

# DRAFT HOUSEHOLD GOODS RULES

## SUBCHAPTER 1. GENERAL PROVISIONS

### 165:30-1-1. Purpose

The public policy of this State, as declared by the Legislature, requires that motor carriers and private carriers, except as provided in this Chapter, should be regulated by the Oklahoma Corporation Commission, hereinafter referred to as the Commission, to protect the public interest, the environment and the highways of the state of Oklahoma and ensure compliance with applicable safety rules and regulations. The public policy of this State, as further declared by the Legislature, requires ~~that the charges and services of motor carriers of household goods, as defined in this Subchapter, should be regulated by the Commission in such manner as to establish standards for public safety, fair competitive practices, adequate and dependable service and protection of shippers from deceptive or unfair practices.~~ The rules in this Chapter are intended to implement that public policy and to carry out the Commission's statutory duty of regulation in the public interest. In case of doubt as to the meaning of any language of the rules in this Chapter, that construction should be adopted which is consistent with the Constitution and Statutes of Oklahoma. ~~All prior rules and regulations governing motor carriers pertaining to acts and services of motor carriers are hereby superseded and revoked.~~

### 165:30-1-2. Definitions

In addition to terms defined in 47 O.S., Sections 161 through 180m et seq. and the Motor Carrier Act of 1995, the following words or terms, when used in this Chapter, shall have the following meaning unless the context clearly indicates otherwise:

"Alliance" means the Alliance for Uniform Hazardous Material Transportation Procedures, a confederation of state, local industry and environmental representatives for the purpose of administering and enforcing a uniform hazardous materials transporters program as established by HMTUSA.

"Accessorial charges" means charges assessed by an intrastate motor carrier of household goods for services performed by the carrier for services requested by the shipper that may be in addition to the actual transportation of the household goods. Examples of accessorial charges are packing, unpacking, appliance servicing, loading/unloading of large items (such as a piano), climbing/descending stairs, demurrage, etc.

"Authority" means a general term referring to permission issued by the Commission to a motor carrier to perform operations under the jurisdiction of the Commission. The term authority is not applicable to vehicle registrations or fuel permits.

"Base state" means the state selected by a motor carrier according to the procedures established by a uniform program.

"Binding estimate" means a written agreement made in advance between the intrastate household goods carrier and the shipper which guarantees the total cost of the transportation of the household goods based upon the quantities and services shown on the estimate.

"CFR" means the Code of Federal Regulations.

~~"COD" means collect on delivery.~~

"Consignee" means the person, who is not the owner of the goods, or place shown on the shipping documentation as the location to which a carrier is directed to deliver a shipment.

"Consignor" means the person, who is not the owner of the goods, who offers goods for shipment.

"Commission" means the Oklahoma Corporation Commission.

"Corporate family" means a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly one hundred percent (100%) interest.

"Declared value" means the maximum amount of the intrastate household goods carrier's liability to an individual shipper.

"Environmental restoration" means restitution for loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, watercourse, or body of water, of any commodity transported by a motor carrier. This includes the cost of removal and the cost of necessary measures taken to minimize or mitigate damage to human health, the natural environment, fish, shellfish and wildlife.

"Exceeding authority" means a motor carrier operating outside or beyond the purview of an issued license, certificate, permit, registration or other authority issued by the Commission or a reciprocal state.

"FMCSA" means the Federal Motor Carrier Safety Administration.

"Full value" means if any article is lost, damaged, destroyed or otherwise not delivered to the final destination while in the intrastate household goods carrier's custody, the carrier is required, at its option, to repair the article to the extent necessary to restore it to the same condition as when it was received by the carrier; pay the shipper for the cost of the repairs; replace the article with an article of like kind and quality; or, pay the shipper for the cost of article replacement.

"Gross Combination Weight Rating" (GCWR) means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

"Gross Vehicle Weight" (GVW) means the registered weight of the vehicle or any lawful registered combination weight (Gross Combination Weight or GCW).

"Gross Vehicle Weight Rating" (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle (gross vehicle weight rating) and may include any lawful combination.

"Hazardous waste" means any material that is subject to the "Hazardous Waste Manifest Requirements" of the United States Environmental Protection Agency specified in Title 40, CFR, Part 262.

"Hazardous waste permit" means the document issued by a participating state which represents a specific motor carrier's registration to transport hazardous waste in states that participate in the uniform hazardous waste program.

"HMTUSA" means the Hazardous Materials Transportation Uniform Safety Act of 1990.

"Household goods" means the used personal effects and property of a dwelling.

~~"ICC" means the Interstate Commerce Commission or its successor agency.~~

"Identification device" means an annual, fee-paid, nontransferable device issued by the Commission to be carried in each and every vehicle.

"Intercorporate hauling" means the transportation of property, passengers or household goods by motor vehicle, for compensation, by a carrier which is a member of a corporate family, as defined in this Section, when said transportation for compensation is provided for other members of the corporate family.

"Interstate" means a shipment having an origin or destination into, out of or through two or more states.

"Intrastate" means a shipment having an origin and destination wholly within one state.

"IRP" means the International Registration Plan as administered by the Commission or other states.

"Letter of filing" means a document issued by the Commission to a motor carrier as evidence of temporary compliance with the hazardous waste uniform program.

"Motor carrier" means a for-hire motor carrier or a private motor carrier operating in interstate or intrastate commerce.

~~"Motor carrier of household goods" means a person holding a valid certificate or permit requiring public convenience and necessity transporting for hire used personal effects and property of a dwelling.~~

"NAIC" means the National Association of Insurance Commissions.

"Non-binding estimate" means the estimated total cost to transport household goods intrastate based upon the weight of the shipment, volume of the shipment, amount of time to perform the movement and/or any accessorial services requested.

"Participating state" means a state electing to participate in a uniform program by entering into a base state agreement.

"PIN" means personal identification number.

"Principal place of business" means a single location that serves as the motor carrier's or private carrier's headquarters and where it maintains or can make available its operational records.

"Private motor carrier" means a person who operates a commercial motor vehicle and is not a for-hire motor carrier.

"Process agent" means a representative upon whom court papers may be served in any proceeding brought against a motor carrier, broker, or freight forwarder.

~~"Public convenience and necessity" means a determination of fact arrived at by the Commission in its expertise and discretion based upon evidentiary proceedings. It denotes a need for transportation service which may be less than absolute, but more than simple convenience or desire of shippers or consignees of freight. It presupposes a present or definite future requirement not already adequately met or will be~~

~~met. The Commission's determination of fact is whether a proposed transportation service will serve a useful public purpose, responsive to a public demand or need, and whether this purpose can and will be served by the proposed service without unnecessarily endangering or impairing the operations of existing services contrary to the public interest as it applies to motor carriers of household goods.~~

"Registration" means the identification of hazardous waste transporters through a national base state system.

"Reciprocal state" means a jurisdiction with which the Commission has entered into a reciprocal agreement regarding the uniform registration, licensing or permitting of motor carriers.

"Released value" means the shipper has a written agreement to reduce the intrastate household goods carrier's liability, to replace, repair or settle in cash any article(s) that are lost, damaged destroyed or otherwise not delivered, at an amount of \$.60 per pound of the weight of any article.

"Trip permit" means a temporary authorization issued by the Commission granting permission to conduct operations as a motor carrier in intrastate and/or interstate commerce.

"Truck yard pit" means any pit used to store or catch fluids or wash fluids in a truck terminal or maintenance facility as the result of transportation related activities.

"Uniform application" means a uniform motor carrier registration, licensing or permit application form established under a uniform program.

"Uniform program" means any law, rule, policy, practice and/or all combinations thereof which pertain to the regulation of motor carriers by motor vehicle operating in interstate or intrastate commerce over the highways of Oklahoma and is recognized, adopted and enforced or administered by the Transportation Division only when in concert and reciprocal with one or more states which adopt, recognize, administer and enforce the exact same rule, law, policy, practice and/or all combinations thereof.

"Unprocessed agricultural commodities" means all products raised or produced by tillage and cultivation of the soil, pasture grasses, orchard products, trees in their raw state and products produced by livestock (such as milk, wool, eggs, honey and manure). The term also includes those products embraced within the above definition which have been processed for purposes of handling, storage, preservation or transportation (such as washing, cleaning, wrapping, packaging, boxing, baling, trimming, drying, sorting, sizing, grading, cooling, spraying and fumigating). The term does not include those products embraced within the above definition which, as a result of some treatment or processing, have been so changed that they are no longer in their natural or raw state, but possess new forms, qualities, or properties or result in combinations.

"USDOT" means the United States Department of Transportation.

"Valuation" means the degree of worth of the shipment. A higher level of valuation increases the liability of the intrastate household goods carrier and increases the value of the cargo in the event of lost or damaged goods.

### **SUBCHAPTER 3. INTRASTATE MOTOR CARRIERS**

#### 165:30-3-3. License and certificate renewals

(a) Any motor carrier desiring to continue intrastate motor carrier operations as granted in its license or certificate, shall, prior to the date of license or certificate expiration, apply for renewal by submitting the appropriate application form (TDF 2) and all supporting documentation. Each renewal application shall be properly signed, attested to and notarized as follows:

- (1) Application of sole proprietorship must be signed by owner.
- (2) Application of partnership must be signed by one of the partners.
- (3) Application of corporation must be signed by an officer.

(b) All intrastate motor carrier licenses and certificates issued by the Commission shall expire the same calendar month as issued, and shall be valid for a period of one year, but may be renewed for up to three years. Carriers renewing licenses or certificates for more than one year must maintain all requirements of that license or certificate ~~as prescribed in Part 3 of this Subchapter~~ in order for the license or certificate to be valid.

(c) Renewal applications shall be accompanied by a filing fee as prescribed by the Commission, unless filed simultaneously with a sub application to modify operations.

(d) A renewal application may be set for hearing at the discretion of the Commission for good cause.

(e) An intrastate motor carrier desiring to renew its license or certificate should apply for renewal of its license or certificate a minimum of thirty (30) days prior to its expiration.

(f) A renewal application will not be accepted if the license or certificate has previously expired, unless the Director of the Transportation Division reviews and approves the acceptance of the application for renewal.

(g) No intrastate motor carrier license or certificate shall be renewed until all outstanding fines or judgments due the Commission or other state(s) regulatory agencies have been satisfied.

(h) No intrastate motor carrier operations shall be performed under an expired motor carrier license or household goods certificate.

### PART 3. LICENSE REQUIREMENTS

#### 165:30-3-11. Insurance

(a) No ~~intrastate~~ motor carrier whose principal place of business is in Oklahoma shall conduct any operations in this State unless such operations are covered by a valid primary bond or insurance policy issued by an Oklahoma State Insurance Commission authorized provider. No motor carrier shall conduct any operations in this State unless such operations are covered by a valid bond or insurance policy issued by a National Association of Insurance Commissioners (NAIC) certified state insurance ~~commission~~ department licensed provider. No holder of an authority shall conduct any operations before a proper certificate of insurance(s) has been filed with, and approved by the Commission. A surety bond containing all obligations provided by this Section may be substituted for an insurance policy.

(b) Every motor carrier shall file with, and must be approved by, the Commission a certificate on Form E or G certifying that there is in effect a valid bond or insurance policy covering operations in Oklahoma to protect the public against loss of life, injury, property damage, and including environmental restoration in minimum amounts, of combined single limits, for bodily injuries to, or death of all persons injured or killed in any accident, and loss or damage in any one accident to property or other (excluding cargo). Minimum liability insurance limits as set forth in 49 CFR Part 387 shall also be applicable to intrastate operations unless otherwise specified in subsections (b)(1)-(4).

(1) Motor carriers of property using vehicles with a gross vehicle weight rating (GVWR) of 10,000 pounds or more:

(A) Transporting non-hazardous commodities or transporting hazardous waste, materials or substances not listed in 49 CFR Part 387.9 - \$750,000.

(B) Transporting hazardous waste, materials, or substances- as required by 49 CFR, Part 387.9.

(2) Motor carriers of property using only vehicles with a GVWR under 10,000 pounds:

(A) Transporting commodities not listed in (B) of this paragraph- \$300,000.

(B) Transporting hazardous waste, materials or substances – as required by 49 CFR Part 387.9.

(3) Motor carriers of the following types of property, materials, and products (also known or identified as restricted property) - \$350,000:

(A) Sand, rock, gravel, rip-rap, aggregate or dirt.

(B) Asphaltic mixtures and similar mixtures and compositions (excluding concrete and concrete mixtures) used in road, highway and other ground surface paving.

(C) Unprocessed forestry products and by products thereof not in a finished state.

(D) Unprocessed agricultural commodities.

(E) Ordinary livestock.

(4) Motor carriers of passengers (seating capacity includes the driver):

(A) Taxicab service utilizing vehicles having a seating capacity of less than 7 passengers not operated on a regular route or between specified points - \$100,000.

(B) Utilizing vehicles having a seating capacity of 15 passengers or less, other than as described in (A) of this paragraph - \$1,000,000.

(C) Utilizing vehicles having a seating capacity of 16 or more passengers - \$5,000,000.

(5) Motor carriers of household goods - \$750,000.

(c) Every ~~intrastate~~ motor carrier of freight, except an ~~intrastate~~ a motor carrier of household goods, shall be exempted from filing proof of cargo insurance. Every ~~intrastate~~ motor carrier of household goods shall file with, and be approved by, the Commission an additional certificate on Form H or J that there is in effect a valid bond or insurance policy issued by a State Insurance ~~Commission~~ Department authorized provider, in the amount of at least Five Thousand (\$5,000) Dollars covering each household goods carrying vehicle operated by the carrier and \$10,000 for the loss of or damage to property occurring at any one time and place. for the benefit of all persons who may suffer damage to property while in possession of said motor carrier of household goods.

- (d) Motor carriers of hazardous materials or hazardous waste shall maintain a properly executed Form MCS-82 or MCS-90 in effect as required by CFR 387.
- (e) The Commission may by order grant authority to operate or to continue operating as a motor carrier conditional upon carrying insurance coverage in amounts larger than prescribed by (b) of this Section.
- (f) No certificate of insurance or surety bond filed with the Commission pursuant to this Section shall be cancelled, unless the authorization to conduct operations has been canceled, except after thirty (30) days written notice made to the Commission, on Form K or L, which notice shall be effective only upon actual receipt thereof by the Commission.
- (g) Insurance certificates or surety bonds may be cancelled without the thirty (30) days written notice on Form K or L only when the authorization to operate has previously expired or cancelled, the motor carrier provides an affidavit stating no operations have been conducted and the effective date of the cancellation notice is not before the date the cancellation notice is received in the Commission.
- (h) Insurance certificates or surety bonds not properly cancelled or expired shall be considered expired one year after the motor carrier's authorization to operate has been cancelled or expired.
- (i) Insurance certificates or surety bonds approved by this Commission shall be replaced by more recent insurance certificates or surety bonds. The liability of the retiring insurer or surety shall be terminated as of the effective date of the replacement insurance certificate or surety bond provided the replacement is approved by this Commission.
- (j) No certificate of insurance shall be filed with the Commission which contains a provision to the effect that liability thereunder may be limited or avoided because of the culpability, the recklessness, or the condition of the driver of the vehicle involved or any other restriction relating to the driving or operation of the vehicle.
- (k) Every certificate of insurance filed with the Commission shall provide that the public is protected from damage sustained through operations of any and all vehicles operated by the motor carrier insured, whether or not listed or identified in the policy; and that liability is not limited by the description of any particular vehicle or route which may be traveled by the motor vehicle in transporting passengers or property under the certificate or permit or license.
- (l) Every certificate of insurance filed with the Commission shall be executed by an officer or authorized agent of the insurance company; and if executed by an agent, a copy of his written authority or power of attorney to execute the same shall be attached to the certificate.
- (m) When insurance is provided by more than one insurer in order to aggregate security limits for motor carriers, a separate insurance certificate and endorsement is required of each insurer.
- (n) Every motor carrier shall maintain in force at all times all insurance required by state laws and by this Section. Failure for any cause to maintain any required insurance in force shall automatically and without notice suspend the license, IRC and authority of a motor carrier until proper insurance is filed.
- (o) Whenever the license or authority of a motor carrier is suspended for failure to maintain in force insurance required by this Section, the carrier must file, within sixty (60) days after commencement of the suspension, proper certificate(s) of insurance as provided in this Section and a sufficient showing, by affidavit or otherwise, that no operations were conducted during the period that insurance was not in force (TDF 18).
- (p) Whenever a motor carrier fails to provide proper certificates of insurance within sixty (60) days after suspension thereof as provided in this Section, the motor carrier's certificate or permit, license, or other authority shall be cancelled by operation of law, and without notice. A certificate or permit, license, or other authority so cancelled shall not be reinstated or otherwise made operative except upon proper showing, at a hearing, that the motor carrier was actually covered by proper insurance during the suspension or cancellation period, and that failure to file with the Commission was not due to the motor carrier's own negligence.
- (q) Any motor carrier conducting operations under a suspended or cancelled authority, shall not be eligible to apply for a new authority for a period of not less than one hundred eighty (180) days. The one hundred eighty (180) day period shall be determined by either the date insurance on file expires or the date a violation is discovered, whichever occurrence is later.
- (r) A person may not require indemnification from a motor carrier as a condition to the following:
- (1) The transportation of property by the motor carrier.
  - (2) Entrance onto property by the motor carrier for the purpose of loading, unloading or transporting property.

(3) Subsection (r)(2) of this Section does not apply to a claim arising from damages or losses from the wrongful or negligent act or omission of the motor carrier.

(s) Insurance filings and cancellation notices required by this Chapter may be accepted electronically as set forth by the Transportation Division. Electronic insurance filings and cancellations shall be held to the same standard and carry the same force and effect as if accepted through traditional paper filings.

## SUBCHAPTER 7. PROCEDURAL RULES

### 165:30-7-2. Notice [REVOKED]

~~(a) Notice of an application relating to intrastate motor carrier authority of household goods shall be published prior to hearing once each week for two (2) consecutive weeks as follows:~~

~~(1) For original certificate as an intrastate common carrier or contract carrier of household goods: in a newspaper of general circulation published in the county seat or the largest city of the county of the applicant's principal place of business; or,~~

~~(2) For transfer of an intrastate certificate or permit of household goods: in a newspaper of general circulation published in the county seat or the largest city in the county in which is located the principal place of business of the transferor and transferee.~~

~~(b) Notice of an application for a rate or tariff change requiring a hearing shall be published prior to hearing once each week for two (2) consecutive weeks in a newspaper of general circulation published in Oklahoma and Tulsa counties.~~

~~(c) Any nonresident of Oklahoma shall be deemed to have its place of business in Oklahoma County for the purpose of this Section.~~

~~(d) All parties not of record interested in any intrastate household goods motor carrier application shall, only for the purpose of receiving further notices concerning the application, file with the Commission's Court Clerk a letter containing the name and address of the party and attorney, if any.~~

~~(e) Notice of all intrastate household goods motor carrier motions, applications and transfers shall be printed on the Commission Docket as prescribed by law for circulation to the public.~~

### 165:30-7-5. Forms

The following forms of the Commission relate to this Chapter:

(1) Intrastate license forms.

(A) TDF 1 - Application for Intrastate Motor Carrier For-Hire or Private Carrier License

(B) TDF 2 - Application for renewal of Intrastate Motor Carrier License or Certificate

(C) TDF 3 - Application for Change of Name on Intrastate Carrier License or Certificate

(2) Intrastate certificate ~~or permit~~ forms.

~~(A) MCF 1 - Application For Common Carrier for Household Goods Certificate and Necessity or Contract Carrier Household Goods Permit~~

~~(B) MCF 3 - Application to Transfer Motor Carrier Certificate or Permit of Household Goods~~

~~(C) MCF 4 - Motion For Temporary Authority Accompanying Application For Intrastate Carrier Household Goods Certificate of Convenience and Necessity or Permit~~

~~(D) MCF 4-A - Motion for Temporary Authority to Transfer Household Goods Certificate or Permit Accompanying MCF 3 Application to Transfer Intrastate Authority~~

~~(E) MCF 5 - Application for Change of Name on Intrastate Certificate or Permit~~

~~(F) MCF 6 - Application to Temporarily Operate Motor Carrier Household Goods Certificate or Permit As Representative of Estate~~

~~(G) MCF 7 - Application For Voluntary Suspension or Discontinuance Of Service of and Intrastate Household Goods Certificate or Permit~~

~~(H) MCF 7-A - Application to Reactivate A Household Goods Certificate or Permit Under Voluntary Suspension~~

~~(I) MCF 9 - Annual Report~~

~~(J) (B) Form H - Uniform Motor Carrier Cargo Certificate of Insurance~~

~~(K) (C) Form J - Uniform Motor Carrier Cargo Surety Bond~~

(3) Interstate Form - Unified Carrier Registration

(4) Hazardous Waste forms.

- (A) UPW – Part I - Registration
- (B) UPW – Part II – Permit
- (C) UPW – Part III – Other Information
- (D) UPW – Part IV – Certification
- (E) UPW – Uniform Program Fee Worksheet (Schedules A-D and Summary)
- (5) IFTA/IRP forms.
  - (A) IRP Schedule A – International Registration Plan Original Application-Schedule A
  - (B) IRP Schedule B – International Registration Plan- Schedule B
  - (C) IRP Schedule C – International Registration Plan Supplemental Application-Schedule C
  - (D) IRP Schedule G – International Registration Plan Declaration of Estimated Miles-Schedule G
  - (E) IRP Misc 1 – International Registration Plan Affidavit for Lost/Stolen Tag and Additional Cab Cards
  - (F) IRP TAP – International Registration Plan Application for Temporary Permit
  - (G) IFTA Application – International Fuel Tax Agreement Registration Application
  - (H) IFTA QTR – International Fuel Tax Agreement Quarterly Report
- (6) Miscellaneous forms.
  - (A) TDF 8 – Application for Reinstatement
  - (B) TDF 14 – Application For a Deleterious Substance Transport Permit
  - (C) TDF 16 – Application for Identification Devices
  - (D) TDF 17 – Application for Address Change
  - (E) TDF 18 – Affidavit of No Operations
  - (F) TDF 19 – Carrier Identification Report
  - (G) Form E – Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance
  - (H) Form K – Uniform Notice of Cancellation of Motor Carrier Insurance Policies
  - (I) Form G – Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond
  - (J) Form L – Uniform Notice of Cancellation of Motor Carrier Surety Bonds
  - (K) TDF 15 – Application to Construct or Enlarge a Truck Yard Pit
  - (L) TDF 15T – Application to Transfer a Truck Yard Pit Permit
  - (M) TDF 25 – Application for Motor Carrier Rules and Regulations
  - (N) TDF 26 – Motor Carrier Rules and Regulations Update Notification
  - ~~(O) TDF 27 – Motor Carrier Rules and Regulations Change of Address Notification~~
  - ~~(O)~~ (N) TDF 28 – Vehicle Information Request Form

**165:30-7-8. Review of Applicants for safety fitness**

(a) Applicants for an intrastate household goods certificate, for-hire motor carrier license, intrastate private carrier license, hazardous waste registration or permit, or renewal of a certificate or a license ~~or an intrastate motor carrier of household goods certificate~~ shall be reviewed for compliance with rules and regulations as adopted by the Oklahoma Department of Public Safety in OAC 595:35, pertaining to 49 C.F.R. Federal Motor Carrier Safety Regulations, with all amendments and appendices thereto. Areas to be reviewed are based upon, but not limited to, the following:

- (1) The carrier's USDOT safety rating (if any).
- (2) The number of vehicle inspections performed.
- (3) The time frame in which the vehicle inspections were performed.
- (4) The out of service ratio for the applicant's vehicles.
- (5) The out of service ratio for the applicant's drivers.
- (6) Review of applicant's driver qualification files.
- (7) Review of applicant's vehicle maintenance records.
- (8) Verification of applicant's drug/alcohol testing program.

(b) Compliance with the Federal Motor Carrier Safety Regulations and all other requirements shall result in a certificate or license application being approved administratively ~~or being set on the Motor Carrier Docket, if hearing is required, unless a protest is timely filed in accordance with OAC 165:5.~~

(c) ~~The Transportation Division shall notify the Administrative Law Judge of the results of a safety review performed on an applicant for an intrastate motor carrier of household goods certificate.~~ Applicants may be required to attend an Educational Compliance Workshop produced by the Transportation Division.

(d) Failure to attend a scheduled Educational Compliance Workshop or produce documentation which reflects compliance ~~comply~~ with the Federal Motor Carrier Regulations may result in denial or delay of the relief sought.

(e)  ~~Holders of an intrastate motor carrier license and an intrastate motor carrier of household goods shall be reviewed on a periodic basis for compliance with the Federal Motor Carrier Safety Regulations. Results of safety reviews may be addressed in a hearing to obtain or renew an intrastate motor carrier license or an intrastate private carrier license~~ an intrastate household goods certificate, or be addressed in a separate hearing before an Administrative Law Judge.

(f) Violations of the Federal Motor Carrier Safety Regulations are considered contempt of the Commission and subject to a fine in accordance with the rules and regulations of the Department of Public Safety in OAC 595:35.

#### **165:30-7-11. USDOT number**

(a) Every person operating or intending to operate as a motor carrier in intrastate or interstate commerce shall obtain a USDOT number.

(b) Every person registering a commercial motor vehicle for apportionment shall obtain a USDOT number.

(c) Every person applying for an IFTA license shall obtain a USDOT number.

(d) USDOT numbers for interstate operations can be obtained utilizing a MCS-150 form available from FMCSA or online at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov).

(e) USDOT numbers for intrastate only operations can be obtained utilizing a Corporation Commission TDF-19 form, a MCS-150 form available from FMCSA or online at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov).

(f) Motor carriers, registrants and licensees obtaining a USDOT number for interstate operations shall comply with all provisions of 49 C.F.R. 390.19, with the exception that applicants for apportioned registration must update their MCS-150 a minimum of once every twelve (12) months.

(g) Motor carriers operating intrastate only shall ~~file an updated TDF-19 application in conjunction with their for hire or private carrier license renewal~~ update their MCS-150 or TDF-19 a minimum of once every two years.

(h) ~~Motor carriers of household goods operating intrastate only shall file an updated TDF-19 application a minimum of once every two years.~~

(i) All holders of a USDOT number shall notify the Commission, utilizing a TDF 19 if intrastate only, or file a new MCS-150 form with USDOT or this Commission ~~Motor carriers operating intrastate only shall file a TDF 19 when they cease operations in order to inactivate their USDOT number.~~

(j) A USDOT number issued to an intrastate carrier will be inactivated when the intrastate carrier does not hold an active authority and two or more Commission letters or notifications mailed to the last known address on file are returned undeliverable.

### **SUBCHAPTER 13. INTRASTATE HOUSEHOLD GOODS CERTIFICATES OR PERMITS**

#### **PART 1. APPLYING FOR AUTHORITY**

##### **165:30-13-2. Obtaining a household goods certificate or permit**

(a) No ~~intrastate~~ motor carrier shall operate upon any street, road, public highway or dedicated public thoroughfare of this State for the intrastate, including intracity, transportation of household goods for hire without first obtaining from the Commission a certificate ~~or permit~~ as provided in this Section.

(1) An applicant for a certificate ~~or permit~~ shall file with the Court Clerk of the Commission a written application on the appropriate form prescribed by the Commission (MCF 1), and shall tender with the application a filing fee as prescribed by law or by Commission rule.

(2) The application shall be assigned a PIN, which shall be the permanent identification number for all matters relating to authority granted therein. Any application thereafter filed to amend the authority or for additional authority by the same applicant shall be filed under the original PIN, and otherwise shall be governed by the provisions of this Subchapter relating to an application for authority. Each subsequent application shall also bear a sub-number in sequence.

(3) A certificate ~~or permit~~ shall be personal to the holder thereof, and shall be issued only to an individual, a corporation, a limited liability corporation, a partnership or some other legally recognized entity.

(4) The filing of an application for a certificate ~~or permit~~ does not of itself authorize any motor carrier operations by the applicant. Such operations are prohibited except ~~after public hearing and pursuant to a temporary or permanent order of~~ certificate issued by the Commission, and only after all requirements ~~as to filing of tariffs and insurance~~ have been met, ~~and an order granting temporary authority or a certificate or permit has been issued~~, and identification devices have been obtained. ~~Unless all requirements of this Chapter are met and actual operations commenced within sixty (60) days after final hearing approving an application, the application will be dismissed.~~

(5) The application for ~~intrastate household goods common carrier authority requiring proof of public convenience and necessity and intrastate household goods contract carrier authority~~ shall be notarized, and shall contain the following information:

(A) Name of applicant, trade name, mailing address, principal place of business address which shall be the registered address for purposes of this Subchapter, telephone number and domicile county of the applicant. The applicant's name must be a legal entity. A trade name or "doing business as" (DBA) may be designated, but cannot be a corporate name or LLC or LLP or another organized entity. If the applicant is an organized entity, a copy of the cover sheet as filed with or issued by the Oklahoma Secretary of State's Office shall be attached to the application.

(B) The type of applicant (indicating if sole proprietorship, partnership, corporation or other legal entity), specifying the names of all partners, officers and/or directors and listing the addresses of each.

(C) ~~Full information as to experience and financial responsibility of applicant, sufficient to show fitness to conduct operations for which authority is sought.~~

~~(D) Service proposed to be performed, which shall set out the exact area to be served.~~

~~(E) Declaration of its USDOT number.~~ Carriers without a USDOT number must apply for a USDOT number. A USDOT number must be issued to the applicant prior to a certificate being issued.

~~(D) Declaration of its safety rating and provide a safety summary report which details its safety program and lists all safety violations identified within the prior twelve (12) months. Carriers without a USDOT number must attach a copy of its previously submitted application for a USDOT number. The applicant shall notify the Commission in writing of its USDOT number once issued, unless the USDOT number is issued by the Commission.~~

~~(F) (E) A size and weight summary report which details its size and weight compliance program and lists all size and weight violations identified within the prior twelve (12) months.~~

~~(G) (E) A listing of all power vehicles and trailers to be used, detailing the model, make and capacity of each vehicle and denoting whether each vehicle is owned or leased.~~

~~(H) (G) A description of all terminal and dock facilities within the state to be utilized for household goods transportation operations. If no facilities exist, the address where vehicles will be parked must be provided.~~

~~(I) Schedule containing proposed rates and charges to be assessed for performance of transportation, or reference to tariff series to which applicant will become a party.~~

~~(J) (H) The name and address of a process agent for Oklahoma must be filed and maintained for any applicant that does not maintain a physical address in Oklahoma.~~

~~(K) (I) A declaration the applicant is in full compliance with all other state laws, rules and regulations.~~

~~(J) Any other information the Commission deems necessary.~~

~~(6) An applicant for permit to operate as a contract carrier of household goods in intrastate commerce shall attach to its application a copy of every contract which sets forth the terms under which service is to be performed; provided that such applicant shall not be authorized to serve more than six (6) contracting shippers at any one time.~~

(b) Every person operating as a motor carrier of household goods pursuant to this Subchapter shall ~~purchase~~ obtain a copy of this Chapter and be familiar with its content as it pertains to motor carriers of household goods.

(c) The Commission may consider any written protests or written complaints filed prior to granting or renewing a household goods certificate. If the Commission elects not to grant or renew a household goods certificate, the application shall be set for public hearing in accordance with Commission rules. At the hearing, the applicant shall have the burden of establishing by proof the following:

~~(1) That public convenience and necessity exists for granting the authority sought.~~

- ~~(2) That the applicant is fit, qualified, and financially able to perform the service and conduct the operations contemplated under the authority sought.~~
- ~~(3) That the applicant it has the ability to conduct operations in a safe and reasonable manner and applicant is in compliance with all applicable rules and laws of the State of Oklahoma.~~
- (d) After the hearing, the Commission may grant or deny the application in whole or in part; or may impose conditions, stipulations and limitations on the authority as stated in the order.
- (e) Applicant may be issued a provisional household goods certificate not to exceed ninety (90) days from the date the application is filed, provided all requirements, with the exception of the educational compliance requirements, for the certificate have been met. Applicant must provide a written request for the provisional certificate. If the provisional certificate is issued, a copy of the provisional certificate must be carried in each vehicle operated by the Applicant.
- (f) A certificate shall be valid for one year from date of issuance. Applicants for renewal of a certificate shall comply with OAC 165:30-3-3.
- ~~(g) A copy of the current certificate or permit, or order granting temporary authority, under which a carrier operates shall be carried at all times in each power unit by the motor carrier.~~
- ~~(h) A motor carrier of household goods engaged in incorporate intercorporate hauling shall not be subject to this Subchapter, but shall apply for a license under Subchapter 3 of this Chapter.~~
- ~~(g) (i) No intrastate household goods motor carrier certificate or permit shall be issued to an applicant until all outstanding fines or judgments due the Commission or other state(s) regulatory agencies have been satisfied.~~
- ~~(h) (j) An intrastate motor carrier of household goods additionally engaged in the for-hire transportation of property must comply with Subchapter 3 of this Chapter.~~
- (k) All proceedings subsequent to the application, and the conduct of the hearing, shall be governed by applicable provisions of the Commission's Rules of Practice, OAC 165:5.

### **165:30-13-3. Temporary authority [REVOKED]**

- ~~(a) A request for temporary intrastate household goods motor carrier authority shall be made by motion.~~
- ~~(1) An applicant for permanent intrastate motor carrier authority of household goods may, at the same time he files his application or thereafter, file a motion for temporary authority to operate as a motor carrier pending final adjudication of its application. The motion (MCF 4) shall be accompanied by shippers' affidavits or other proof which clearly establishes the necessity for granting temporary authority in advance of hearing on the application for authority. The Commission may, in its discretion, grant an applicant temporary authority to operate as a motor carrier of household goods (only after hearing).~~
- ~~(2) The motion shall be filed under the permanent PIN assigned the application for permanent authority, along with any filing fee as prescribed by law or by Commission rule.~~
- ~~(b) Temporary intrastate household goods motor carrier authority allows for provision of service for which there is an immediate and urgent need to meet the requirements of public convenience and necessity to a point or points or within a territory or parts thereof, having no motor carrier service capable of meeting such need; and, the Commissioners may impose any time restriction on the length of the temporary authority that they deem proper.~~
- ~~(1) All motions for temporary authority shall be set for hearing before an Administrative Law Judge, and notice to the public of the hearing shall appear on the Commission's published motor carrier docket. No witnesses shall appear at the hearing, but such matter shall be considered based upon oral arguments and affidavits presented by the appearing parties. Appeals shall be made to the Commissioners as prescribed in the Commission's Rules of Practice, OAC 165:5.~~
- ~~(2) The granting of temporary authority shall create no presumption that permanent authority thereafter will be granted, and shall not excuse any proof required by law or by this Chapter in support of the application.~~
- ~~(c) Transportation services performed under temporary authority for motor carriers of household goods shall be subject to all applicable provisions of law and of this Chapter. No transportation service shall be performed thereunder until appropriate certificates of insurance and tariffs have been filed with the Commission, and identification devices have been obtained. The motor carrier shall have a copy of the temporary authority order in each vehicle prior to operating in Oklahoma.~~

### **PART 3. HOUSEHOLD GOODS CERTIFICATE OR PERMIT REQUIREMENTS**

### **165:30-13-11. Insurance**

All intrastate motor carriers of household goods shall comply with all provisions of OAC 165:30-3-11.

### **165:30-13-12. Identification device**

(a) Every motor carrier operating upon the public highways of the State of Oklahoma shall obtain and display a current identification device, issued by this Commission, for each power unit operated by said motor carrier.

(1) Only one (1) identification device is required for each power unit.

(2) The annual fee for each identification device will be as prescribed by law or Commission rule.

(3) Identification devices expire ~~on December 31st of each calendar year, unless the motor carrier additionally holds an intrastate motor carrier license simultaneously with the expiration date of the annual certificate issued to the motor carrier.~~

(b) No identification device may be sold or otherwise transferred; except if such motor carrier provides a newly acquired vehicle in substitution therefore, each identification device on the discontinued vehicle, if such device is still in the possession of the motor carrier, may be transferred to the substitute vehicle or any subsequently substituted vehicle.

(c) It is the duty of every motor carrier to remove and destroy identification devices upon transfer or sale of a power vehicle.

(d) Identification devices found to be in the possession of a carrier not authorized will be confiscated and returned to the Commission by a motor carrier enforcement officer.

(e) No identification devices will be issued to any motor carrier who does not meet all statutory, regulatory and Commission requirements.

### **165:30-13-13. Annual report**

~~(a) On or before April 15th of each year, every intrastate motor carrier of household goods shall file with the Commission a report of revenues, expenses and other statistics for the calendar year ending on the preceding December 31st, or for its fiscal year ending subsequent to April 15th of the preceding year. An extension of time for filing may be granted by the Transportation Division for a period of not more than thirty (30) days, upon written request.~~

~~(1) Each annual report shall be made on the appropriate form (MCF 9) as prescribed by the Commission. A carrier engaged exclusively in intrastate commerce and operating no more than three (3) power vehicles may attach to the prescribed form, as a statement of income and expense portion only, the schedule thereof from its federal or Oklahoma income tax return.~~

~~(2) Each annual report shall be properly signed, notarized and attested to as follows:~~

~~(A) Report of sole proprietorship must be signed by owner.~~

~~(B) Report of partnership must be signed by one of the partners.~~

~~(C) Report of corporation or limited liability corporation must be signed by officer and attested to by the Secretary or Assistant Secretary, and contain its corporate seal.~~

~~(b) Failure to have on file the prescribed annual report by April 15th, or as extended by authority of the Transportation Division, may result in cancellation of the certificate or permit upon application or motion of the Commission's Transportation Division.~~

~~(c) Any annual report filed after April 15th, or as extended by authority of the Transportation Division, but prior to the day of the hearing to cancel the certificate or permit for failure to have on file the prescribed annual report, shall be accompanied by a delinquent annual report filing fee as prescribed by law or by Commission rule.~~

### **165:30-13-14. COD shipments**

~~(a) Every intrastate motor carrier of household goods transporting shipment(s) requiring collection of any amount of money on delivery (COD) shall maintain on file at all times with the Commission a surety bond or certificate of insurance coverage on Form MCF 8 or equivalent, the amount of Two Thousand Dollars (\$2,000.00) to guarantee the collection of and proper transmittal of all money collected under COD shipments. No intrastate motor carrier of household goods shall transport any COD shipment at any time when such bond is not in full force and effect and on file with the Commission.~~

~~(b) Every amount of money collected pursuant to a COD shipment shall be remitted to the consignor within ten (10) days after collection thereof.~~

~~(c) Every intrastate carrier of household goods transporting COD shipments shall maintain a COD register or file containing the following information as to each COD shipment transported:~~

- ~~(1) The name and address of the consignor and consignee.~~
- ~~(2) The amount of money to be collected on delivery.~~
- ~~(3) The origin and destination of the shipment.~~
- ~~(4) The date of receipt thereof and the date charges were collected.~~
- ~~(5) Names of each carrier providing any portion of the transportation of the shipment.~~
- ~~(6) Date on which the money collected was remitted to the consignor.~~

~~(d) Every carrier providing any portion of the transportation shall furnish every other carrier participating in the transportation with the information required by this Section so that the information herein specified shall appear on the COD records of each participating carrier. The COD register shall at all times be open to inspection by any authorized representative of the Commission.~~

### **165:30-13-15. Markings**

Every intrastate motor carrier of household goods shall comply with the provisions of 165:30-3-17.

### **165:30-13-16. Current address requirement**

All intrastate motor carriers of household goods shall comply with all provisions of OAC 165:30-3-16.

### **165:30-13-17. Adoption of interstate tariff – filing of affidavit [REVOKED]**

~~(a) Rules, regulations, rates and charges as set forth in Nationwide Household Goods Relocation Tariff STB HB 400-M, including supplements thereto or reissues thereof, Household Goods Carrier's Bureau Committee Agent (hereinafter referred to as "Tariff 400-M") are prescribed as the rules and regulations and maximum allowable rates and charges for all motor carriers engaged in the transportation of household goods, subject to a discount of up to 100%.~~

~~(b) The rules, regulations, rates and charges set forth in Tariff 400-M, subject to a discount of up to 100%, shall be considered binding upon all motor carriers of household goods.~~

~~(c) To the extent any conflict may arise between the subject Tariff and applicable statutes of Oklahoma, the statutes shall prevail.~~

~~(d) Each motor carrier of household goods shall maintain a copy of the subject Tariff at its principal place of business for public inspection.~~

~~(e) Each motor carrier of household goods shall properly complete and place on file a MCF 8 Tariff Affidavit that attests to the carrier's compliance with this section.~~

~~(f) A certificate held by a motor carrier of household goods may be suspended or revoked by the Commission, or the holder thereof assessed a fine or other lawful punishment for any violation of, or failure to comply with any requirement or provision of Tariff 400-M.~~

## **PART 5. CONDUCTING OPERATIONS**

### **165:30-13-20. Estimates**

(a) Household goods carriers must provide written binding or non-binding estimates.

(b) The written estimate must clearly provide:

(1) Whether it is a binding or a non-binding estimate. Non-binding estimates must be based upon a reasonably accurate estimate of the charges for transportation and accessorial services to be performed.

(2) The form of payment that will be honored at delivery such as cash, certified check, money order, type of credit card, etc.

(3) The date of the estimate.

(4) The signature of the carrier and of the shipper.

(5) Additional charges may be added based upon mutual agreement of the carrier and the shipper. These charges must be in writing and signed by both parties. Additional charges may not be added after the goods are loaded, except as provided in OAC 165:30-13-28.

(6) If the household goods carrier's charges will be based upon inventoried items, a written itemized inventory for each shipment must be prepared and attached to the bill of lading.

- (7) The shipment will be transported at the released value of \$.60 per pound, at no additional cost to the shipper, unless the shipper elects full value protection.
- (c) Household goods carriers assessing charges based upon weight must obtain weight tickets of the vehicle before loading and after loading. The weight tickets must include:
- (1) The complete name and location of the scale.
  - (2) The date of each weighing.
  - (3) The signature of the weigh master.
  - (4) The identification of the weight entries as being the tare, gross or net weights.
  - (5) The last name of the shipper as it appears on the bill of lading (if the vehicle is loaded).
  - (6) The bill of lading number.
  - (7) A shipper shall be granted the ability to observe the vehicle weighing or re-weighing as requested.
- (d) Household goods carriers assessing charges not based upon weight shall clearly specify the parameters for which charges will be assessed.
- (e) Services performed under an estimate are subject to the 110% rule, which means the household goods carrier must deliver the goods once the shipper pays 110% of the estimated charges. The 110% rule still applies to partial shipments when a prorated percentage is paid.
- (f) Additional charges may be added based upon mutual agreement of the carrier and the shipper. These charges must be in writing and signed by both parties. Additional charges may not be added after the goods are loaded, except as provided for in OAC 165:30-3-28.

#### **165:30-13-22. Consumer Protection Information**

- (a) The Commission will determine a minimum amount of consumer protection information to be provided to each prospective household goods shipper or consignor.
- (b) The consumer protection information will be derived from state law and the rules of this Commission and will be designed to assist consumers in understanding the options available as well as the pros and cons of those options.
- (c) The Commission shall post the consumer protection information online, where it will be accessible to both household goods carriers and the general public.
- (d) Every household goods carrier shall provide the consumer protection information to each prospective shipper or consignor when a written estimate is provided.
- (e) Household goods carriers may reprint the consumer protection information for handout as provided by the Commission or include the information in their own brochure, including additional information and logos as desired, provided all information required by the Commission is accurately contained within the carrier's brochure and no information inserted by the carrier contradicts or nullifies the Commission required information.

#### **165:30-13-24. Valuation and Liability**

- (a) All household goods carriers shall obtain a written valuation selection from the shipper prior to shipment. Shippers must select full value or released value.
- (b) Failure of the household goods carriers to obtain the written valuation selection shall require the carrier to transport the shipment at full value, at no additional cost to the shipper.
- (c) Shippers electing full value protection shall declare the total value of their shipment.
- (d) Shippers electing full value protection must declare, in writing, any articles that exceed a value of \$100 per pound, entitling the shipper to full recovery upon to the declared value of the article(s), not to exceed the declared value of the shipment.
- (e) A household goods carrier shall not be liable for physical loss of or damage to any articles from external cause while being carried or held storage-in-transit due to:
- (1) An act, omission or order of shipper.
  - (2) A defect or inherent vice of the article, including susceptibility to damage because of atmospheric conditions such as temperature and humidity or changes therein.
  - (3) Hostile or warlike action in time of peace or war, including action in hindering, combating or defending against an actual, impending or expected attack.
  - (4) A government or sovereign power, or by any authority maintaining or using military, naval or air forces.
  - (5) An agent of any such government, power, authority or forces.

- (6) Any weapon of war employing atomic fission or radioactive force whether in time of peace or war.
- (7) Insurrection, rebellion, revolution, civil war, usurped power, or action taken by governmental authority in hindering, combating, or defending against such an occurrence.
- (8) Seizure or destruction under quarantine regulations.
- (9) Confiscation by order of any government or public authority.
- (10) Risks of contraband or illegal transportation or trade.
- (11) Terrorist activity, including action in hindering or defending against an actual or expected terrorist activity. Such loss or damage is excluded regardless of any other cause or event that contributes concurrently or in any sequence to the loss. Terrorist activity means any activity which is unlawful under the laws of the United States or any state and which involves any of the following:
- (A) The hijacking or sabotage of any conveyance including an aircraft vessel, cab, truck, van, trailer, container or vehicle, or warehouse or other building.
- (B) The seizing or detaining and threatening to kill, injure or continue to detain another individual in order to compel a third person, including a governmental organization, to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained.
- (C) An assassination.
- (D) The use of any biological agent, chemical agent or nuclear weapon or device or explosive, firearm or other weapon or dangerous device, other than for mere personal monetary gain with intent to endanger directly or indirectly the safety of one or more individuals or to cause substantial damage to property.
- (E) A threat, attempt or conspiracy to do any of the foregoing.
- (12) Delay caused by strikes, lockouts, labor disturbances, riots, civil commotions or the acts of any person(s) taking part in any such occurrence or disorder, and from loss or damage when carrier, after notice to shipper or consignee of a potential risk of loss or damage to the shipment from such causes, is instructed by the shipper to proceed with such transportation and/or delivery, notwithstanding such risk.
- (13) Acts of God.
- (14) Delay caused by highway obstruction or faulty or impassable highways or lack of capacity of any highway or bridge or caused by breakdown or mechanical defect of vehicles or equipment or from any cause other than negligence of the carrier, nor shall the carrier be bound to transport by any particular schedule, means, vehicle or otherwise than with reasonable dispatch.
- (f) Every carrier shall have the right in case of physical necessity to forward said property by any carrier or route between the point of shipment and the point of destination.
- (g) The shipper shall indemnify carrier against loss or damaged caused by inclusion in the shipment of explosives or dangerous articles or goods.
- (h) The shipper, upon tender of the shipment to carrier, and the consignee, upon acceptance of delivery of shipment from carrier, shall be liable, jointly and severally, for all unpaid charges payable on account of a shipment in accordance with applicable tariffs including, but not limited to, sums advanced or disbursed by a carrier on account of such shipment. The extension of credit to either shipper or consignee for such unpaid charges shall not thereby discharge the obligation of the other party to pay such charges in the event the party to whom credit has been extended shall fail to pay such charges.
- (i) If for any reason other than the fault of the household goods carrier, delivery cannot be made at address shown on the bill of lading or at any changed address of which carrier has been notified, the household goods carrier may, at its option, cause articles contained in the shipment to be stored in a warehouse selected by it at the point of delivery or at other available points at the cost of the owner, subject to a lien for all accrued charges.
- (j) If shipment is refused by consignee at destination, or if shipper, consignee or owner of property fails to receive or claim it within fifteen (15) days after written notice by US mail addressed to shipper and consignee at post office addresses shown on the bill of lading, or if shipper fails or refuses to pay applicable charges in accordance with the written estimate, bill of lading and/or any valid amendments thereto, the household goods carrier may sell the property as follows:
- (A) Upon notice at public auction to highest bidder for cash at a public sale to be held at a time and place named by carrier, thirty (30) days notice of which sale shall have been given in writing to shipper and consignee, and there shall have been published at least once a week for two consecutive weeks in a newspaper of general circulation at or near the place of sale, a notice thereof containing a

description of the property as described in the bill of lading and the names of the consignor and consignee.

(B) Any perishable articles contained in said shipment may be sold at public or private sale without such notice if, in the opinion of the carrier, such action is necessary to prevent deterioration or further deterioration.

(C) The proceeds of any sale shall be applied toward payment of shipment charges and toward expenses of notice, advertising and sale, and of storing, caring for and maintaining property prior to sale. The balance, if any, shall be paid to the owner of the property.

### **165:30-3-26. Bill of Lading**

(a) No household goods shipments may be loaded until a valid bill of lading has been prepared. A bill of lading must contain:

(1) Date.

(2) The identification number for the shipment (may be a bill of lading number).

(3) The household goods carrier's information as follows:

(A) Legal name and dba (if any).

(B) Mailing address and physical address (if different from mailing address).

(C) Telephone number.

(D) USDOT number as linked to the intrastate household goods certificate.

(E) Other motor carrier information, as required in this subsection that will participate in the transportation of the shipment.

(4) The shipper's information as follows:

(A) Name.

(B) Mailing address and physical address (if different from mailing address).

(C) Telephone number.

(5) Shipment information as follows:

(A) Agreed upon pick up date and delivery date or agreed period of the entire move.

(B) Origin and destination of shipment.

(C) The inventory list signed by both parties or an inventory list waiver signed by the shipper.

(D) Identification information of the vehicle on which the shipment is loaded.

(6) Payment and charges as follows:

(A) Denote if the estimate was binding or nonbinding.

(i) If non-binding, a reasonably accurate estimate of the amount of the total charges, the maximum amount (subject to the 110% rule) that must be paid at the time of the delivery to relinquish possession of the shipment.

(ii) If binding, the amount of charges that must be paid to relinquish possession of the shipment along with the terms of payment.

(B) The form of payment that will be honored upon delivery (which must be the same as shown on the estimate).

(C) The terms and conditions for payment of the total charges, including notice of any minimum charges.

(D) The maximum amount of payment that will be required at the time of delivery to obtain possession of the shipment.

(E) The declared value of the shipment or, if the shipper waives the full value protection, the released value of the shipment.

(F) The cost to the shipper for the specified level of shipment valuation.

(G) Evidence of any insurance coverage sold to or procured for the shipper from an independent insurer, including the cost incurred for the insurance.

(H) A complete description of any accessorial services ordered and the charges associated with the services.

(I) Whether the shipper will be notified in advance of the charges before delivery. If yes, the shipper must provide fax number or address where the notifications are to occur and via method (fax, email, overnight courier, certified mail, etc.) as well as any additional charges associated with the notification.

(7) Acknowledgements and Signatures as follows:

(A) In the event the motor carrier of household goods reasonably believes an accessorial service is needed to safely transport a shipment, and the shipper refuses to pay for such a service, the carrier must refuse to accept the shipment and note this on the bill of lading.

(B) Acknowledgment by the shipper that the consumer protection information "Moving in Oklahoma" was received at the time or prior to receipt of the written estimate.

(C) Signature of carrier.

(D) Signature of shipper.

(b) A copy of the bill of lading must be provided to the shipper at the time of the shipper's signature.

(c) A bill of lading may be amended only prior to the loading of the shipment and upon mutual agreement between the carrier and the shipper except as provided for in OAC 165:30-3-28. The amendment must be signed by both parties.

### **165:30-3-27 Blank or incomplete documents**

A household goods carrier may provide a blank or incomplete non-binding estimate, bill of lading or other blank or incomplete documents pertaining to the move, as long as all the relevant shipping information is contained within the document to determine the final charges except the actual final shipment weight or other information necessary to finalize the shipping charges. These blank or incomplete areas or forms must be so noted at the time of the carrier's and shipper's signatures.

### **165:30-3-28 Additional Services**

(a) If the household goods carrier believes additional services are necessary to properly service a shipment after the bill of lading has been issued, the following actions must occur:

(1) The shipper must be allowed a minimum of one hour to determine whether he or she wants the additional services performed.

(2) If the shipper agrees to pay for the additional services, a written attachment to be made a part of the bill of lading contract must be signed by the shipper.

(3) The shipper may not be billed for the additional services until a minimum of thirty (30) days after delivery.

(b) If the shipper requests additional services after the bill of lading has been issued, the following actions must occur:

(1) The household goods carrier must advise the shipper of the charges associated with the additional services.

(2) If the shipper agrees to pay for the additional services, a written attachment to be made a part of the bill of lading contract must be signed by the shipper.

(3) The household goods carrier may require full payment at delivery for the additional services, and for 100% of the original binding estimate.

### **165:30-13-31. Compliance with laws and regulations**

(a) All intrastate motor carriers of household goods shall conduct their operations in accordance with all applicable laws of the USDOT, State of Oklahoma and this Subchapter. All certificates and permits heretofore or hereafter granted by the Commission are subject to applicable provisions of law and of this Subchapter as fully as if those laws and rules were set forth verbatim therein.

(b) No intrastate motor carrier of household goods shall operate or allow to be operated on the public highways of the State of Oklahoma any equipment that does not comply with safety criteria established by the USDOT, this Subchapter or, the statutes of the State of Oklahoma. No motor carrier of household goods shall permit any person to operate a motor vehicle in violation of any size or weight limits established by this Subchapter or statutes of the State of Oklahoma. Every person operating vehicles upon the public highways of this State shall meet the minimum safety standards as established by the USDOT and the statutes of the State of Oklahoma. Any vehicle which fails to meet safety criteria, or size and weight standards, or which is operated by any person under the influence of alcohol, amphetamines, stimulants or other drugs, in violation of this subsection shall be prevented from continued use of the public highways of the State of Oklahoma.

(c) ~~An intrastate household goods contract carrier shall not perform transportation except under continuing contract(s), copies of which have been filed with and approved by the Commission. No permit for any household goods contract carrier by motor vehicle shall be issued without the applicant proving by~~

~~competent evidence that the transport service proposed under the contract is not such that it could be reasonably furnished by existing carriers, and further, that such permit would not jeopardize the existing common carrier service.~~

~~(d) No common motor carrier of household goods shall transport property intrastate as a contract carrier of household goods in the same truck, at the same time, that he is transporting property as a common motor carrier. No common motor carrier of household goods shall transport any property intrastate as a contract carrier which property said carrier is authorized to so transport as a common carrier. No contract motor carrier shall transport property intrastate as a common carrier in the same truck, at the same time, that he is transporting property as a contract carrier.~~

~~(e) Whenever territorial boundaries of authority are expressed in terms of distance in miles from a city or town, the mileage shall be measured in a straight line from the post office of that city or town, or principal post office if there is more than one. In Oklahoma City, the principal post office is located at 320 S.W. 5th Street; and in Tulsa, the principal post office is located at 333 W. 4th Street.~~

### **165:30-13-32. Shipping documentation [REVOKED]**

~~(a) Upon receipt of a shipment from a shipper, an intrastate motor carrier of household goods shall issue and deliver to the consignee or consignor a receipt or bill of lading. The instrument, even if prepared by the shipper, shall be deemed issued by the carrier. Each receipt or bill of lading shall contain the following information:~~

~~(1) The name of the issuing carrier.~~

~~(2) The date the shipment was received by the carrier.~~

~~(3) The name and address of the shipper.~~

~~(4) The points of origin and destination.~~

~~(5) The name and address of the consignee.~~

~~(6) The description of the goods, articles, packages or property shipped, showing separately each item of separate classification or subject to a separate rate or charge. The information shall be in sufficient detail so that the exact classification and all charges may be calculated from information set out on the face of the instrument. A copy of the inventory may be utilized as applicable for this item.~~

~~(7) Where applicable, the actual, declared or released value of the shipment.~~

~~(8) If it relates to a COD shipment, the instrument shall plainly show the exact amount of money required to be collected on delivery, which amount shall appear on the same line as the name of the person who is required to pay it.~~

~~(b) Each shipment shall be supported by a freight bill, which may be a separate instrument or may be a copy of the bill of lading, and shall contain the following information:~~

~~(1) All information required for a bill of lading.~~

~~(2) All charges for transportation and other services in connection with the shipment.~~

~~(3) The date of delivery, which shall be noted by the person accepting or making delivery.~~

~~(4) Receipt of payment of all COD charges collected on delivery, signed by the person receiving payment.~~

~~(c) Every shipment shall be accompanied at all times by some form of written document of identification, which may be a bill of lading, freight bill, way bill, receipt, load ticket or other written instrument which sets out the commodity, rate, weight, revenue, point of origin, point of destination, consignor and consignee.~~

### **165:30-13-33. Records**

(a) Every intrastate motor carrier shall maintain accurate records of all operations, including work orders, estimates, bills of lading, freight bills, warehouse receipts, and complete information as to shipper, consignee, origin, destination, commodities hauled, charges, work performed, equipment used and date of shipment or work performed. All records shall be open to inspection at any time by an authorized agent of the Commission.

(b) All records required by this Subchapter shall be maintained at the location last designated by the motor carrier as its principal office. If no location in Oklahoma is so designated, upon demand, the records shall be made available at a location designated by the Commission, at the expense of the motor carrier.

(c) All books, records, accounts and other documents required by this Subchapter or by tariffs on file with the Commission must be retained for a period of not less than three (3) years.

#### **165:30-13-34. Minimum standards**

- (a) ~~Every intrastate motor carrier of household goods shall have available sufficient vehicles to reasonably conduct the motor carrier service authorized and required by the certificate or permit.~~
- (b) Every vehicle used for intrastate transportation of household goods shall be in safe operating condition, and shall possess all safety equipment required by the Statutes of Oklahoma, the regulations of the USDOT and the rules of the Department of Public Safety.
- (c) ~~Every intrastate motor carrier of household goods shall serve all members of the public within its authority without discrimination in price or service.~~
- (d) (b) All vehicles will be utilized in a manner that conforms with the manufacturer's design standards and specifications.
- (e) (c) The Commission adopts the provisions of the rules and regulations as adopted by the Oklahoma Department of Public Safety in OAC 595:35, pertaining to 49 C.F.R. Federal Motor Carrier Safety Regulations, with all amendments and appendices thereto.

#### **165:30-13-35. Credit [REVOKED]**

- (a) ~~Rates and charges for transportation and other services in connection with every intrastate shipment of household goods shall be collected as follows:~~
- (1) ~~Charges on a "prepaid" shipment shall be collected before the shipment is accepted by the carrier.~~
- (2) ~~Charges on a "collect" shipment shall be collected before delivery of the shipment to the consignee or other party authorized to receive the same.~~
- (b) ~~An intrastate common carrier of household goods may extend credit in the amount of the actual transportation charges to a person responsible for payment thereof, for a period not to exceed seven (7) calendar days after the freight bill is presented for payment. Freight bills presented by mail shall be deemed presented on the date mailed. The freight bill for all transportation charges shall be presented to the person responsible for payment thereof on or before seven (7) calendar days after the date of delivery of the shipment.~~
- (1) ~~After a carrier has delivered a shipment of freight and collected tariff charges thereon, an undercharge bill for additional charges will be deemed a new freight bill for credit purposes.~~
- (2) ~~The mailing of a check, draft or money order, when payment by such means is acceptable to the carrier, shall be deemed payment on the date mailed. Upon return of any check unpaid, or upon failure to pay within the time limited by this Section, the carrier shall not extend further credit to such person until satisfactory arrangements for future credit have been made.~~
- (c) ~~The provisions of this Section shall not apply to:~~
- (1) ~~The United States, any department, bureau or agency thereof.~~
- (2) ~~The State of Oklahoma, or any agency or subdivision thereof.~~
- (3) ~~A county or municipal corporation.~~

#### **165:30-13-36. Loss, damage and concealed claims**

- (a) Every intrastate motor carrier of household goods shall be liable for all loss, damage or injury it causes to goods or property due to any negligence while the same is being carried by it.
- (b) A written claim shall be submitted to the household goods carrier and shall contain:
- (1) Facts sufficient to identify the shipment(s) of property involved.
- (2) A copy of the bill of lading.
- (4) Assert liability for alleged loss, damage, injury or delay.
- (4) Make claim for the payment of a specific or determinable amount of money.
- (5) Show the basis for the amount of the claim, such as the date the article was purchased, original cost, actual cash value at the time of loss or damage, a repair estimate, etc.
- (6) When the loss of an entire package or shipment is involved, the consignee will provide a written certified statement the property has not been received from any other source.
- (c) A claim shall be filed within nine (9) months after delivery to consignee, or in the case of failure to make delivery, then within nine (9) months after a reasonable time for delivery has elapsed, except as provided for in (x) of this section.
- (d) A lawsuit shall be instituted against the household goods carriers within two (2) years and one (1) day from the date a notice is received by the claimant that the claim was denied or any portion of said claim was disallowed by the carrier.

(e) Every intrastate motor carrier of household goods, upon receipt of a claim in writing for loss of or damage to cargo during transportation, some portion of which was performed by that carrier, regardless of the form in which the claim is presented, shall:

(1) Acknowledge receipt of the claim in writing within thirty (30) days after receipt thereof by the ~~motor household goods~~ carrier.

(2) Commence an investigation in good faith to determine whether the carrier acknowledges or denies liability for the loss or damage.

(3) Either pay the claim in full, or as agreed to by mutual compromise, or deny liability for loss or damage in writing within ninety (90) days after receipt of the original claim by the carrier. Such action shall not be withheld or postponed pending receipt of payment or acknowledgment of liability from connecting carriers.

~~(e) (f)~~ Acknowledgment of liability shall be accompanied by payment in full of the value of property lost or damaged except where subject to ~~limited liability or released value~~. When a shipper, in the event of loss or damage and without prior approval from the consignee, elects to release a shipment at a value less than the full value of the property shipped, said shipper will indemnify to the consignee the difference between the released ~~or limited valuation paid by the carrier~~ value and the full value of the property shipped. ~~A carrier's liability is limited to the released value or limited liability as stated in the carrier's governing tariff.~~

~~(d) (g)~~ Where intrastate shipments are received by the carrier of household goods from the shipper in apparent good order and with no exceptions noted on the bill of lading, and delivered by the carrier with written exceptions covering loss or damage thereto, the carrier shall have the burden of proof to establish nonliability for such loss or damage. Terms and conditions of the bill of lading contract referring to excepted causes shall remain applicable.

~~(e) (h)~~ Where intrastate shipments are received by the carrier of household goods from the shipper in apparent good order and with no exceptions noted on the bill of lading, and delivered by the carrier in the same manner with no exceptions noted, such concealed loss or damage claims must be submitted to the carrier by the shipper. Inspections covering loss or damage found after delivery must be requested to the delivering carrier in writing within fifteen (15) days after the delivery of the shipment involved. If more than fifteen (15) days have passed it is incumbent upon the consignee to offer reasonable evidence to the carrier or a representative of the carrier that loss or damage was not incurred by the consignee after delivery by the carrier.

~~(f) (i)~~ Every intrastate motor carrier of household goods shall maintain a separate numbered file on each claim for loss or damage, and shall keep in the file all documents, acknowledgments, instruments, correspondence, memoranda and other writings relating to the claim. Claim files shall be available at all times for inspection by Commission personnel and shall be retained for two (2) years after final disposition.

(j) If a carrier fails to process loss or damage claims as provided herein, or if it fails to express declinations of the claims in writing with proof of nonliability, the carrier may be found in contempt by the Commission after proper notice and hearing. Failure to pay any fine or otherwise resolve the complaint may result in a hearing by the Commission to determine if the operating authority of the carrier shall be revoked.

(k) Whenever property transported by a household goods carrier is damaged, or alleged to be damaged, and is as a consequence thereof not delivered or is rejected or refused upon tender thereof to the owner, consignee or person entitled to receive such property, the household goods carrier shall, after giving due notice to the owner and other parties that may have an interest therein and unless advised to the contrary after giving such notice, will undertake to sell or dispose of such property directly or by the employment of a competent salvage agent.

(1) The household goods carrier will dispose of the property in a manner that will fairly and equally protect the best interests of all persons having an interest therein.

(2) The household goods carrier will make an itemized record sufficient to identify the property involved so as to be able to correlate it to the shipment involved and claim, if any filed thereon.

(3) The household goods carrier will assign to each lot of such property a successive lot number and note that lot number on its record of shipment and claim, if any claim is filed thereon.

(4) Upon receipt of a claim on a shipment on which salvage has been processed in the manner required in this subsection, the household goods carrier will record in its claim file the lot number

assigned, the amount of money recovered if any from the disposition of such property and the date of transmittal of such money to the person or persons lawfully entitled to receive the same.

(5) Whenever disposition of salvage material or goods shall be made directly to an agent or employee of a carrier or through a salvage agent or company in which the carrier or one or more of its directors, officers or managers has any interest, financial or otherwise, that carrier's salvage records shall fully reflect the particular of each such transaction or relationship, or both as the case may be.

#### **165:30-13-37. Leasing of equipment**

- (a) All ~~intrastate~~ motor carriers of household goods shall comply with all provisions of OAC 165:30-3-37.  
(b) ~~Intrastate motor~~ **Motor** carriers of household goods shall not rent equipment, with or without driver, to a private carrier or to a shipper.

### **PART 7. NAME CHANGES AND TRANSFER SYNCHRONIZATION**

#### **165:30-13-51. Mergers and name changes**

(a) An application to change the name or business name of the holder of an ~~intrastate~~ motor carrier of household goods certificate ~~or permit~~, without any change in the legal identity of the holder or any change in the ownership of the certificate ~~or permit~~, shall be filed on the appropriate form prescribed (~~MCF-5~~) (~~TDF 3~~) under the permanent PIN of the holder with appropriate sub-number designation and with such filing fee as prescribed by law or by OAC 165:5. No notice or hearing shall be necessary unless the Commission so requires. Notice, if required, shall be as the Commission shall direct.

(b) Any change in legal identity of the holder of an ~~intrastate~~ a motor carrier of household goods certificate ~~or permit~~, including but not limited to incorporation or dissolution of a corporation, formation or dissolution of a partnership or creation or dissolution of a trust shall ~~be deemed a transfer of the certificate or permit. Application for transfer in such a case shall be governed by the provisions of OAC 165:30-13-52 require an original application for a certificate.~~

(c) Incorporation by a sole proprietor in which the sole proprietor is the sole shareholder of the corporation shall be deemed a name change. Incorporation by a partnership in which the partners are the sole shareholders of the corporation shall be deemed a name change.

(d) The merger of a corporate holder of an ~~intrastate~~ a motor carrier of household goods certificate ~~or permit~~ with another corporation under circumstances that the holder is not the survivor therein, shall ~~be deemed a transfer of the certificate or permit require an original application for a certificate. Application for transfer in such a case shall be made by the survivor, and shall be governed by the provisions of OAC 165:30-13-52.~~

(e) The acquisition, through stock ownership or otherwise, of operating control of the business of the holder of an ~~intrastate~~ a motor carrier of household goods certificate ~~or permit~~, by another holder of a certificate ~~or permit~~ or by majority stockholders of a corporate holder, shall ~~be deemed a transfer of the certificate or permit. Application for transfer in such a case shall be governed by the provisions of OAC 165:30-13-52 require an original application for a certificate.~~

(f) The transfer of stock in a corporation that shall result in any entity controlling fifty one percent (51%) or more of the aggregate number of voting shares of the corporation, shall require an original application for a certificate ~~be deemed a transfer of the intrastate motor carrier of household goods certificate or permit. Application for transfer in such a case shall be governed by the provisions of OAC 165:30-13-52. Provided that, these provisions shall not apply to transfers of stock among immediate family members. Immediate family members shall be between and among husband and wife, their parents, their children, and their brothers and sisters.~~

(g) The employment of incorporation, stock transfer, merger, change of name or similar action directly or indirectly as a device to ~~effect a transfer of a certificate or permit without notice and hearing as required by this Subchapter~~ circumvent the rules of this Chapter is prohibited.

#### **165:30-13-52. Transfer of household goods certificate or permit [REVOKED]**

~~No intrastate motor carrier household goods certificate or permit for any operating rights thereunder shall be conveyed, assigned or transferred except by order of the Commission, upon written application and after public hearing. No application for transfer of a portion of the authority or operating rights under a certificate or permit will be considered, except upon showing of exceptional cause therefore.~~

~~(1) An application for the transfer of motor carrier authority evidenced by one or more current certificates or permits shall be made jointly by the transferor and transferee, shall be in writing on the appropriate form prescribed (MCF 3) and filed with the Court Clerk of the Commission, and shall be accompanied by the filing fee as prescribed by law or by Commission rule. Every application for transfer filed on or after April 1<sup>st</sup>, shall be accompanied by the transferor's current year's annual report, as set forth in OAC 165:30-13-13. The application shall be assigned a PIN which shall be the permanent identification number of the transferee, if the application is approved. Where transferee already is the holder of a household goods certificate or permit, the application for transfer shall be filed under existing permanent PIN of that transferee, with appropriate sub-number designation.~~

~~(2) At the hearing, the applicant shall have the burden of establishing the following:~~

~~(A) Reasonably continuous service in compliance with this Subchapter by the transferor for a period of one hundred eighty (180) days prior to filing the application for transfer, as evidenced by freight bills, invoices, bills of lading and/or other appropriate documentation.~~

~~(B) That the applicant is fit, willing, qualified and financially able to perform the service and conduct the operations contemplated under the authority sought to be transferred.~~

~~(C) That the transfer would be in the public interest and would not tend to create a monopoly or destroy competition.~~

~~(3) After the hearing, the Commission may grant or deny the application in whole or in part or may approve the transfer upon stated conditions or limitations. The Commission may revoke the certificate as to areas not served by the motor carrier not shown by the proof to have been transported by the transferor within one hundred eighty (180) days prior to the application, unless the proof shows that public convenience and necessity then exists for the grant of such authority to the transferee.~~

#### **165:30-13-53. Transfer upon death of holder of certificate or permit [REVOKED]**

~~(a) Upon death of the holder of an intrastate household goods motor carrier certificate or permit, his duly authorized legal representative shall make written application for temporary authority to continue operations under the motor carrier certificate or permit while the estate is pending, if the authorized legal representative desires to continue operations under the certificate or permit. The applicant shall attach to his application (MCF 6) certified copies of his letters testamentary, or other proof of authority to operate on behalf of the estate, and shall tender with the application a filing fee as prescribed by law or Commission rule. The application shall be filed under the permanent PIN of the deceased holder, with appropriate sub-number. The Commission may, with or without hearing, enter an order authorizing the legal representative to operate under the certificate or permit, pending final disposition of the estate. Such an order does not constitute a transfer of the certificate or permit. Operations shall not commence until applicant has fulfilled all requirements. The representative may adopt in writing the tariffs previously on file by the deceased holder.~~

~~(b) Upon death of the holder of an intrastate household goods motor carrier certificate or permit, where the duly authorized legal representative desires to continue operations under the certificate or permit, an application to transfer the certificate or permit shall be made by the person lawfully succeeding to the interest of the deceased holder. The application shall be in writing on the appropriate form prescribed (MCF 3) and filed with the Court Clerk of the Commission, and shall be accompanied by the filing fee as prescribed by law or by Commission rule. The application shall be filed under a new permanent PIN or under the permanent PIN of the applicant, if it already holds a certificate or permit. The applicant shall attach to its application certified copies of orders of the Court having jurisdiction of the estate, or other proof establishing that the applicant is entitled to have the certificate or permit transferred to it.~~

~~(1) An application for transfer of motor carrier household goods certificate or permit due to death of the holder thereof shall be set for hearing as set forth in OAC 165:30-13-52. Notice shall be given by the applicant as set forth in OAC 165:30-7-2.~~

~~(2) An application to transfer a certificate or permit in the settlement of the estate to a person not by law succeeding to the interest of the deceased holder shall be made pursuant to OAC 165:30-13-52.~~

#### **165:30-13-54 Synchronizing a Certificate and a License**

~~(a) A applicant for a certificate or a holder of a certificate may elect to synchronize the renewal date of its license and certificate.~~

(b) A request to synchronize shall be submitted in writing and shall contain the requested date of expiration for both its license and certificate, accompanied by a synchronization fee as prescribed by Commission rule.

(c) An adjusted license and/or certificate will be issued upon payment of a prorated fee as determined by the Commission. The prorated fee shall be calculated based upon applicable license renewal, certificate renewal and/or identification device fees.

## **PART 9. VIOLATIONS**

### **165:30-13-71. Loading capacity-Safety compliance**

All intrastate motor carriers of household goods shall comply with all provisions of OAC 165:30-3-71.

### **165:30-13-72. Leasing of authority**

~~(a) No intrastate motor carrier of household goods certificate or permit, nor any part thereof, or rights thereunder shall be leased; nor shall the holder thereof sublet or in any manner permit the use thereof, or the exercise of any rights or privileges thereunder by another, except as provided in this Section. Violation of this Section shall be grounds for revocation of the certificate or permit, and shall be grounds for denial of an application for authority to operate as an intrastate motor carrier of household goods.~~

~~(b) No intrastate motor carrier shall enter into an arrangement or agreement of any kind with any person who is not a regular employee, for the division, on any basis, of transportation revenues, except as provided in subsection (c) of this Section or in OAC 165:30-3-37; any such arrangement or agreement, except as provided for in subsection (c) of this Section or in OAC 165:30-3-37, shall be deemed an unlawful lease of authority.~~

~~(c) An intrastate motor carrier of household goods may appoint a commission agent in a town or community where it maintains no full-time employees and compensate the agent according to an agreed division of transportation revenues. The agency contract shall be in writing, shall specify the period for which it is to be in effect or conditions of termination, shall specify the territory to be served and the services to be performed by the agent; and shall prescribe the terms of compensation of the agent or the division of revenues between the parties. The contract shall not provide for any limitation of liability of the carrier in connection with any transportation services. A person may serve as commission agent for more than one (1) motor carrier of household goods. A copy of every contract shall be filed with the Transportation Division of the Commission.~~

### **165:30-13-73. Advertising**

(a) All intrastate motor carriers of household goods shall comply with all provisions of OAC 165:30-3-75.

(b) Any person who willfully advertises to perform transportation services for which the person does not hold a proper certificate shall be subject to the penalties prescribed for contempt of the Commission.

(c) All advertisements must contain the motor carrier of household goods' USDOT number linked to the carrier's household goods certificate.

### **165:30-13-74. Contempt complaint**

All intrastate motor carriers of household goods shall comply with all provisions of OAC 165:30-3-76.

## **PART 11. SUSPENSION OR CANCELLATION OF AUTHORITY**

### **165:30-13-91. Voluntary suspension or discontinuance of service [REVOKED]**

~~(a) No intrastate motor carrier of household goods shall suspend or discontinue performance of any service authorized or required under a certificate or permit, except by order of the Commission.~~

~~(b) An intrastate motor carrier of household goods may make written application for permission to suspend or discontinue any or all service. The application (TDF 6) shall be made under the permanent PIN of the holder of the certificate or permit with appropriate sub-number and shall be accompanied by the filing fee as prescribed by law or Commission rule.~~

~~(c) Notice of hearing to suspend or discontinue household goods service shall be placed on the Commission Docket for a period of not less than thirty (30) days prior to the hearing.~~

~~(d) Upon showing of good cause and upon showing of exceptional circumstances, the Commission may in its discretion authorize suspension or discontinuance of household goods service. Suspension will be authorized for a period not to exceed six (6) months, unless the Commission prescribes otherwise in the order.~~

~~(e) If the application is denied in whole or in part and the motor carrier of household goods fails or refuses to continue service required by the certificate, the Commission may revoke all or any part of the certificate or permit affected by the suspension or discontinuance of service.~~

~~(f) Prior to the end of the suspension date, the intrastate household goods motor carrier shall make application to place the certificate or permit on extended voluntary suspension or make application (MCF 7-A) to reactivate the certificate or permit, which shall be made under the permanent PIN of the holder of the certificate or permit with appropriate sub number, and set for hearing by notice on the Commission Docket. If not accomplished, that certificate or permit shall be cancelled.~~

### **165:30-13-92. Involuntary suspension or revocation of a household goods certificate or permit**

~~(a) Any intrastate motor carrier of household goods certificate or permit may be suspended or revoked by the Commission, or the holder thereof assessed a fine or other lawful punishment for violation of, or failure to comply with, any requirement or provision of law or of this Chapter, including but not limited to the following:~~

~~(1) Charging or collecting fares or charges in excess of or lower than authorized tariffs on file with the Commission, or directly or indirectly giving rebates.~~

~~(2) Discontinuance of any service required under a household goods certificate or permit for a period of thirty (30) days.~~

~~(3) Violation of municipal or state traffic laws, rules, regulations and rules of the road with evidence of conviction of the driver or of the carrier; provided, however, that a certificate or permit shall not be suspended or revoked upon this ground alone, unless it is shown that such violations were of such serious or continuing nature that further operations by the motor carrier would constitute a hazard to public safety;~~

~~(4) Failure to maintain on file with the Commission any of the following:~~

~~(A) Proper certificates of insurance as required by law and this Chapter.~~

~~(B) Proper tariffs.~~

~~(C) Annual report.~~

~~(D) Current address.~~

~~(5) Sale, assignment, transfer or conveyance of a certificate or permit or any rights thereunder, without order authorizing such transfer.~~

~~(6) Lease of authority or operating rights or permitting the use or operation thereof by another.~~

~~(7) Failure to secure or display identification devices, or violation of any provision of this Chapter relating to identification devices.~~

~~(8) Failure to comply with any provision of this Chapter regulating COD shipments, and the collection and remission of COD charges.~~

~~(9) Failure to extend voluntary suspension or reactivate certificate or permit after voluntary suspension ends.~~

~~(10) Any violation of other state statutes or regulations shall be cause to initiate an application for suspension or revocation by staff or other adversely affected persons.~~

~~(b) An application to revoke or suspend an intrastate a motor carrier of household goods certificate or permit may be filed by a member of the staff of the Commission or by a person adversely affected by the acts alleged. It shall be in the form of an application, and proceedings thereon, including notice and hearing if required, shall be as prescribed in the Commission's Rules of Practice, OAC 165:5.~~

~~(c) After hearing, the Commission may grant or deny the application, and may suspend, amend or revoke the certificate or permit, or any part thereof or rights thereunder, or the Commission may assess a fine or impose limitations or conditions upon the continuation of operations under the certificate or permit as stated in the order.~~

### **165:30-13-93. Reinstatement of certificate or permit**

All intrastate motor carriers of household goods shall comply with all provisions of OAC 165:30-3-103.

### **165:30-13-94. Violations**

(a) Every motor carrier of household goods, for-hire motor carrier, shipper, private motor carrier, their employees or any other person who violates or fails to comply with or procures, aids or abets in the violation of any provision of law or requirements of this Chapter; or who fails to obey, observe or comply with any order, decision, rule, regulation, direction, demand or requirement, or any part or provision thereof, of the Commission, or who procures, aids, or abets any corporation or person in its refusal or willful failure to obey, observe or comply with any such order, decision, rule, direction, demand or regulation, or part of provision thereof, after notice and hearing, is guilty of contempt of the Commission and is subject to a fine not to exceed ~~Five Hundred (\$500.00)~~ One Thousand (\$1,000.00) Dollars ~~per violation per day~~ for the first violation and for the second violation within a year, a penalty not to exceed Five Thousand (\$5,000.00) Dollars, or as otherwise provided for by law.

(b) All motor carriers must yield for inspection as directed by a duly authorized motor carrier enforcement officer or by posted signs.

(c) Motor carrier enforcement officers may hold and detain equipment operated by a motor carrier for violations of applicable laws in the Oklahoma Statutes or the rules of this Agency.

(d) If, in the judgment of a motor carrier enforcement officer, a detained vehicle poses an inherent risk to public health, safety or welfare, upon direction of the Transportation Division Director or his/her designee, the motor carrier enforcement officer may arrange for impoundment of the detained vehicle at the expense of the motor carrier.

(e) Contents of impounded equipment must be inventoried, with any inventory expense incurred at the sole cost of the motor carrier.