

VIRGINIA ACTS OF ASSEMBLY -- 2006 SESSION

CHAPTER 609

An Act to amend and reenact §§ 46.2-2157, 46.2-2158, 46.2-2161, 46.2-2163, 46.2-2170, and 46.2-2173 of the Code of Virginia, relating to household goods carriers.

[H 1249]

Approved April 5, 2006

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-2157, 46.2-2158, 46.2-2161, 46.2-2163, 46.2-2170, and 46.2-2173 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-2157. Estimate of charges; penalties; information booklet for shippers.

A. Household goods carriers may, upon request of a shipper, cause to be given to such shipper an estimate of the charges for proposed services in the manner and form specified in this section:

1. The estimate may be made only after a visual inspection of the goods by the estimator or be based upon information furnished to the carrier by the shipper.

2. If a written estimate is furnished, across the top of each form there shall be imprinted, in bold type, the words "ESTIMATED COST OF SERVICES."

3. The name, address and phone number of the carrier providing the estimate must be shown in a legible manner on each estimate form.

4. Imprinted thereunder in regular type shall be words to the effect "IMPORTANT NOTICE: This estimate covers only the articles and services listed. It is not a guarantee that the actual charges will not exceed the amount of the estimate. *However, carriers may bind the estimate and guarantee that charges may not exceed the bound estimate except for any accessorial tariff charges incurred at destination that are not known to the carrier until actual delivery of the shipment and a sight survey reveals that additional charges are necessary to effect delivery as published in the carrier's tariff.* Household goods carriers are required by law to collect transportation and other incidental charges computed on the basis of rates shown in their lawfully published tariffs, ~~regardless of prior rate quotations or estimates made by the carrier or its agents. Exact charges for loading, transporting and unloading are based upon the weight of the goods transported, and such charges may not be determined prior to the time the goods are loaded on the van and weighed.~~ Charges for additional services will be added to the transportation charges."

5. The original or a true legible copy of each estimate form prepared in accordance with this section may be delivered to the shipper and a copy thereof shall be maintained by the carrier as part of its record of shipment.

B. If the carrier provides a shipper with a written estimate, the carrier will give to the shipper an information booklet that has been approved by the Department and will obtain a receipt therefor from the shipper. Such receipt will become a part of the permanent file of the carrier.

§ 46.2-2158. Bill of lading.

A. A bill of lading shall be issued.

B. A bill of lading shall contain the following information:

1. Name, address and telephone number of the household goods carrier.

2. Agreed pick-up period of time, the actual pick-up date and agreed delivery date or the agreed period of time within which delivery of the shipment is expected at destination.

3. True copies of the gross and tare weight tickets shall be attached to the bill of lading as soon as such weight tickets are obtained. If the shipper is present at the weighing, he shall then be given a copy of the gross and tare weight tickets upon request, otherwise, he shall be given a copy thereof at destination upon request.

4. The number of the vehicle onto which the shipment is loaded.

5. Amount of charges and method of payment of total tariff charges.

6. Total amount required to be paid in cash, ~~certified check, bank cashier's check, traveler's check, or postal money order~~ *postal money order, traveler's check, cashier's check, bank treasurer's check, bank wire transfer, or approved credit card* to relinquish possession of a C.O.D. shipment.

§ 46.2-2161. Payment of tariff charges; payment of specific charges.

A. The carrier will not deliver or relinquish possession of any property transported by it until all tariff rates and charges thereon have been paid in cash, postal money order, traveler's check, cashier's check, bank treasurer's check ~~or certified check, bank wire transfer, or approved credit card~~, except where other satisfactory arrangements have been made between the carrier and the consignor or consignee.

B. Carrier may require prepayment of charges for a specific service in full or in part on or before commencing performance of such services as requested by shipper.

C. ~~No discounts of any character whatsoever shall be authorized by tariff provisions or otherwise allowed by any household goods carrier. No rates or charges shall be based upon prepayment of charges. Estimated charges may be bound or fixed so that the price estimated may not be exceeded with the exception that any accessorial tariff charges incurred at destination that are not known to the carrier until actual delivery of the shipment and a sight survey reveals that additional charges are necessary to effect delivery as published in the carrier's tariff.~~

§ 46.2-2163. Determination of weights by certified scales.

A. Each household goods carrier shall determine the tare weight of each vehicle used by having it weighed prior to, if practicable, the loading of each shipment under the following conditions:

1. By a certified weighmaster or on a certified scale, and
2. The vehicle shall contain all pads, chains, dollies, handtrucks and other equipment needed in the transportation of shipments to be loaded thereon.

B. After the vehicle has been loaded it shall be weighed under the following conditions:

1. At the certified scale nearest to the point of origin of the shipment, if practicable, and
2. The vehicle shall contain all pads, chains, dollies, handtrucks and other equipment needed in the transportation of shipments to be loaded thereon.

C. The net weight of the shipment shall be determined by deducting the tare weight from the gross weight and such weight shall be entered on the bill of lading.

D. Where no certified scale is available at the point of origin, the gross weight shall be obtained at the nearest certified scale either in the direction of the movement of the shipment or in the direction of the next pick-up or delivery in the case of partial loads.

In the transportation of partial loads, this section shall apply in all respects, except that the gross weight of a vehicle containing one or more partial loads shall be used as the tare weight of such vehicle as to partial loads subsequently loaded thereon.

E. The person paying the freight charges, or his representative upon request of either, shall be permitted without charge to accompany, in his own conveyance, the carrier to the weighing station and to observe the weighing of his shipment after loading.

The carrier shall use a certified scale that will permit the shipper to observe the weighing of his shipment without causing delay.

F. The provisions of this section shall not apply to bound or fixed estimates provided in accordance with the provisions of § 46.2-2161.

§ 46.2-2170. Unlawful to charge other than published tariff.

No household goods carrier shall charge or demand or collect or receive a greater ~~or less or different~~ compensation for transportation or for any service in connection therewith than the rates and charges specified in the tariffs in effect at the time.

§ 46.2-2173. Tariff contents.

Tariff contents shall contain certain information:

1. Table of contents, arranged in alphabetical order, showing the number of the page and/or item number on which each subject may be found. If a tariff contains so small a volume of matter that its title page or interior arrangement plainly discloses its contents, the table of contents may be omitted.

2. A complete list of all carriers participating in the tariff, or reference to the governing publication which participation is shown.

3. A complete index of all commodities on which specific rates are named therein, together with reference to the page and/or items in which they are shown. No index need be shown in tariffs of less than five pages, or if all the rates to each destination are alphabetically arranged by commodities.

4. Explanations of all notes, abbreviations, symbols and reference marks used in tariff.

5. Rules that govern in clear and explicit terms, setting forth all privileges and services covered.

6. Any exceptions to the application of rates named, and non-application of rates named therein.

7. All line haul transportation rates ~~must shall~~ be explicitly stated in cents, ~~or in dollars and cents~~ per 100 pounds and shall not establish rates upon any other basis *dollars and cents*.

8. Household goods carriers shall establish the charge to be made for each accessorial or terminal service rendered in connection with the shipment. The tariff shall separately state each service to be rendered and the charge therefor.

- a. The charges for packing and unpacking shall be stated in amounts per container or per hundred weight.

- b. An hourly labor charge may be established to cover miscellaneous labor services performed at the request of the shipper when a rate is not separately stated for the service requested.

9. Tariffs based on distances from point of origin to destination shall show the mileages or indicate a definite method by which such mileages shall be determined.