

108TH CONGRESS  
1ST SESSION

# H. R. 2928

To amend title 49, United States Code, relating to improved consumer protection regulation of the household goods transportation industry, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2003

Mr. BOEHLERT (for himself, Ms. MILLENDER-MCDONALD, Mr. DUNCAN, Mr. PASCRELL, Ms. LOFGREN, Mr. COBLE, and Mr. MICHAUD) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

---

## A BILL

To amend title 49, United States Code, relating to improved consumer protection regulation of the household goods transportation industry, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Consumer’s Relocation  
5       Protection Act of 2003”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

1           (1) Federal regulation of interstate transpor-  
2           tation of household goods is essential to the mainte-  
3           nance of the interstate household goods moving in-  
4           dustry and so is vital to the requirements of our na-  
5           tional economy and a strong national defense. The  
6           capability of the industry to meet the challenges pre-  
7           sented by a mobile society is dependent upon a sys-  
8           tem of Federal regulation that is uniformly applied  
9           regardless of State origins and destinations of con-  
10          sumers' moves. Wholesale proliferation of Federal  
11          regulatory responsibilities among the States must be  
12          avoided to ensure a consistent regulatory environ-  
13          ment that allows the industry to perform its essen-  
14          tial service to the public.

15          (2) In 1996, Congress abolished the Interstate  
16          Commerce Commission and transferred its regula-  
17          tions governing the interstate transportation of con-  
18          sumers' household goods to the Department of  
19          Transportation. The Department of Transportation  
20          and the Federal Motor Carrier Safety Administra-  
21          tion which are charged with regulation of the indus-  
22          try have, on numerous occasions, advised Congress  
23          that their primary mission is truck safety regulation  
24          and that they have neither the resources nor the  
25          manpower to effectively regulate the moving indus-

1 try. Unfortunately, this condition has nurtured the  
2 growth of a cottage industry of rogue movers that  
3 preys upon the moving public through a variety of  
4 schemes employed to gain the confidence of con-  
5 sumers, and then their belongings, and finally, in ex-  
6 change for those belongings, impose exorbitant  
7 charges for what purports to be a moving service. In  
8 reality, those services do not resemble the services of  
9 legitimate movers that conscientiously transport the  
10 overwhelming majority of the 1,300,000 interstate  
11 moves that are performed each year.

12 (3) While the rogue movers' participation in the  
13 interstate moving market is minutely small, the toll  
14 they have taken on the moving public and the legiti-  
15 mate moving industry is enormous. Numerous re-  
16 ports on the unlawful practices of these operators  
17 have been aired by our national television networks  
18 and countless similar press accounts have seriously  
19 tarnished the image of the entire legitimate moving  
20 industry which is made up largely of small business  
21 operators that comply with existing Federal regula-  
22 tions.

23 (4) Just recently the Federal Bureau of Inves-  
24 tigation concluded a 2-year investigation into the  
25 practices of Florida-based unlawful operators that

1       resulted in Federal criminal indictments of 42 rogue  
2       movers and 74 individuals that were involved in  
3       their operations. Aggressive Federal enforcement ac-  
4       tion of this nature must continue if we are to rid the  
5       moving industry of the scourge created by the rogue  
6       mover.

7           (5) Under existing Federal law, consumers have  
8       an adequate remedy to compensate them for the  
9       loss, damage, or delay of their property. However, in  
10      view of the operating practices of rogue movers, it  
11      is appropriate to enhance enforcement by granting  
12      to the States authority over certain unlawful prac-  
13      tices that are contrary to Federal law.

14          (6) To meet this challenge it is appropriate that  
15      Congress act to close certain loopholes that have al-  
16      lowed the unscrupulous mover to thrive. This can be  
17      accomplished by conferring authority on the States  
18      to take action against movers that violate important  
19      Federal licensing, pricing, and arbitration require-  
20      ments or engage in the insidious practice of holding  
21      consumers' goods hostage in exchange for a king's  
22      ransom. At the same time, it is necessary not to lose  
23      sight of the importance of avoiding measures that  
24      would threaten the financial stability of the legiti-

1       mate moving industry and its ability to serve the  
2       public.

3               (7) Civil and criminal penalties are necessary to  
4       combat the unlawful practice of holding household  
5       goods hostage.

6               (8) Too many brokers of household goods trans-  
7       portation services, many of whom operate exclusively  
8       on the Internet, have run roughshod over consumers  
9       when arranging for the transportation of their  
10      household goods. Regulation of this segment of the  
11      moving industry is virtually nonexistent. Federal  
12      consumer protection regulations must be prescribed  
13      and the States should be authorized to pursue bro-  
14      kers that fail to arrange legitimate moving services  
15      for consumers.

16              (9) The Department of Transportation should  
17      establish a consumer complaint data information  
18      base and require the filing by movers of meaningful  
19      statistics on loss and damage claims.

20              (10) To promote the public's access to an inex-  
21      pensive means of resolving claims for loss or dam-  
22      age, the present mandatory threshold for binding ar-  
23      bitration should be available for all claims of  
24      \$10,000 or less instead of the present \$5,000 or less  
25      amount. In addition, neutral arbitration should be

1 available to consumers to resolve certain transpor-  
 2 tation charge payment disputes in an inexpensive  
 3 and expeditious manner.

4 (11) The Department of Transportation must  
 5 impose meaningful registration requirements on all  
 6 applicants for Federal authority to engage in the  
 7 interstate transportation of household goods to en-  
 8 sure they are qualified to serve the public and to  
 9 thwart the proliferation of unscrupulous operators.

10 (12) Consumers must receive written estimates  
 11 of moving services and charges and inventories of  
 12 goods to be transported to curb abusive rogue mover  
 13 practices that misrepresent their services.

14 **SEC. 3. FEDERAL-STATE RELATIONS RELATING TO THE**  
 15 **TRANSPORTATION OF HOUSEHOLD GOODS.**

16 (a) NONPREEMPTION OF INTRASTATE TRANSPOR-  
 17 TATION OF HOUSEHOLD GOODS.—Section  
 18 14501(c)(2)(B) of title 49, United States Code, is amend-  
 19 ed by inserting “intrastate” before “transportation”.

20 (b) ENFORCEMENT OF CONSUMER PROTECTION  
 21 WITH RESPECT TO INTERSTATE HOUSEHOLD GOODS  
 22 CARRIERS.—

23 (1) STATE ENFORCEMENT REGARDING TRANS-  
 24 PORTATION OF HOUSEHOLD GOODS.—Chapter 145

1 of such title is amended by adding at the end the  
2 following:

3 **“§ 14506. State enforcement regarding transportation**  
4 **of household goods**

5 “(a) AUTHORITY OF STATES.—

6 “(1) INJUNCTIVE RELIEF.—Notwithstanding  
7 any other provision of this title, if an attorney gen-  
8 eral of a State or other authorized officer of that  
9 State has reason to believe that the interests of the  
10 residents of that State have been or are being  
11 threatened or adversely affected because any person  
12 has engaged or is engaging in the performance or  
13 procuring of household goods transportation or serv-  
14 ice (including accessorial or terminal service) subject  
15 to jurisdiction under chapter 135 or 139 in violation  
16 of one or more of sections 13702(a)(2), 13901,  
17 13902, 13903, 13904, 13906, and 14708, the State  
18 may bring a civil action for injunctive relief on be-  
19 half of its residents in an appropriate district court  
20 of the United States to enjoin such transportation or  
21 service and to compel the person to pay to the State  
22 any civil penalty assessed under chapter 149 with re-  
23 spect to such violation.

24 “(2) VIOLATION.—A motor carrier providing  
25 transportation subject to jurisdiction under chapter

1       135, that knowingly and willfully refuses to relin-  
2       quish possession of a shipment of household goods  
3       described in section 13102(10)(A) upon payment of  
4       not more than 100 percent of a binding estimate (or,  
5       in the case of a nonbinding estimate, not more than  
6       110 percent of the estimated charges for such ship-  
7       ment) plus the charges for additional services that  
8       were performed at origin, en route, or at destination  
9       as authorized by the shipper and as required by sec-  
10      tion 13702, shall be liable for a civil penalty under  
11      chapter 149. A State may bring a civil action under  
12      this subsection in an appropriate United States dis-  
13      trict court to compel a motor carrier to relinquish  
14      possession of a shipment, to pay the civil penalty as-  
15      sessed under chapter 149 to the State, or to obtain  
16      injunctive relief.

17      “(b) AUTHORITY OF SECRETARY.—

18           “(1) NOTICE.—The State shall serve prior writ-  
19      ten notice of a civil action under subsection (a) upon  
20      the Secretary and provide the Secretary with a copy  
21      of its complaint; except that, if it is not feasible for  
22      the State to provide such prior notice, the State  
23      shall serve such notice immediately upon instituting  
24      such action.



1           “(2) AUTHORITY.—Upon receiving notice of a  
2           civil action under this subsection, the Secretary shall  
3           have the right to—

4                   “(A) intervene in such action;

5                   “(B) be heard on all matters arising there-  
6           in; and

7                   “(C) to participate in or initiate an appeal  
8           of such action.

9           “(c) STATUTORY CONSTRUCTION.—For purposes of  
10 bringing a civil action under subsection (a), nothing in this  
11 section shall be construed to prevent an attorney general  
12 of a State from exercising the powers conferred on the  
13 attorney general by the laws of such State to conduct in-  
14 vestigations or to administer oaths or affirmations or to  
15 compel the attendance of witnesses or the production of  
16 documentary and other evidence.

17           “(d) ACTIONS BY THE SECRETARY.—Whenever a  
18 civil action has been instituted by or on behalf of the Sec-  
19 retary for violation of any provision specified in subsection  
20 (a), no State may institute, during the pendency of such  
21 action, a civil action under subsection (a) against any de-  
22 fendant named in the complaint in such action for a viola-  
23 tion alleged in such complaint.

24           “(e) VENUE; SERVICE OF PROCESS.—A civil action  
25 under subsection (a) may be brought in the district in

1 which the defendant is found, resides, or transacts busi-  
2 ness or wherever venue is proper under section 1391 of  
3 title 28. Process in such an action may be served in any  
4 district in which the defendant resides or in which the de-  
5 fendant may be found.

6 “(f) ACTIONS BY OTHER STATE OFFICIALS.—In ad-  
7 dition to actions brought by an attorney general of a State  
8 under subsection (a), such an action may be brought by  
9 officers of the State who are authorized by the State to  
10 bring actions in such State on behalf of its residents.”.

11 (2) HOUSEHOLD GOODS BROKERS.—Section  
12 13904 of such title is amended—

13 (A) by redesignating subsection (d) as sub-  
14 section (e); and

15 (B) by inserting after subsection (c) the  
16 following:

17 “(d) HOUSEHOLD GOODS BROKERS.—

18 “(1) REGULATIONS.—Not later than 180 days  
19 after the effective date of the Consumer’s Relocation  
20 Protection Act of 2003, the Secretary shall adopt  
21 regulations prescribing practices and procedures that  
22 ensure the fair and equitable treatment of individual  
23 shippers that utilize brokers of household goods de-  
24 scribed in section 13102(10)(A).

1           “(2) STANDARD FOR SELECTING CARRIERS.—

2           Each broker of household goods that is registered by  
3           the Secretary under this chapter shall use due dili-  
4           gence and reasonable care in selling or arranging the  
5           services of only those motor carriers of household  
6           goods that are in compliance with the requirements  
7           of this part and all applicable regulations maintained  
8           by the Secretary and the Board.

9           “(3) ENFORCEMENT BY THE SECRETARY AND  
10          THE STATES.—

11           “(A) COMPLAINT.—Whenever the Sec-  
12          retary or an attorney general of any State or  
13          other authorized officer of a State, in coordina-  
14          tion with the Secretary, has reason to believe  
15          that a broker of household goods subject to this  
16          section has arranged for transportation by a  
17          motor carrier that has violated this part, or is  
18          consistently not fit, willing, and able to provide  
19          adequate household goods transportation serv-  
20          ices, the Secretary may issue to such broker a  
21          complaint stating the charges and containing  
22          notice of the time and place of a hearing which  
23          shall be held no later than 60 days after service  
24          of the complaint to such broker; except that, be-  
25          fore issuing any complaint under this sub-

1 section, the State shall first request that the  
2 Secretary initiate an investigation and issue  
3 such complaint. If the Secretary declines to ini-  
4 tiate an investigation, the State may initiate  
5 such an investigation and convene a hearing.

6 “(B) RIGHT TO DEFEND.—The broker  
7 shall have the right to appear at any hearing  
8 convened pursuant to subsection (A) and rebut  
9 the charges contained in a complaint.

10 “(C) ORDER.—If the broker does not ap-  
11 pear at the hearing or if the Secretary or the  
12 State finds that the broker has violated this  
13 section, the Secretary may take appropriate ac-  
14 tion to compel compliance with this part and  
15 regulations issued thereunder, including  
16 issuance of an order to limit, condition, or pro-  
17 hibit such broker from any involvement in the  
18 procurement of service for the transportation of  
19 household goods.

20 “(D) RELIEF.—Following an investigation  
21 and hearing under this subsection, the Sec-  
22 retary or the State may bring a civil action in  
23 a United States district court or a State court  
24 for injunctive relief and to compel a person to  
25 pay any civil penalty assessed under chapter

1           149 to the United States or the State, as the  
2           case may be.”.

3           (3) CONFORMING AMENDMENT.—The analysis  
4           for chapter 145 of such title is amended by adding  
5           at the end the following:

“14506. State enforcement regarding transportation of household goods.”.

6   **SEC. 4. WORKING GROUP FOR DEVELOPMENT OF PRAC-**  
7                           **TICES AND PROCEDURES TO ENHANCE FED-**  
8                           **ERAL-STATE RELATIONS.**

9           (a) IN GENERAL.—Not later than 90 days after the  
10          date of enactment of this Act, the Secretary of Transpor-  
11          tation shall establish a working group of State attorneys  
12          general, State consumer protection administrators, and  
13          Federal and local law enforcement officials for the purpose  
14          of developing practices and procedures to enhance the  
15          Federal-State partnership in enforcement efforts, ex-  
16          change of information, and coordination of enforcement  
17          efforts, with respect to interstate transportation of house-  
18          hold goods and of making legislative and regulatory rec-  
19          ommendations to the Secretary concerning such enforce-  
20          ment efforts.

21          (b) CONSULTATION WITH INDUSTRIES.—In carrying  
22          out subsection (a), the working group shall include rep-  
23          resentatives of industries involved in the transportation of  
24          household goods.

1 **SEC. 5. CIVIL AND CRIMINAL PENALTY FOR HOLDING**  
2 **HOUSEHOLD GOODS HOSTAGE.**

3 (a) IN GENERAL.—Chapter 149 of title 49, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 **“§ 14915. Holding household goods hostage**

7 “(a) HOLDING HOUSEHOLD GOODS HOSTAGE DE-  
8 FINED.—For purposes of this section, the term ‘holding  
9 household goods hostage’ means the knowing and willful  
10 refusal to relinquish possession of a shipment of household  
11 goods described in section 13102(A)(10) upon payment of  
12 not more than 100 percent of a binding estimate (or, in  
13 the case of a nonbinding estimate, not more than 110 per-  
14 cent of the estimated charges for such shipment) plus the  
15 charges for additional services that were performed at ori-  
16 gin, en route, or at destination as authorized by the ship-  
17 per and as required by section 13702.

18 “(b) CIVIL PENALTY.—A motor carrier that is found  
19 holding a household goods shipment hostage is liable to  
20 the United States for a civil penalty of not less than  
21 \$10,000 for each violation. If such carrier is subject to  
22 jurisdiction under chapter 135, the Secretary may suspend  
23 for a period of not less than 6 months the registration  
24 of such carrier under chapter 139.

25 “(c) CRIMINAL PENALTY.—A motor carrier that has  
26 been convicted of knowingly and willfully holding house-

1 hold goods hostage by falsifying documents or demanding  
 2 the payment of charges for services that were not per-  
 3 formed or were not necessary in the safe and adequate  
 4 movement of a shipment of household goods shall be fined  
 5 under title 18, or imprisoned not more than 2 years, or  
 6 both.”.

7 (b) CONFORMING AMENDMENT.—The analysis for  
 8 such chapter is amended by adding at the end the fol-  
 9 lowing:

“14915. Holding household goods hostage.”.

10 **SEC. 6. CONSUMER HANDBOOK ON DOT WEB SITE.**

11 Not later than 1 year after the date of enactment  
 12 of this Act, the Secretary of Transportation shall take  
 13 such action as may be necessary to ensure that publication  
 14 OCE–100 of the Department of Transportation, entitled  
 15 “Your Rights and Responsibilities When You Move” is  
 16 prominently displayed, and available in language that is  
 17 readily understandable by the general public, on the Web  
 18 site of the Department of Transportation.

19 **SEC. 7. DISPLAY OF INFORMATION ON HOUSEHOLD GOODS**  
 20 **TRANSPORTATION RELATED WEB SITES.**

21 Not later than 1 year after the date of enactment  
 22 of this Act, the Secretary of Transportation shall modify  
 23 the regulations contained in part 375 of title 49, Code of  
 24 Federal Regulations, to require a motor carrier or broker  
 25 that is subject to such regulations and that establishes and

1 maintains a Web site to prominently display on the Web  
2 site—

3 (1) the Department of Transportation number  
4 of the motor carrier or broker;

5 (2) the OCE–100 publication referred to in sec-  
6 tion 6; and

7 (3) in the case of a broker, a list of all motor  
8 carriers providing transportation of household goods  
9 used by the broker and a statement that the broker  
10 is not a motor carrier providing transportation of  
11 household goods.

12 **SEC. 8. CONSUMER COMPLAINT DATABASE.**

13 (a) ESTABLISHMENT OF SYSTEM.—Not later than 1  
14 year after the date of enactment of this Act, the Secretary  
15 of Transportation shall establish a complaint handling sys-  
16 tem to log individual shipper (as defined in section 13102  
17 of title 49, United States Code) informal complaints re-  
18 lated to motor carrier interstate transportation of house-  
19 hold goods, an annual database of such complaints, and  
20 a procedure for public access to such data. All complaints  
21 recorded in the database must be identified by motor car-  
22 rier bill of lading number and forwarded to the involved  
23 carrier. For each motor carrier included in the database,  
24 the percentage of complaints which were disputed must  
25 also be recorded.



1 (b) REGULATIONS.—Not later than 1 year after the  
2 date of enactment of this Act, the Secretary of Transpor-  
3 tation shall issue regulations requiring each motor carrier  
4 and freight forwarder providing transportation of house-  
5 hold goods to submit an annual report on or before each  
6 March 31 covering the 12-month period ending on the  
7 prior March 31 (in this section referred to as the “report-  
8 ing period”) that summarizes—

9 (1) the number of shipments that originate and  
10 are delivered for individual shippers during the re-  
11 porting period;

12 (2) the percent of those shipments identified in  
13 subparagraph (A) which resulted in the filing of a  
14 claim for loss or damage in excess of \$500;

15 (3) the percent of claims identified in subpara-  
16 graph (B) which were settled in the reporting period;

17 (4) the percent of claims identified in subpara-  
18 graph (B) which were declined in the reporting pe-  
19 riod; and

20 (5) the percent of claims identified in subpara-  
21 graph (B) which were pending on the last day of the  
22 reporting period.

23 (c) USE OF INFORMATION.—In determining which  
24 motor carriers providing transportation of household  
25 goods should be subject to an investigation, the Secretary

1 shall consider the failure to make a report in violation of  
 2 section 14901 of title 49, United States Code, and infor-  
 3 mation in the database established under subsection (a).

4 **SEC. 9. ARBITRATION REQUIREMENTS.**

5 (a) OFFERING SHIPPERS ARBITRATION.—Section  
 6 14708(a) of title 49, United States Code, is amended by  
 7 inserting before the period at the end the following: “and  
 8 to determine whether carrier rates, in addition to those  
 9 collected at delivery that are unpaid, must be paid by the  
 10 shipper as required by the regulations of the Secretary  
 11 governing the payment for transportation and service”.

12 (b) THRESHOLD FOR BINDING ARBITRATION.—Sec-  
 13 tion 14708(b)(6) of such title is amended by striking  
 14 “\$5,000” each place it appears and inserting “\$10,000”.

15 (c) DEADLINE FOR DECISION.—Section 14708(b)(8)  
 16 of such title is amended—

17 (1) by striking “and”; and

18 (2) by inserting after “for damages” the fol-  
 19 lowing: “, and an order requiring the payment of ad-  
 20 ditional carrier charges”.

21 (d) ATTORNEY’S FEES TO SHIPPERS.—Section  
 22 14708(d)(3) of such title is amended—

23 (1) by redesignating subparagraphs (A) and  
 24 (B) as subparagraphs (B) and (C); and

1           (2) by inserting before subparagraph (B) (as so  
2       redesignated) the following:

3           “(A) the shipper was not advised by the carrier  
4       during the claim settlement process that a dispute  
5       settlement program was available to resolve the dis-  
6       pute;”.

7       (e) ATTORNEY’S FEES TO CARRIERS.—Section  
8       14708(e) of such title is amended to read as follows:

9       “(e) ATTORNEY’S FEES TO CARRIERS.—In any court  
10      action to resolve a dispute between a shipper of household  
11      goods and a carrier providing transportation or service  
12      subject to jurisdiction under subchapter I or III of chapter  
13      135 concerning the transportation of household goods by  
14      such carrier, the carrier shall be awarded reasonable attor-  
15      ney’s fees by the court only if—

16           “(1) the court proceeding is to enforce a deci-  
17      sion rendered through arbitration awarding addi-  
18      tional charges to the carrier under subsection (a)  
19      and is instituted after the period for performance  
20      under such decision has elapsed; or

21           “(2) the shipper brought the court action in  
22      bad faith—

23           “(A) after resolution of such dispute  
24      through arbitration under this section; or

“(B) after institution of an arbitration proceeding by the shipper to resolve such dispute under this section but before—

“(i) the period provided under subsection (b)(8) for resolution of such dispute (including, if applicable, an extension of such period under such subsection) ends; and

“(ii) a decision resolving such dispute is rendered.”.

**SEC. 10. CIVIL PENALTIES RELATING TO HOUSEHOLD GOODS BROKERS.**

Section 14901(d) of title 49, United States Code, is amended—

(1) by striking “If a carrier” and inserting the following:

“(1) IN GENERAL.—If a carrier”; and

(2) by adding at the end the following:

“(2) ESTIMATE OF BROKER WITHOUT CARRIER AGREEMENT.—If a broker for transportation of household goods subject to jurisdiction under subchapter I of chapter 135 makes an estimate of the cost of transporting any such goods before entering into an agreement with a carrier to provide such transportation of household goods subject to such ju-

1 jurisdiction, the broker is liable to the United States  
 2 for a civil penalty of not less than \$10,000 for each  
 3 violation.

4 “(3) UNAUTHORIZED TRANSPORTATION.—If a  
 5 person provides transportation of household goods  
 6 subject to jurisdiction under subchapter I of chapter  
 7 135 or provides broker services for such transpor-  
 8 tation without being registered under chapter 139 to  
 9 provide such transportation or services as a motor  
 10 carrier or broker, as the case may be, such person  
 11 is liable to the United States for a civil penalty of  
 12 not less than \$25,000 for each violation.”.

13 **SEC. 11. INDIVIDUAL SHIPPER DEFINED.**

14 Section 13102 of title 49, United States Code, is  
 15 amended by adding at the end the following:

16 “(25) INDIVIDUAL SHIPPER.—The term ‘indi-  
 17 vidual shipper’ means any person who is the con-  
 18 signor or consignee of a household goods shipment,  
 19 is identified as such in the bill of lading or other  
 20 similar contract, owns the goods being or to be  
 21 transported, and pays for their transportation.”.

22 **SEC. 12. ADDITIONAL REGISTRATION REQUIREMENTS FOR**  
 23 **MOTOR CARRIERS OF HOUSEHOLD GOODS.**

24 Section 13902 of title 49, United States Code, is  
 25 amended—

1           (1) by redesignating paragraph (4) as para-  
2 graph (5);

3           (2) by striking paragraphs (2) and (3) and in-  
4 serting the following:

5           “(2) HOUSEHOLD GOODS; ADDITIONAL RE-  
6 QUIREMENTS.—In addition to the requirements in  
7 subsection (a)(1), the Secretary shall register a per-  
8 son to provide transportation of household goods de-  
9 scribed in section 13102(10)(A) only after such per-  
10 son—

11           “(A) identifies the arbitration program in  
12 which it participates and provides a copy of its  
13 notice of such program as required by section  
14 14708(b)(2);

15           “(B) identifies its tariff and provides a  
16 copy of its notice of the availability of such tar-  
17 iff for inspection as required by section  
18 13702(c);

19           “(C) certifies that it has access to, has  
20 read, is familiar with, and will observe all appli-  
21 cable regulations of the Secretary and the  
22 Board governing consumer protection, esti-  
23 mating, consumer rights and responsibilities,  
24 and options for limitations of liability for loss  
25 and damage; and

1           “(D) discloses any relationship involving  
2           common stock, common ownership, common  
3           management, or common familial relationships  
4           between such persons and any other motor car-  
5           rier, freight forwarder, or broker of household  
6           goods within the past 3 years.

7           “(3) CONSIDERATION OF EVIDENCE; FIND-  
8           INGS.—The Secretary shall consider and, to the ex-  
9           tent applicable, make findings on any evidence dem-  
10          onstrating that the registrant is unable to comply  
11          with the requirements of one or more of subpara-  
12          graphs (A), (B), and (C) of paragraph (1) and sub-  
13          paragraphs (A), (B), (C), and (D) of paragraph (2).

14          “(4) WITHHOLDING.—If the Secretary deter-  
15          mines that any registrant under this section does  
16          not or is not able to meet the requirements of para-  
17          graph (1) or (2), the Secretary shall withhold reg-  
18          istration for a period of not less than 1 year.”; and

19          (3) by adding at the end of paragraph (5) (as  
20          so redesignated) the following: “In the case of a reg-  
21          istration for the transportation of household goods  
22          described in section 13102(10)(A), the Secretary  
23          may also hear a complaint on the ground that the  
24          registrant fails or will fail to comply with the re-  
25          quirements of paragraph (2).”.

1 **SEC. 13. ESTIMATING AND INVENTORY REQUIREMENTS.**

2 Section 14104 of title 49, United States Code, is  
3 amended—

4 (1) in subsection (b) by striking paragraph (1)  
5 and inserting the following:

6 “(1) REQUIRED TO BE IN WRITING.—

7 “(A) IN GENERAL.—Except as otherwise  
8 provided [in this subsection], every motor car-  
9 rier providing transportation of household goods  
10 described in section 13102(10)(A) subject to ju-  
11 risdiction under subchapter I of chapter 135  
12 shall conduct a physical survey of the household  
13 goods to be transported on behalf of a prospec-  
14 tive individual shipper and shall provide the  
15 shipper with a written estimate of charges for  
16 the transportation and all related services.

17 “(B) WAIVER.—A shipper may elect to  
18 waive a physical survey under this paragraph by  
19 written agreement signed by the shipper before  
20 [the] shipment is loaded. A copy of the waiver  
21 agreement must be retained as an addendum to  
22 the bill of lading and shall be subject to the  
23 same record inspection and preservation re-  
24 quirements of the Secretary as are applicable to  
25 bills of lading.

26 “(C) ESTIMATE.—



1 “(i) IN GENERAL.—Notwithstanding a  
 2 waiver under subparagraph (B), a carrier’s  
 3 statement of charges for transportation  
 4 must be submitted to the shipper in writ-  
 5 ing and must indicate whether it is binding  
 6 or nonbinding.

7 “(ii) BINDING.—A binding estimate  
 8 under this paragraph must indicate that  
 9 the carrier and shipper are bound by such  
 10 charges. The carrier may impose a charge  
 11 for providing a written binding estimate.

12 “(iii) NONBINDING.—A nonbinding  
 13 estimate under this paragraph must indi-  
 14 cate that the actual charges will be based  
 15 upon the actual weight of the shipment  
 16 and the carrier’s lawful tariff charges.”;  
 17 and

18 (2) by adding at the end the following:

19 “(d) INVENTORIES.—

20 “(1) IN GENERAL.—Every motor carrier pro-  
 21 viding transportation of household goods described  
 22 in section 13012(10)(A) subject to jurisdiction under  
 23 subchapter I of chapter 135 shall prepare, at the  
 24 time of loading a shipment of such household goods,  
 25 a written inventory of all articles tendered by an in-

1       dividual shipper and accepted by the carrier for  
2       transportation.

3               “(2) CONTENTS.—Every inventory under this  
4       subsection shall list or otherwise reasonably identify  
5       each item tendered for transportation, be signed by  
6       the shipper and the carrier or their respective agents  
7       at both the origin and destination, and shall be at-  
8       tached to and considered part of the bill of lading.

9               “(3) RECORD INSPECTION AND PRESERVATION  
10       REQUIREMENTS.—An inventory under this sub-  
11       section shall be subject to the same record inspection  
12       and preservation requirements of the Secretary as  
13       are applicable to bills of lading.”.

14   **SEC. 14. EXTEND CIVIL PENALTIES TO BROKERS OF**  
15       **HOUSEHOLD GOODS.**

16       Section 14901(d) of title 49, United States Code, is  
17       further amended by adding at the end the following:

18               “(4) BROKERS.—If a broker of household goods  
19       described in section 13102(10)(A) providing service  
20       to individual shippers and subject to jurisdiction  
21       under subchapter I of chapter 135 fails or refuses  
22       to comply with any regulation issued by the Sec-  
23       retary relating to the protection of individual ship-  
24       pers, such broker shall be liable to the United States  
25       for a civil penalty of not less than \$1,000 for each

1 violation and for each additional day during which  
2 the violation continues.”.

3 **SEC. 15. PROGRESS REPORT.**

4 (a) IN GENERAL.—Not later than 1 year after the  
5 date of enactment of this Act, the Secretary of Transpor-  
6 tation shall transmit to Congress a report on progress in  
7 implementation of this Act, including the amendments  
8 made by this Act.

9 (b) OVERSIGHT HEARINGS.—The Committee on  
10 Transportation and Infrastructure of the House of Rep-  
11 resentatives and the Committee on Commerce, Science,  
12 and Transportation of the Senate shall conduct periodic  
13 oversight hearings on the effects of this Act, including the  
14 amendments made by this Act, no less than annually for  
15 the first 5 years following the date of enactment of this  
16 Act to ensure that this Act, including the amendments  
17 made by this Act, is being implemented according to con-  
18 gressional intent.

○