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November 18, 2010

Dear Chairman Nichols and Board Members:

After review of the currently proposed modifications to the "Statewide Truck and Bus Rule" recommended by ARB staff, the California Moving and Storage Association (CMSA) requests that the Board adopts additional relief for Low Mileage Vocational/Special Use Vehicles. The legal California moving industry would definitely fall within the definition of low mileage vocational trucking. For a large portion of our work truck engines are only used for a small segment of the billed hours. Household and Office/Industrial movers generally drive short distances, many times less than an hour per day, truck engines are turned off and the movers spend the majority of their time moving furniture. (Attached are the California Public Utilities Commission (CPUC) requirements to be a permitted household goods carrier ("mover"), a small part of a 58 page application. Clearly the requirements are arduous enough that one would not undertake getting a permit unless they planned to be a dedicated mover. It seems reasonable and correct to define CPUC PERMITTED CARRIERS (LICENSED MOVERS) as a part of a larger class of Vocational Trucking.)

In addition to staff's proposed rule modifications for trucks less than 26,001 GVWR the Low Mileage Vocational/Special Use Vehicles industry is in need of further relief in the form of a mileage based exemption for Medium Heavy Duty and Heavy Heavy Duty Trucks. CMSA would propose a 20,000 miles exemption for class 7 and 8 trucks. We believe that a mileage based benchmark is more in line with the spirit of the rule than a distance based exemption. Simply put, mileage most strongly correlates with particulate output.

In the event that anyone is unaware let me restate that movers have been negatively impacted by the economic downturn and are linked to construction, when buildings are not built no-one is moving. Additionally, individuals losing their homes are not calling professional movers. Like many other California based Low Mileage Vocational Trucking businesses we are still in need of economic and regulatory relief in order to continue our long standing tradition of providing service, employment, and tax revenue to our customers, local communities, and state.

Respectfully,

Stephen J. Weitekamp  
President  
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## HOUSEHOLD GOODS CARRIER PERMIT APPLICATION CHECKLIST

Use this checklist to determine which forms should accompany your application. Complete all necessary forms and have your insurance broker arrange the filing of all necessary insurance/bond forms with the Commission. Forms should be attached to the application in the order presented on the checklist.

### Application (To be completed by all applicants)

- Application Form TL 706-HHG for household goods carriers
- Statement of Residence Form TL706-A

### Attachments (All applicants must complete the following forms unless noted otherwise)

- If a partnership, Partnership Agreement Form TL706-B or attach a copy of Partnership Agreement.
- If a corporation, attach a copy of the Articles of Incorporation and/or Certificate of Qualification/Status.
- If a limited liability company, attach a copy of the Articles of Organization.
- Request for Tariffs Form TL706-C.
- Report of Equipment Form TL706-D.
- Certificate of Support Form TL706-E.
- Balance Sheet Form TL 706-F1.
- Working Capital Form TL706-F2.
- Profit and Loss Statement Form TL 706-F3.
- Release of Information Form TL706-G.
- Highway Safety Requirements Form TL 706-I.
- Workers' Compensation Declaration Form TL706-K.
- Certification of Household Goods Carrier Form TL706-L.
- Notice of Election of Operating Authority Form TL 706-N.
- Driver Statement Of Applicant Form TL739-A
- Fictitious Business Name Statement Filing w/County Clerk and Proof of Publication (see enclosed regulations).
- Carrier Profile Form CHP 362 (NOTE: Do not send this to the CHP as the form instructs. Include it with your application to the CPUC.)

### Insurance (Insurance/surety company file the following authorized insurance/bond forms with the Commission)

- Insurance Requirements: All applicants must have their insurance company file a Public Liability and Property Damage insurance certificate (TL 676) with the PUC.
- If hiring employees: insurance company must file a Workers' Compensation insurance certificate (TL938 or SCIF10260) with the CPUC.
- If handling C.O.D. shipments: surety company must file a C.O.D. surety bond (TL833) with the CPUC.
- If using subhaulers: surety company must file Subhauler surety bond (TGL679) with the CPUC.
- Insurance company must file a Cargo insurance certificate (TL672) with the PUC.

**NOTE: ALL INSURANCE CERTIFICATES AND SURETY BONDS MUST SHOW THE EXACT NAME(S) OF THE APPLICANT(S) AS IT APPEARS ON THE APPLICATION FORM.**

## **Permit Requirements (continued)**

### **FINGERPRINT (continued)**

Please read the fingerprint instructions carefully to ensure that they are completed properly. All applicants are required to submit fingerprints as follows: (1) if sole proprietorship, the owner (proprietor); (2) if a partnership, all general partners; (3) if a corporation, all corporate officers and directors; or (4) if a limited liability company, all members, managers and officers.

### **INSURANCE REQUIREMENTS**

**Public Liability and Property Damage** - General Order Series 100 requires all household goods carriers to secure and maintain on deposit with the Commission evidence of adequate bodily injury and property damage liability protection covering motor vehicles operated or to be operated.

**Workers' Compensation** - Public Utilities Code Section 5135.5 requires all household goods carriers to secure and maintain on deposit with the Commission evidence of workers' compensation insurance covering all its employees.

**Cargo Liability** - General Order Series 136 requires all household goods carriers to secure and maintain on deposit with the Commission evidence of cargo insurance in the amount of twenty thousand dollars (\$20,000). This General Order also contains rules concerning liability for loss and damage of used household goods.

### **SURETY BOND REQUIREMENTS**

**Protection of Subhaulers and Lessor Employees** - General Order Series 102 requires the filing of a surety bond with the Commission in the amount of fifteen thousand dollars (\$15,000) before any carrier may engage the services of a subhauler or lease equipment from an employee as a lessee. This General Order also contains other regulations pertaining to subhauling and the leasing of equipment from employees.

**Protection of Collect on delivery (C.O.D.) Shipments** - General Order Series 84 requires the filing of a surety bond with the Commission in the amount of not less than two thousand dollars (\$2,000) before any carrier may lawfully handle C.O.D. shipments. This General Order also contains other regulations pertaining to the handling of Collect on Delivery Shipments.

### **RATES**

The Commission issues a maximum rate tariff for the transportation of used household goods which contains rates, rules and regulations applicable to these permitted carriers. Any tariffs required must be purchased by the carrier before operations subject to the tariff may be performed (TL706-C).

### **EQUIPMENT**

All household goods carriers must submit a list of equipment that will be operated in their proposed transportation service. This information, updated on an annual basis, will be submitted to the California Highway Patrol and the carrier's insurance company in compliance with Public Utilities Code Section 5229.

### **SAFETY REQUIREMENTS**

D. 90-12-091 outlines the highway safety requirements that all household goods carriers must implement for their transportation operations. In addition to a preventive maintenance program, all carriers must provide on-going safety education and training programs, participate in the pull notice program and abide by the regulations contained in the California Vehicle Code and Title 13 of the California Code of Regulations

## **Other Related Information**

### **TRANSPORTATION RATE FUND FEES AND UNIFORM BUSINESS LICENSE TAXES**

All household goods carriers transporting property for compensation subject to regulation by the Commission are required to: 1) file quarterly revenue reports on forms provided by the Commission; 2) pay a \$15 administrative fee plus a percentage of their gross operating revenues; and 3) pay the appropriate uniform business license tax. You will receive notification of these reports after your permit is granted.

### **TEMPORARY SUSPENSION OF OPERATING AUTHORITY AT REQUEST OF CARRIER**

Household goods carriers may request a temporary suspension of their operating authority for a period not to exceed one year (voluntary suspension) when their equipment is temporarily taken out of for-hire service. Carriers requesting temporary suspension must file a written request (TL661) with the Commission and pay a \$50 fee. Operating authority may be suspended for a period not to exceed one year.

### **TERMINATION OF OPERATING AUTHORITY**

A household goods carrier permit not exercised for a period of one (1) year (including periods of voluntary suspension) shall lapse and terminate.

### **TRANSFER OF PERMITS**

No permit shall be sold, leased, assigned or otherwise transferred or encumbered by the holder thereof without first securing authorization from the Commission. Application requesting authorization to transfer a permit (TL707-HHG) must be accompanied by a filing fee of one hundred fifty dollars (\$150). Application forms to transfer permits will be furnished upon request.

## **REGIONAL OFFICE ADDRESSES AND PHONE NUMBERS**

<b>LOS ANGELES</b>	320 W. 4th Street, Suite 500, 90013	(213) 576-7108
<b>SACRAMENTO</b>	770 "L" Street, Suite 1050, 95814	
<b>SAN DIEGO</b>	1350 Front Street, Room 4006, 92101	(619) 525-4217

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
APPLICATION FOR HOUSEHOLD GOODS CARRIER PERMIT**

**TO ENGAGE IN THE TRANSPORTATION OF HOUSEHOLD GOODS FOR-HIRE  
OVER THE PUBLIC HIGHWAYS OF THE STATE OF CALIFORNIA**

Those who use motor vehicles to haul household goods for-hire on public roads in California must know and obey State trucking laws and Public Utilities Commission regulations.

The following contains basic P.U.C. licensing information. Further information may be obtained by calling the License Section in San Francisco at (415) 703-2063 or by contacting one of the P.U.C.'s Regional Offices listed. Written correspondence may be addressed to: Public Utilities Commission, License Section, 505 Van Ness Avenue, San Francisco, CA 94102-3298.

A permit must be obtained to operate as a household goods carrier.

A filing fee (NOT REFUNDABLE) of \$500 is required at the time of application. An incomplete application will delay the processing and, if not corrected, will constitute cause for denial of the application.

Ordinarily the Commission will not require a public hearing in connection with the issuance of permits. However, the Commission will not issue a permit unless satisfied from the contents of the application and/or from an informal interview with the applicant that a permit should be issued.

**Permit Definition From the Public Utilities Code**

5109. "Household goods carrier" includes every corporation or person, their lessees, trustee, receivers or trustees appointed by any court whatsoever, engaged in the transportation for compensation or hire as a business by means of a motor vehicle or motor vehicles being used in the transportation of used household goods and personal effects over any public highway in this state.

**Permit Requirements**

**FINANCIAL RESPONSIBILITY**

In order to qualify for a permit, you must establish that you are financially capable of conducting the proposed operations in a safe manner. The Commission staff will make a determination whether you qualify based upon the financial information you submit on Form TL706-F1 (Balance Sheet), TL706-F2 (45-Day Required Working Capital) and TL706-F3 (Projected Profit and Loss Statement).

Balance Sheet (TL706-F1): you cannot owe others more than you own.

45-Day Required Working Capital (TL706-F2): you must have adequate working capital for 45 days based on your total available cash and/or current liquid assets readily convertible to cash.

Projected Profit and Loss Statement (TL706-F3): your revenue, based on the Certificate of Support (TL706-E), must be greater than expenses over a stated initial period (not less than 90 days, but not more than one year).

**FINGERPRINT**

Prior to the issuance of a household goods carrier permit, each applicant is required to either:

- 1) furnish to the Commission two properly completed Federal Bureau of Investigation (FBI) fingerprint cards (Form FD-258), one for the California Department of Justice (DOJ), or:
- 2) use the DOJ's Live Scan fingerprinting process which will scan and electronically transmit to DOJ that person's fingerprints. When submitting your application, please indicate which fingerprint method you will use.