

Industry Recommendations to Simplify Household Goods Regulations

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The Federal Motor Carrier Safety Administration (FMCSA) published recommendations from the 2016 FAST Act Household Goods Working Group on February 27, 2019. The Working Group was a Federal Advisory Committee created by Congress to analyze opportunities to reduce and simplify the paperwork requirements for interstate household goods (HHG) moving under 49 CFR Part 375 while remaining vigilant against abuses of the moving public. Jonathan Todd, a Partner in Benesch's Transportation & Logistics Practice, contributed to those recommendations as an industry representative appointed to the Working Group.

In sum, the Working Group developed 19 recommendations for the U.S. Secretary of Transportation to consider when modernizing household goods moving documentation and consumer protections:

1. Develop and maintain modern communications tools, platforms and partnerships to educate consumers.
2. Develop online (and other) education modules that are short and easily understood, and aligned with the different phases of the moving process.
3. Develop and maintain modern tools to assist efforts to educate consumers.
4. Provide additional funding for staff and resources dedicated to HHG consumer education.
5. Consider specific recommended updates to the required "Your Rights and Responsibilities When You Move" brochure.
6. FMCSA's guidance should be formally adopted that if a consumer tenders additional items or requests additional services prior to load, and the mover agrees to such additions, the mover should prepare a completely new estimate (instead of amending the existing one).
7. Update requirements for "physical" surveys to account for "visual" surveys.
8. Movers should be required to offer visual surveys for all household goods shipments, including those that are located over 50 miles from the mover's location. Consumers should continue to have the option to waive in writing the visual survey if they choose, but movers must offer them the option of a visual survey regardless of distance.
9. The requirement for an order for service should be eliminated, and the unique, critical items from the order for service should be moved to the bill of lading.
10. Consider specific changes to bill of lading requirements.

11. The bill of lading should be made available to consumers prior to the date of load, at least as early as the time when the order for service was previously provided (before a mover receives a shipment from an individual shipper).
12. Remove the requirement for a freight bill, and the freight bill should be transferred to an invoice.
13. Finalize the proposed rulemaking published at 79 FR 23306 (4/28/14) to allow for electronic delivery of all required documents.
14. Eliminate the current requirement for consumers to sign an order to receive their documents electronically.
15. Movers should be required to provide FMCSA publication ESA 03005 (“Ready to Move?”) when the visual survey is either scheduled or waived by the consumer.
16. The title of FMCSA publication ESA 03005 should be changed from “Ready to Move?” to “Choose Your Mover.”
17. ESA 03005 should be made available electronically and should be printable.
18. All movers who have a website should be required to prominently display, at their option, either a link to the brochure (ESA 03005) on the FMCSA website or a true and accurate copy of ESA 03005 on their own websites.
19. ESA 03005 should be condensed to include only the content found in Appendix H.

The complete 68-page report titled “Recommendations to the U.S. Department of Transportation to Improve Household Goods Consumer Education, Simplify and Reduce Paperwork, and Condense FMCSA Publication ESA 03005” is available [online here](#).

Benesch’s Transportation & Logistics Practice Group has long represented interests in the household goods moving and storage segment of the intrastate, interstate and international transportation industry.

About the Author

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