website *in addition* to the requirement to provide a copy at the time the survey is scheduled or waived. This would allow consumers to have access to this information as soon as they start searching for movers, and would ensure broader distribution.

The Working Group also discussed requiring online moving brokers to display the brochure on their websites, since this would increase the likelihood of getting the brochure to more consumers earlier in the process. However, FMCSA staff advised that while this might be a good idea, it would be outside the scope of the group's charter based on the agency's interpretation of the FAST Act.

### C. Recommendation

#### **Recommendation #17**

**ESA 03005 should be made available electronically and should be printable. It should fit on a standard desktop or laptop screen without requiring scrolling, and it should also be mobile-friendly. Consideration should be given to how the brochure can be both visually appealing and also direct consumers' attention to the right places.**

#### **Recommendation #18**

**All movers who have a website should be required to prominently display at their option, either a link to the brochure (ESA 03005) on the FMCSA website or a true and accurate copy of ESA 03005 on their own websites.**

## ***4. Brochure Content***

### A. Challenge

The current brochure content is too broad and dense, and consumers do not fully comprehend the information presented in it.

### B. Discussion

The Working Group reviewed the current content of the brochure, identified opportunities for streamlining, and brainstormed the key points that should be included in the brochure. The group reduced the content to eight key points, all aimed at helping consumers choose their mover carefully. Other content related to the moving process should be eliminated from the brochure as it is provided later in the process. The key points are listed below; further detail is provided in Appendix H:

1. Take your time and plan in advance.
2. Know your rights and responsibilities.
3. Know if you are hiring a mover or a broker—a broker arranges your move with a mover, but does not take responsibility for your actual move.
4. Know the red flags to watch out for.
5. Use only licensed movers.
6. Check the mover's complaint history.
7. Read and understand all information provided by each mover.
8. Understand to what extent your mover is responsible for loss or damage to your goods.

Appendix H also lists additional explanatory information under each heading to help consumers better understand each point.

## **C. Recommendation**

### **Recommendation #19**

**ESA 03005 should be condensed to include only the content found in Appendix H.**

## V. OTHER CONSIDERATIONS

The Working Group directive, as printed in Part I, Section C, is to make recommendations on how to best convey information to consumers relating to interstate moving, specifically including recommendations on the topics listed in section 5503(c) of the FAST Act. The group also believed that it was critical to consider the best interests of the consumer when making its recommendations.

Though some Working Group members believed the scope to be broader, under FMCSA guidance the regulations primarily reviewed by the group were Part 375 of Title 49 CFR. Those regulations and other laws relating to household goods movers are limited in application to the traditional “full service moving industry” (FSM).

When the rules under Part 375 were promulgated, the FSM segment of the moving industry comprised a significant portion of the interstate household goods moves annually. However, the group recognized significant changes in patterns of how consumers locate, purchase, and ultimately choose a moving service (see Part II, Section 2B). Corresponding figures suggest that the rules under Part 375 today cover only approximately 25% of the annual moves—suggesting that 75% of consumers use different moving methods/moving industry participants.

Those other industry participants are comprised of a variety of methods and offerings. Some are long-standing, and well-established, while others are newer and consider themselves industry disruptors. FMCSA has issued guidance relating to the types of services that it considers do not fall under certain regulations, like Part 375. Some of these movers have businesses structured as described in FMCSA’s guidance, while others claim the rules under Part 375 do not apply to their operations.

The Working Group recognized there are documented problems and consumer complaints related to the moving industry, many of which are detailed in this report. The group believes the regulations found in Part 375 generally provide appropriate consumer protections to address those complaints related to the FSM segment of the industry. However, there would be a gap in protections for complaints related to different moving methods/moving industry participants. The Working Group has been advised its FAST Act directive precludes any recommendations to extend consumer protection assistance to roughly 75% of the moving public not using FSMs and is concerned that the recommendations included in this report may be too limited and protect only a very small portion of the moving public.

While the Working Group recognized that changing consumer preferences have led to the growth of the non-FSM market and in no way is judging all such movers negatively, the group would like to memorialize its discussions in this section of the report. The Working Group would also include its suggestion that Congress and/or FMCSA consider how to better educate/protect consumers that access the industry in non-traditional ways and perhaps use alternative moving methods/companies.

## VI. CONCLUSION

The Household Goods Consumer Protection Working Group was convened by FMCSA to respond to the requirements of section 5503 of the FAST Act. This report is the result of the Working Group's efforts. The recommendations detailed in this report address both the FAST Act requirements and Working Group goals and values.

The Working Group worked thoughtfully and collaboratively to develop the recommendations described herein, and comprised a number of different stakeholders and expertise, including individuals knowledgeable about consumer affairs, educators with knowledge of how people learn most effectively, and skilled representatives from the household goods moving industry. The Working Group was designated to exist for one year after the recommendation is submitted, and it can be called upon to respond to questions about the recommendations.

In conclusion, the Working Group respectfully submits these recommendations to the Office of the Secretary of Transportation for consideration.



## VII. APPENDICES

### ***Appendix A. Working Group Members***

**Table 3. Household Goods Consumer Protection Working Group Members**

<b>Name</b>	<b>Organization</b>	<b>Role Filled</b>
Heather Paraino, Esq.	MoveRescue	Committee Chairperson, Industry representative and consumer affairs expert
Francisco G. Acuna	DOT Compliance Investigations (DCI), Inc.	Industry representative
Thomas A. Balzer, CAE	Ohio Trucking Association	Industry representative
Thomas J. Carney	Carney McNicholas Inc.	Industry representative
John Esparza	Texas Trucking Association	Industry representative
Andrew M. Friedman, Esq.	1-800-Pack-Rat	Industry representative
Jennifer M. Gartlan, Esq.	Federal Maritime Commission	Consumer affairs expert
Margaret McQueen	FMCSA National Training Center	Educator
Gabriel S. Meyer, Esq.	U.S. Surface Transportation Board	Consumer affairs expert
Scott Michael	American Moving & Storage Association	Industry representative
Kelsey Owen Coleman	Better Business Bureau	Consumer affairs expert
Jonathan Todd, Esq.	Benesch, Friedlander, Coplan & Aronoff LLP	Industry representative
Charles L. White, CAE, M.Ed.	International Association of Movers	Industry representative

**Table 4. FMCSA Support**

<b>Name</b>	<b>Title</b>	<b>Role Filled</b>
Kenneth Rodgers	Chief, Commercial Enforcement & Investigations Division	Designated Federal Officer (DFO)
Monique Riddick	Lead Transportation Specialist	Assistant DFO
Michael Evans	Transportation Specialist	HHG Team

## ***Appendix B. Examples of a Modular Approach to Education***

- 1) Module 1 – I’ve made my decision to move. What’s next?
  - a. Where am I moving to?
  - b. When am I moving?
  - c. Will I use a professional mover? If so.....then.....
- 2) Module 2 – How do I make an informed decision on a mover? What questions do I need to ask?
  - a. Are they properly licensed and insured? How/where can I find that information?
  - b. References? How do I find references on prospective movers?
  - c. Will they provide some form of an in-home survey?
  - d. Will they provide a written estimate of the cost? Binding or non-binding?
  - e. What valuation protection options do they provide?
  - f. What steps are taken to protect your home?
  - g. Did your mover talk about spread dates, and do you understand what that means?
  - h. Did you understand the terms of the delivery date or spread of dates?
- 3) Module 3 – What to look for and expect on Moving Day.....
  - a. Does the truck have the logo of the mover or the company you were informed would assist in the process?
  - b. Were you provided with a signed copy of the inventory of items picked up in the move?
  - c. Do you have in-transit contact information with the driver/company?
- 4) Module 4 – What to look for and expect on Delivery Day.....
  - a. Were you shown copies of certified weight tickets upon request?
  - b. Is the payment requested no more than 110% of the estimated cost (or 100% of the binding estimate)?
  - c. Was a final home walk through performed?
- 5) Module 5 – I experienced a problem with my move and I need help.....
  - a. Website users should be able to revert to a different module to obtain assistance and additional information to address problems that may have already occurred.

## ***Appendix C: Current FMCSA Consumer Protection Resources, Publications, and Training Courses***

### **Resources**

- Protect Your Move
  - Website: [www.protectyourmove.gov](http://www.protectyourmove.gov)
  - Primary resource for the moving public.
  - Consumers may check if their mover is registered, file HHG complaints, and check complaint status on movers/brokers.
  - Provides Red Flags list and Moving Fraud Checklist
  - Information on the 3 main stages of moving:
    - 1) research before the move;
    - 2) during the move; and
    - 3) after the move if there are problems.
- National Consumer Complaint Database (NCCDB)
  - Website: <https://nccdb.fmcsa.dot.gov>
  - Consumers can access the complaint database directly to file a complaint.
- FMCSA Safety and Fitness Electronic Records (SAFER)
  - Website: [www.safer.org](http://www.safer.org)
  - SAFER offers company safety data and related services to industry and the public over the internet. Users can search FMCSA databases to obtain information on companies registered with FMCSA.
  - Users may access the Licensing & Insurance database to verify carrier registration, insurance, authority type, and process agent information, etc.
- FMCSA Public Website
  - Website: [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)
  - The website's homepage includes three main categories: 1) Drivers; 2) Carriers; and 3) Consumers.
  - Provides all types of information on FMCSA, various initiatives, programs, regulations, etc.
- Facebook: [www.facebook.com/FMCSA](https://www.facebook.com/FMCSA)
- Twitter: <https://twitter.com/FMCSA>

### **Publications**

- “Ready to Move?” Brochure
  - [https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Ready\\_To\\_Move\\_Brochure\\_2006.pdf](https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Ready_To_Move_Brochure_2006.pdf)
- “Your Rights and Responsibilities When You Move”
  - <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Rights-and-Responsibilities-2013.pdf>
- “Steps to Select a Mover”
  - <https://www.fmcsa.dot.gov/protect-your-move/select-mover>

- Movers vs. Brokers
  - <https://www.fmcsa.dot.gov/protect-your-move/movers-vs-brokers>
- “Red Flags of Moving Fraud”
  - <https://www.fmcsa.dot.gov/protect-your-move/red-flags>
- “Understanding Valuation and Insurance Options”
  - [https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Understanding\\_Valuation\\_and\\_Insurance\\_Options\\_Brochure\\_0.pdf](https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Understanding_Valuation_and_Insurance_Options_Brochure_0.pdf)
- “Tips for a Successful Move”
  - <https://www.fmcsa.dot.gov/protect-your-move/tips-for-success>
- Moving Checklist
  - [https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/FMCSA\\_checklist.pdf](https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/FMCSA_checklist.pdf)

### **Training Courses**

- Commercial Enforcement Consumer Protection (CECP)
  - Course is intended for Safety Investigators and Household Goods Specialists.
  - The course includes the following major components: Background of HHG transportation; Commercial regulations general overview; Part 375 - Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations overview; Compliance Review / Enforcement Household Goods Motor Carrier - FOTM; Performance based work project; and test questions.
- CECP Supplemental
  - The CECP Supplemental Course provides the student with hands-on experience in using FMCSA Enforcement Tools/Systems as part of the investigative process.
  - Upon completion of this course students will be able to follow correct investigation procedures to ensure compliance with the governing Federal regulations resulting in an improvement of consumer protection for individuals moving across America.

## ***Appendix D. Current Order for Service Requirements***

### **§ 375.501 Must I write up an order for service?**

(a) Before you receive a shipment of household goods you will move for an individual shipper, you must prepare an order for service. The order for service must contain the information described in the following 15 items:

- (1) Your name and address and the FMCSA U.S. DOT number assigned to the mover who is responsible for performing the service.
- (2) The individual shipper's name, address, and, if available, telephone number(s).
- (3) The name, address, and telephone number of the delivering mover's office or agent located at or nearest to the destination of the shipment.
- (4) A telephone number where the individual shipper/consignee may contact you or your designated agent.
- (5) One of the following three entries must be on the order for service:
  - (i) The agreed pickup date and agreed delivery date of the move.
  - (ii) The agreed period(s) of the entire move.
  - (iii) If you are transporting the shipment on a guaranteed service basis, the guaranteed dates or periods for pickup, transportation, and delivery. You must enter any penalty or per diem requirements upon the agreement under this item.
- (6) The names and addresses of any other motor carriers, when known, who will participate in interline transportation of the shipment.
- (7) The form of payment you and your agents will honor at delivery. The payment information must be the same that was entered on the estimate.
- (8) The terms and conditions for payment of the total charges, including notice of any minimum charges.
- (9) The maximum amount you will demand at the time of delivery to obtain possession of the shipment, when you transport on a collect-on-delivery basis.
- (10) A statement of the declared value of the shipment, which is the maximum amount of your liability to the individual shipper under your Full Value Protection for the replacement value of any household goods that are lost, damaged, destroyed, or otherwise not delivered to the final destination. If the individual shipper waives, in writing, your Full Value Protection liability, you must include a copy of the waiver; the Surface Transportation Board's required released rates valuation statement; and the charges, if any, for optional valuation coverage (other than Full Value Protection). The released rates may be increased annually by the motor carrier based on the U.S. Department of Commerce's Cost of Living Adjustment.

(11) A complete description of any special or accessorial services ordered and minimum weight or volume charges applicable to the shipment, subject to the following two conditions:

- (i) If you provide service for individual shippers on rates based upon the transportation of a minimum weight or volume, you must indicate on the order for service the minimum weight- or volume-based rates, and the minimum charges applicable to the shipment.
- (ii) If you do not indicate the minimum rates and charges, your tariff must provide you will compute the final charges relating to such a shipment based upon the actual weight or volume of the shipment.

(12) Any identification or registration number you assign to the shipment.

(13) For non-binding estimates, your reasonably accurate estimate of the amount of the charges, the method of payment of total charges, and the maximum amount (no more than 110% of the non-binding estimate) you will demand at the time of delivery to relinquish possession of the shipment.

(14) For binding estimates, the amount of charges you will demand based upon the binding estimate and the terms of payment under this estimate.

(15) Whether the individual shipper requests notification of the charges before delivery. The individual shipper must provide you with the fax number(s) or address(es) where you will transmit the notifications by fax transmission; email; overnight courier; or certified mail, return receipt requested.

## ***Appendix E. Current Bill of Lading Requirements***

### **§ 375.505 Must I write up a bill of lading?**

(a) You must issue a bill of lading. The bill of lading must contain the terms and conditions of the contract. A bill of lading may be combined with an order for service to include all the items required by § 375.501 of this subpart. You must furnish a partially complete copy of the bill of lading to the individual shipper before the vehicle leaves the residence at origin. The partially complete bill of lading must contain all relevant shipment information, except the actual shipment weight and any other information necessary to determine the final charges for all services performed.

(b) On a bill of lading, you must include the following 14 items:

- (1) Your name and address, or the name and address of the motor carrier issuing the bill of lading.
- (2) The names and addresses of any other motor carriers, when known, who will participate in transportation of the shipment.
- (3) The name, address, and telephone number of your office (or the office of your agent) where the individual shipper can contact you in relation to the transportation of the shipment.
- (4) The form of payment you and your agents will honor at delivery. The payment information must be the same that was entered on the estimate and order for service.
- (5) When you transport on a collect-on-delivery basis, the name, address, and if furnished, the telephone number, facsimile number, or email address of a person to notify about the charges. The notification may also be made by overnight courier or certified mail, return receipt requested.
- (6) *For non-guaranteed service*, the agreed date or period of time for pickup of the shipment and the agreed date or period of time for the delivery of the shipment. The agreed dates or periods for pickup and delivery entered upon the bill of lading must conform to the agreed dates or periods of time for pickup and delivery entered upon the order for service or a proper amendment to the order for service.
- (7) *For guaranteed service*, subject to tariff provisions, the dates for pickup and delivery, and any penalty or per diem entitlements due the individual shipper under the agreement.
- (8) The actual date of pickup.
- (9) The company or carrier identification number of the vehicle(s) upon which you load the individual shipper's shipment.
- (10) The terms and conditions for payment of the total charges, including notice of any minimum charges.



- (11) The maximum amount you will demand at the time of delivery to obtain possession of the shipment, when you transport under a collect-on-delivery basis.
- (12) The valuation statement provided in the Surface Transportation Board's released rates order requires individual shippers either to choose Full Value Protection for your liability or waive the Full Value Protection in favor of the STB's released rates. The released rates may be increased annually by the motor carrier based on the U.S. Department of Commerce's Cost of Living Adjustment. Contact the STB for a copy of the Released Rates of Motor Carrier Shipments of Household Goods. If the individual shipper waives your Full Value Protection in writing on the STB's valuation statement, you must include the charges, if any, for optional valuation coverage (other than Full Value Protection).
- (13) Evidence of any insurance coverage sold to or procured for the individual shipper from an independent insurer, including the amount of the premium for such insurance.
- (14) Each attachment to the bill of lading. Each attachment is an integral part of the bill of lading contract. If not provided elsewhere to the shipper, the following three items must be added as an attachment to the bill of lading.
  - (i) The binding or non-binding estimate.
  - (ii) The order for service.
  - (iii) The inventory.
- (c) A copy of the bill of lading must accompany a shipment at all times while in your (or your agent's) possession. Before the vehicle leaves the residence of origin, the bill of lading must be in the possession of the driver responsible for the shipment.
- (d) You must retain bills of lading for each move you perform for at least one year from the date you created the bill of lading.

## ***Appendix F. Recommended Language for New Bill of Lading Requirements (49 C.F.R. §375.505b)***

The Working Group believes that if the recommended updates to the bill of lading are accepted, the language below would reflect the updated requirements. The Working Group understands that a lot of the recommendations would impact the regulations, which are not reflected here, but decided that the suggested language below might be helpful for reference.

### **§ 375.505 Must I write up a bill of lading?**

...

(b) On a bill of lading, you must include the following 14 items:

- (1) Your legal or trade name registered with FMCSA, physical address, telephone number, and DOT number.
- (2) The form of payment you and your agents will honor at delivery. The payment information must be the same that was entered on the estimate.
- (3) When you transport on a collect-on-delivery basis, the name, address, and if furnished, the telephone number, facsimile number, or email address of a person to notify about the charges. The notification may also be made by overnight courier or certified mail, return receipt requested.
- (4) *For non-guaranteed service*, the agreed date or period of time for pickup of the shipment and the agreed date or period of time for the delivery of the shipment.
- (5) *For guaranteed service*, subject to tariff provisions, the dates for pickup and delivery, and any penalty or per diem entitlements due the individual shipper under the agreement.
- (6) The actual date of pickup.
- (7) The company or carrier identification number of the vehicle(s) upon which you load the individual shipper's shipment.
- (8) The terms and conditions for payment of the total charges, including notice of any minimum charges.
- (9) The maximum amount you will demand at the time of delivery to obtain possession of the shipment, when you transport under a collect-on-delivery basis.
- (10) The valuation statement provided in the Surface Transportation Board's released rates order requires individual shippers either to choose Full Value Protection for your liability or waive the Full Value Protection in favor of the STB's released rates. The released rates may be increased annually by the motor carrier based on the U.S. Department of Commerce's Cost of Living Adjustment. Contact the STB for a copy of the Released Rates of Motor Carrier Shipments of Household Goods. If the individual shipper waives your Full Value Protection in writing on the STB's valuation statement,

you must include the charges, if any, for optional valuation coverage (other than Full Value Protection).

(11) Evidence of any insurance coverage sold to or procured for the individual shipper from an independent insurer, including the amount of the premium for such insurance.

(12) Each attachment to the bill of lading. Each attachment is an integral part of the bill of lading contract. If not provided elsewhere to the shipper, the following two items must be added as an attachment to the bill of lading.

(i) The binding or non-binding estimate.

(ii) The inventory.

(13) Any identification or registration number you assign to the shipment.

(14) A statement that the bill of lading incorporates by reference all of the services included on the estimate.

## ***Appendix G. Examples of Existing Consumer Education Materials***

The following examples were provided by the Southwest Movers Association and the American Moving & Storage Association. They are intended for example purposes, and are not intended to endorse any specific moving company or mover's association.

### **Example 1**



[http://www.mytexasmover.com/pdf/SMA\\_MoveIt\\_Apr2012.pdf](http://www.mytexasmover.com/pdf/SMA_MoveIt_Apr2012.pdf)

**Example 2**



## THREE STEPS

FOR A SAFE, SUCCESSFUL  
MOVING EXPERIENCE

# 1

### LICENSE

Before you choose a mover, verify that they are licensed with the Texas Department of Motor Vehicles

# 2

### CONTRACT

Always require an estimate in writing and sign a formal contract before anything is moved

# 3

### INSURE

Insure valuables and know how much mover's insurance will cover for broken or misplaced items



Make sure you know your rights *before* hiring a mover.

**[www.MyTexasMover.com](http://www.MyTexasMover.com)**



700 East 11th Street | Austin, Texas 78701 | 512.476.0107

[http://www.mytexasmover.com/pdf/SMA\\_MoveSafe\\_Apr2012.pdf](http://www.mytexasmover.com/pdf/SMA_MoveSafe_Apr2012.pdf)



**Example 3**

Choosing a  
Professional Mover  
is a Smart Move

Looking for a licensed mover in your area?  
Contact SMA 1.800.759.2305 or [www.mytexasmover.com](http://www.mytexasmover.com)

**PROMOTE  
EDUCATE &  
PROTECT**  
the Moving Industry



700 East 11th Street, Austin, Texas 78701  
512.476.0107 • [info@mytexasmover.com](mailto:info@mytexasmover.com) • 800.759.2305  
[www.mytexasmover.com](http://www.mytexasmover.com)



Consumer Protection   Ethical Standards   Commitment to Service

# Move Safe

## Three Steps for a Safe and Successful Moving Experience

### 1 LICENSE

Verify that the mover is licensed with the Texas Department of Motor Vehicles.

### 2 CONTRACT

Require an estimate in writing and sign a formal contract before anything is moved.

### 3 INSURE

Insure valuables. Declare value and ask for full value protection to cover broken or misplaced items.



# Make Your Move Safe, Smooth and Stress-Free

**Southwest Movers Association (SMA)** is a trade association founded in 1917, representing the household goods moving industry in Texas. The association is dedicated to promoting a safe and reliable moving industry that includes strict adherence to state laws and ethical standards. The mission of SMA is to promote, educate and protect the moving industry.

SMA provides a variety of services to its members, industry and moving public in the form of education, public policy development and advocacy, discount programs and tariff service. SMA also has a non-profit foundation, which provides scholarships and funding for other educational initiatives that involve the moving industry.

WHO WE ARE



# The Best of the Best in the Moving Industry

The **Pinnacle Mover Program** was developed by **Southwest Movers Association** to promote and recognize professional competence and adherence to ethical standards by Texas moving companies.

To achieve certification, a mover must meet and maintain criteria to ensure high levels of service and consumer protection. **Pinnacle Movers** are recognized as the best of the best in the moving industry with a commitment to high levels of service, safety and consumer protection.

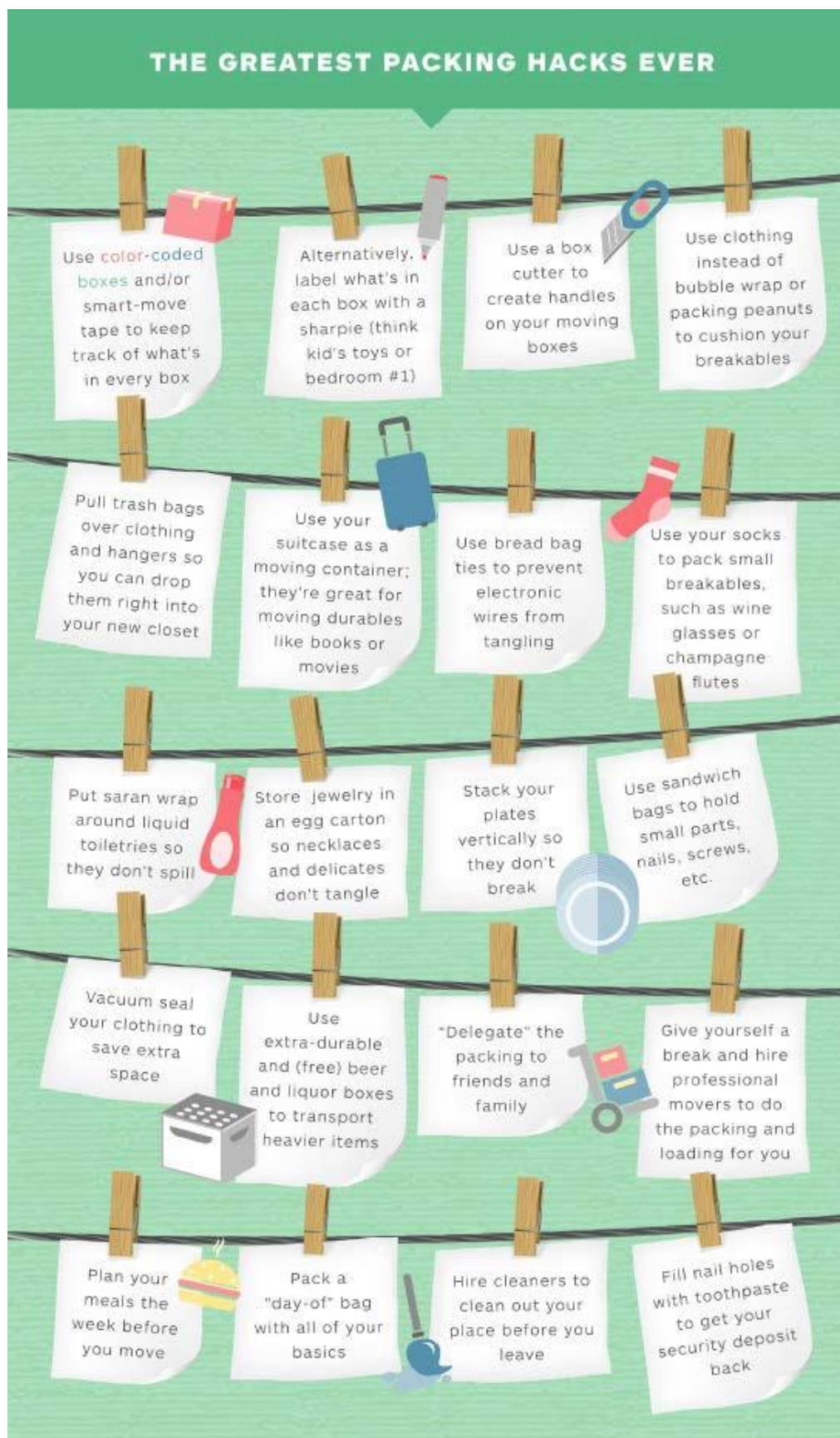
Only moving companies that have achieved Pinnacle Mover status can display the **Pinnacle Mover Seal of Approval** in advertising, literature or on equipment.

PINNACLE MOVERS



**Example 4**









## THE BIG DAY - TOP 8 TIPS

- #1** Secure arrangements for the **kids and pets** so they're not slipping underfoot.
- #2** Exchange cell numbers with your mover, and always be available by phone to answer any questions.
- #3** Make sure to ask for your **mover's name**, ID number, and truck number should anything go wrong en route.
- #4** Dress comfortably. Jeans, sneakers and a sweatshirt are ideal.
- #5** Don't move on an **empty stomach**.
- #6** Keep an eye on the **weather**.
- #7** Store all your **important documents** and ID's in a secure location.
- #8** Do a **final sweep** of your place before you hand over the keys to the new owner.

### WHEN YOU ARRIVE

<p>Make sure your possessions are safe and sound. If not, you should file a claim.</p>	<p>Relax and kick your feet up - you've earned it!</p>	<p>Stock up the fridge with the essentials.</p>
<p>Don't prolong the unpacking process - it should last no more than a week and half.</p>	<p>Thank the friends and family that helped you pack!</p>	<p>Leave an online review of your moving company's services to inform others.</p>

Organized by:

Produced by:

Sources:

Example 5

## Top Ten Tips for a Successful Move



**10. Start your move with a ProMover**

Find a certified mover fast! ProMover takes the worry and hassle out of moving by helping you quickly and easily find a qualified professional mover near you.

Locate a mover, get a referral, and find free tips and resources at [Moving.org](http://Moving.org).

**9. Check the company's ratings**

The Better Business Bureau      Angie's list      Friends and family

**8. Get at least 3 written in-home estimates**

Be wary of any "guaranteed" estimates offered over the phone or online. Make sure you show the mover everything that has to be moved. If a mover insists that he can provide a final estimate without ever seeing your home and your furniture - choose another mover.

**7. Know your rights**

Your mover is federally required to provide you with the "Your Rights & Responsibilities" booklet, the "Ready to Move" brochure, and information about their arbitration program.



**6. Decide what you want to keep**

You may want to consider if the cost of moving the item is greater than the cost of replacing it later. You also can work with a mover who participates in Move For Hunger. They collect unneeded food to donate to local food banks. It helps feed the hungry while reducing the amount of stuff you are moving.

**5. Avoid large down payments**

Some movers may ask for a "good faith" deposit to hold a date (especially during the busy summer season), but be wary of carriers seeking large down payments, or full payment in advance for any reason.

**4. Get all agreements in writing**

Make sure all agreements between you and your mover are in writing, and get a copy of everything you sign, especially the most important document, called the bill of lading. Never sign any blank forms.

**3. Take valuables with you**

Cash, coins, jewelry, photographs and important papers should be taken with you or shipped separately.

**2. Be reachable by phone**

Exchange cellphone numbers with your mover in case there are any unforeseen changes in your delivery date. Get the driver's truck number and full name for fast and accurate communication.

**1. Ask questions**

If you do not understand something - ask. If you aren't satisfied with the answers to your questions or if the mover hesitates when you ask for clarification, talk to another carrier.

**AMSA** Get more tips and resources to help you move at [Moving.org](http://Moving.org).

## ***Appendix H. Recommended Brochure Content***

- 1. Take your time and plan in advance.**
  - a. Do: Get written estimates from multiple movers
  - b. Don't: Wait until the last minute
- 2. Know your rights and responsibilities.**
  - a. Review <https://www.fmcsa.dot.gov/protect-your-move>
- 3. Know if you are hiring a mover or a broker—a broker arranges your move with a mover, but does not take responsibility for your actual move.**
  - a. A broker is an individual or company that arranges for the transportation of your property, utilizing movers to make the actual move. A broker's services may add to the cost of your move.
  - b. Like movers, interstate brokers are required to be licensed by FMCSA and show their license number in advertising and on their website.
  - c. A broker is not a mover. A broker does not assume responsibility for, and is not authorized to transport, your household goods.
  - d. Brokers do not have moving trucks or professional movers. Brokers for interstate moves are required to use only movers that are registered with FMCSA.
  - e. If you use a broker, be sure you understand their role, and which mover will be responsible for your actual move.
  - f. If you don't know if you are dealing with a mover or a broker, ask!
- 4. Know the red flags to watch out for.**
  - a. Refusal to provide a physical or visual survey before your move date.
  - b. Mover demands large cash deposit up-front.
  - c. Refusal to put all terms and conditions in writing.
  - d. Mover asks you to sign blank documents.
  - e. Price seems too good to be true.
  - f. Lack of physical address or dedicated facilities for the mover. If the mover has a website, check to see if the address is posted on their website, and then use a satellite or street-view to see if the building at the address looks like it could be used by mover (i.e., if the address is for a house or apartment building, this is a red flag).
  - g. Lack of DOT license number on paperwork.
  - h. Refusal to provide terms and conditions of bill of lading in advance.
- 5. Use only licensed movers.**
  - a. Check FMCSA website to confirm registration.
  - b. For local moves, or moves within a single state, check with the applicable State government entity, usually the public utility commission, the department of transportation, or a State trucking/moving association.
- 6. Check the mover's complaint history.**
  - a. FMCSA: <https://www.fmcsa.dot.gov/protect-your-move/select-mover>
  - b. Any applicable state-licensing authorities.
  - c. Ask for and check references



- d. Get recommendations from friends, neighbors, your real estate agent, the Better Business Bureau, and others.
- 7. Read and understand all information provided by each mover.**
  - a. Understand what services the mover will provide.
  - b. Understand how and when pickup and delivery will occur.
  - c. Ask questions if you're confused.
  - d. Make sure everything is in writing, including your estimate.
- 8. Understand to what extent your mover is responsible for loss or damage to your goods.**
  - a. Ask your mover to explain valuation coverage options.
  - b. Ask about the process for handling loss and damage claims or other problems with your move.