

## § 14104. Household goods carrier operations

*How Current is This?*

### **(a) General Regulatory Authority.—**

**(1) Paperwork minimization.—** The Secretary may issue regulations, including regulations protecting individual shippers, in order to carry out this part with respect to the transportation of household goods by motor carriers subject to jurisdiction under subchapter I of chapter 135. The regulations and paperwork required of motor carriers providing transportation of household goods shall be minimized to the maximum extent feasible consistent with the protection of individual shippers.

### **(2) Performance standards.—**

**(A) In general.—** Regulations of the Secretary protecting individual shippers shall include, where appropriate, reasonable performance standards for the transportation of household goods subject to jurisdiction under subchapter I of chapter 135.

**(B) Factors to consider.—** In establishing performance standards under this paragraph, the Secretary shall take into account at least the following—

- (i)** the level of performance that can be achieved by a well-managed motor carrier transporting household goods;
- (ii)** the degree of harm to individual shippers which could result from a violation of the regulation;
- (iii)** the need to set the level of performance at a level sufficient to deter abuses which result in harm to consumers and violations of regulations;
- (iv)** service requirements of the carriers;
- (v)** the cost of compliance in relation to the consumer benefits to be achieved from such compliance; and
- (vi)** the need to set the level of performance at a level designed to encourage carriers to offer service responsive to shipper needs.

**(3) Limitations on statutory construction.—** Nothing in this section shall be construed to limit the Secretary's authority to require reports from motor carriers providing transportation of household goods or to require such carriers to provide specified information to consumers concerning their past performance.

### **(b) Estimates.—**

**(1) Authority to provide without compensation.—** Every motor carrier providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135, upon request of a prospective shipper, may provide the shipper with an estimate of charges for transportation of household goods and for the proposed services. The Secretary shall not prohibit any such carrier from charging a prospective shipper for providing a written, binding estimate for the transportation and proposed services.

**(2) Applicability of antitrust laws.—** Any charge for an estimate of charges provided by a motor carrier to a shipper for transportation of household goods subject to

jurisdiction under subchapter I of chapter 135 shall be subject to the antitrust laws, as defined in the first section of the Clayton Act (15 U.S.C. 12).

**(c) Flexibility in Weighing Shipments.**— The Secretary shall issue regulations that provide motor carriers providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135 with the maximum possible flexibility in weighing shipments, consistent with assurance to the shipper of accurate weighing practices. The Secretary shall not prohibit such carriers from backweighing shipments or from basing their charges on the reweigh weights if the shipper observes both the tare and gross weighings (or, prior to such weighings, waives in writing the opportunity to observe such weighings) and such weighings are performed on the same scale.