

HB 430 -- Household Goods Motor Carrier Regulations

Sponsor: Burlison

This bill changes the laws regarding motor carriers transporting household goods intrastate. In its main provisions, the bill:

- (1) Exempts a motor carrier transporting household goods from the requirement to file its schedule of rates, fares, and charges with the Highways and Transportation Commission. Currently, only a household goods mover operating exclusively within a commercial zone is not required to file its schedule. In lieu of filing its schedule with the commission, a household goods mover engaged in intrastate commerce must maintain and publish its schedule of rates, fares, charges, and tolls in each of its stations and offices. The rates must be available for inspection by the commission, shippers, and the public upon request;
- (2) Prohibits a household goods mover from participating in a joint tariff except for joint tariffs relating to joint rates for the transportation of household goods over any through routes or by interline service involving two or more separate motor carriers. A carrier of household goods participating in through routes or interline service must file and publish joint tariffs or individual tariffs for each participating carrier;
- (3) Removes the provision which prohibits a household goods carrier from using any schedules of rates or charges that divide the state into territorial rate areas. A common carrier may reasonably apply specific rates for the transportation of household goods between points located wholly within a commercial zone or between points located wholly within another contiguous geographic area defined in the carrier's tariff schedules which differ from the rates the carrier applies to similar transportation of household goods between points that are not located wholly within that commercial zone or defined contiguous area under certain specified conditions;
- (4) Specifies that a person who violates or fails to comply with a provision of Chapter 387, RSMo, will be guilty of a misdemeanor. This provision cannot affect any damage claim resulting from a motor carrier's accidental or negligent damage of household goods while in its lawful possession;
- (5) Requires the commission to establish consumer protection requirements for motor carriers transporting household goods in intrastate commerce and to establish a system for filing, logging, and responding to consumer complaints;
- (6) Voids, on May 12, 2012, all rate orders issued by the

commission affecting the intrastate transportation of household goods to the extent that the rate orders require or prescribe any minimum or maximum rates for the transportation of the goods. This provision does not prohibit the commission from issuing any future rate orders regarding these rates;

(7) Specifies that no complaint, hearing, adjudication, or other proceedings of the commission or the Administrative Hearing Commission is required as a prerequisite to the commencement of certain specified court actions or to enforce the powers of the Highways and Transportation Commission;

(8) Requires, beginning January 1, 2012, an applicant for a certificate or permit to transport household goods in intrastate commerce to provide proof that the applicant has workers' compensation insurance coverage for all employees;

(9) Removes the provision requiring a contract carrier transporting household goods to demonstrate that the proposed service will serve a useful purpose when applying for a certificate of authority or permit. An applicant for a household goods moving authority or permit will not have to satisfy the public convenience and necessity test when proposing a new service, an extension of existing service, or a transfer of authority. An applicant for a household goods certificate of authority or permit will have to show that he or she is fit, willing and able to perform the service, and conforms to other specified requirements. Only a noncharter passenger service is required to demonstrate that the proposed service will serve a useful present or future public purpose when applying for a certificate or permit. The commission must not restrict any certificate or permit authorizing the transportation of household goods or passengers in charter service with reference to any route or routes;

(10) Removes the provision allowing the issuance of a temporary permit to a household goods common carrier and limits its issuance to only a carrier transporting passengers other than in charter service;

(11) Removes the provision requiring a common carrier of household goods to seek authorization from the commission to discontinue service and requires only a common carrier of passengers other than in charter service to seek this authorization; and

(12) Voids any geographic restriction or provision limiting a household goods carrier's scope of authority to particular routes within this state contained in a certificate, permit, or both which was issued prior to August 28, 2011, and any similar

provision contained in a carrier's tariff schedule filed prior to that date. In lieu of the geographic restrictions, a motor carrier must be authorized to provide intrastate transportation of household goods between all points and destinations within the state until the time the certificates, permits, and tariff schedules are reissued or amended to reflect the motor carrier's statewide operating authority.