PART 814
TRANSPORTATION OF HOUSEHOLD GOODS BY COMMON CARRIERS

Statutory authority: Transportation Law §§ 191, 196

Section 814.0 Applicability and definition.

This Part is applicable to the transportation of household goods, defined as personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling and such other similar property. Household goods shall not include property moving from a factory or store, except such property as the householder has purchased with intent to use in his or her dwelling and which is transported at the request of, and the transportation charges paid to the carrier by, the householder.

Section 814.1 Advertising and solicitation.

(a) No common carrier of household goods nor any officer, agent, employee or representative thereof, shall advertise by any means, solicit or otherwise hold itself out to the public to perform or actually perform the transportation of household goods authorized by its certificate of public convenience and necessity, in any name other than that in which the carrier's operating authority is held. The carrier's address and the number of the certificate of public convenience and necessity issued to the carrier by the Commissioner of Transportation shall be included in all advertising.

(b) No common carrier of household goods nor any officer, agent, employee or representative thereof shall display, distribute or publish advertising or any other material which represents that the carrier is offering or will offer any rates, charges or services or will commit any act prohibited by statute or the rules and regulations of the commissioner.

(c) No common carrier of household goods or any officer, agent, employee or representative thereof shall advertise or represent to the public that "all loads are insured" or similar wording.
(d) No common carrier of household goods shall act as agent for any other such common carrier in the solicitation or transportation of shipments of household goods between points which such agent is authorized to serve and for which it shall have established rates different from those of its principal.

(e) Each carrier of household goods shall give to every prospective shipper, when arrangements for transportation are made at a face-to-face meeting, a copy of "Summary of Information for Shippers of Household Goods" in the form prescribed by the commissioner. If no personal interview is had with a prospective shipper, and the time for pickup is more than 24 hours from the time the arrangements for transportation were agreed upon, a carrier shall cause such summary to be delivered in person or electronically to the shipper prior to the pickup. Whenever a carrier has furnished a summary to the shipper, an appropriate notation shall be made on the bill of lading.

Section 814.2 Determination of charges.

(a) All common carriers of household goods by motor vehicle engaged in the transportation of household goods subject to the jurisdiction of the Commissioner of Transportation shall establish rates for the transportation of household goods in the manner and form required by section 196 of the Transportation Law and the contemporaneously effective rules and regulations prescribed by the commissioner in Parts 825, 826 and 829 of this Title.

(b) Transportation charges shall be computed in accordance with the carrier's tariff on file with the Commissioner of Transportation.

(c) Accessorial, additional or terminal services.

(1) Every common carrier of household goods by motor vehicle shall establish in the manner prescribed in section 196 of the Transportation Law and the contemporaneously effective rules and regulations issued pursuant thereto in Parts 825, 826 and 829 of this Title, the
charges to be made for each accessorial, additional or terminal service rendered in connection with the transportation of household goods by motor vehicle. The tariffs establishing such charges shall separately state each service to be rendered and the charge therefor.

(2) Carriers shall establish one charge for a complete packing service including providing a container, packing and unpacking and a separate charge for such service without unpacking and may establish separate charges for other combinations or forms of packing service.

(3) Charges for services shall be separately stated on a unit or hourly basis whichever is appropriate. Tariffs may state an hourly labor charge applicable to miscellaneous labor service performed at the request of a shipper in connection with the transportation, when a rate is not separately stated in the tariff for the service so requested.

(4) No charge so established shall be lower than the cost of performing the service. Such charges are not to be included, but are in addition to the charges based on the rate for transporting the household goods. The carrier shall not render a service for which no separate charge has been established.

(d) No discounts of any nature whatsoever shall be authorized by tariff provisions, or otherwise allowed by any such common carrier, and no rates or charges shall be established based upon prepayment of charges.

(e) Every common carrier of household goods and every officer, employee, agent or representative thereof, at the time of booking a movement of household goods, shall make a full and complete disclosure of all information as to rates and charges for the proposed service to be performed, including but not limited to: travel time if permitted by carrier's tariff; storage charges, if any; overtime rates, packing and container charges; labor charges; piano and hoisting charges; the method
of payment of the total charges; and the limits of the carrier's liability for loss or damage to the
shipment.

Section 814.3 Non-binding Estimate and Order for Service

(a) Whenever a non-binding estimate and order for service for a proposed service shall be
given by a carrier to a prospective shipper of household goods, it shall be made only after a visual
inspection of the goods by an estimator prior to the day of the scheduled move, or upon verified
information from the shipper. If at the time of the move, the shipper requests additional moving
services that were not listed on the original non-binding estimate and order for service, an
adjustment may be made by the carrier to the non-binding estimate to reflect the additional
services and/or charges. Such statement shall be in writing. The form shall be fully executed as
appropriate in each case in accordance with the instructions thereon. A true legible copy of each
form prepared in accordance with this subdivision shall be delivered to the shipper before the
pickup of the goods; and a copy thereof shall be maintained by the carrier as part of its record of
the shipment. The order for service shall be signed by the shipper or his representative who is
ordering the service, and by the carrier or its agent; the requirement of the shipper's signature shall
apply to all orders for service, except where there is both an agreement for the extension of credit
by the carrier and a written waiver of such requirement signed by the shipper or his representative.
A copy of the order for service shall be dated and furnished the shipper or his representative at the
time it is executed.

In lieu of such written statement as herein above described, a carrier shall quote its rates for
transportation and the charges for all proposed services to be performed in accordance with the
provisions of its proposed tariff.
(b) Carriers may furnish to shippers or prospective shippers a non-binding estimate form which may contain statements of the weights of average pieces of furniture and other household articles of various types, for use by the shipper in making his own estimate of the total weight of his goods. If cubic foot measurements are used in arriving at the weight, the form shall state that a weight factor of seven pounds per cubic foot shall be used.

(c) In each instance in which the actual charges on any shipment exceed by more than 10 percent the amount of the non-binding estimate given by the carrier to the shipper, immediately upon determining the actual charges, the carrier shall inform the shipper of the amount thereof, by telephone, e-mail or other electronic means, provided that the requirement of this subdivision shall not apply where credit is to be extended by the carrier.

(d) Whenever the total tariff charges on a C.O.D. shipment shall exceed by more than 10 percent the non-binding estimate given by the carrier on a weight-rated move or by more than 25 percent of the non-binding estimate given by a carrier on an hourly-rated move, such carrier must relinquish possession of the entire shipment upon payment of the amount of the non-binding estimate plus 10 percent thereof in the case of weight-rated moves or upon payment of the non-binding estimate plus 25 percent thereof in the case of an hourly-rated move, and the carrier shall defer payment of the remainder of the tariff charges for a period of at least 15 days following delivery, excluding Saturdays, Sundays and holidays.

(e) Every motor common carrier shall, prior to receipt of the goods, prepare an order for service which contains the following minimum information:

(1) shipper's name, address, telephone number and/or email address;

(2) consignee's name, address, telephone number and/or email address;
(3) name, address, telephone number, and/or email address of the carrier delivering the goods;

(4) pickup time period and date and delivery time period and date as agreed to by shipper and carrier, or in lieu of specific dates the period or periods of time agreed to within which pickup, delivery, or the entire move will be accomplished;

(5) complete description of special or accessorial services ordered;

(6) any identification or registration number assigned the shipper by the carrier;

(7) amount of estimated charges and method of payment of total tariff charges; and

(8) where shipper requests notification of charges the method by which such communication will be received.

Section 814.4 Bill of Lading

Every motor common carrier of household goods authorized by the Commissioner of Transportation shall issue a bill of lading, for each shipment transported by it.

(a) A bill of lading shall be issued by the carrier at the time when such household goods are received. No bill of lading shall be issued prior to such time.

(b) Whenever a bill of lading is issued in accordance with subdivision (a) of this section, the following information must be included thereon:

(1) For hourly-rated moves:

(i) The name, address, telephone number and/or email address of the carrier.

(ii) The Department of Transportation certificate number of the carrier.

(iii) Name of shipper and points of origin and destination.

(iv) Date and time period of pickup and delivery.
(v) Tariff rates for transportation and description of all accessorial or incidental services to be performed with the tariff charges therefor.

(vi) Method of payment of all charges.

(vii) Method of computation of rates.

(viii) The starting time shall be shown with the initials of the shipper, and if the carrier's tariff provides for a rate for overtime that is higher than for straight time, such rates shall be separately stated.

(ix) Whenever a carrier's tariff provides for a rate on the basis of units or size of vehicle, such information shall be shown.

(2) For weight-rated moves.

(i) The name, address, telephone number and/or email address and Department of Transportation certificate number of the motor carrier that will transport the shipment; if the shipment is to be interline, the name, address, telephone number and/or email address of the connecting carrier.

(ii) The name, address, telephone number and/or e-mail address of the office of the carrier issuing the bill of lading that should be contacted in relation to the shipment, should there be a need.

(iii) The name, address and telephone number and/or email address of a person to whom notification provided for in section 814.5(c) of this Part shall be given, except when this cannot be obtained from the shipper.

(iv) The date of actual pickup and the agreed date of delivery or the agreed period of time within which delivery of the shipment is expected at destination.
(v) The tare weight shall be entered on the copy of the bill of lading given to the shipper with the tare weight ticket attached thereto, before the vehicle onto which the shipment has been loaded is weighed to determine the gross weight of the vehicle and the net weight of the shipment.

(vi) Amount of estimated charges and method of payment of total tariff charges.

(c) All common carriers by motor vehicle engaged in the transportation of household goods under authority of the Commissioner of Transportation must issue a bill of lading at the time when such household goods are delivered at destination.

(d) Whenever a bill of lading is issued in accordance with subdivision (c) of this section, the following must be included thereon:

(1) For hourly-rated moves:

(i) The same information as contained in subdivision (b) of this section.

(ii) An itemized description of all rates and charges made and the total of all charges.

(iii) The finishing time, with the initials of the shipper.

(2) For weight-rated moves.

(i) The same information as contained in subdivision (b) of this section.

(ii) The gross weight of the vehicle after the loading of the shipment.

(iii) The net weight of each shipment, which shall be determined by deducting the tare weight prior to loading each shipment from the gross weight after loading the shipment.

(iv) The correct tariff mileage and rate.

(v) All accessorial services and the charges for each and all services incidental to the transportation for which a charge is provided therefor in the carrier's tariff.
(vi) The total of all charges.

814.5 Reasonable Dispatch

(a) The term reasonable dispatch shall mean the performance of transportation at the time period and date agreed upon by the carrier and the shipper shown on the order for service and recorded on the bill of lading.

(b) Every motor common carrier authorized by the Commissioner of Transportation to transport household goods, shall transport each shipment accepted by it for transportation with reasonable dispatch except when delay is caused by act of God, public enemy, riots, strikes or acts of public authorities.

(c) Whenever a carrier is unable to make a pickup or delivery of a shipment of household goods at the time and date, the carrier shall notify the shipper or his representative, by telephone, electronically or in person at the carrier's expense, of the delay and of the new date or period of time when such pickup or delivery will be made. The notification shall be given as soon as it becomes apparent to the carrier that it is unable to pick up or deliver the shipment in accordance with the terms of the agreement.

(d) No carrier shall knowingly and willfully give false or misleading information as to the reasons for the delay in making a pickup or delivery of a shipment.

Section 814.6 Dispute as to charges

Whenever a dispute arises as to the charges to be paid of the method of payment at time of delivery of the shipment, the carrier shall not withhold the entire shipment pending full payment of the bill of lading, but may retain no more of the property than is necessary to cover the amount of charges to be paid: provided, however, that among the goods delivered shall be included all items of life sustenance, beds, kitchen tables and chairs. If a non-binding estimate and order for service
has been given as provided in subdivision (a) of section 814.3 of this Part, then payment of charges should be made in accordance with subdivision (d) of section 814.3 of this Part.

Section 814.7 Signed receipt for shipment-release prohibited.

No delivery acknowledgement on any shipping document to be signed by the consignee at time of delivery shall contain language which purports to release or discharge the carrier or its agents from liability other than a statement that the property has been received in apparent good condition except as noted on the shipping documents.

Section 814.8 Claims for loss, damage or overcharge.

(a) Every common carrier which receives an electronic or written claim for loss or damage to property transported by it or for overcharge shall acknowledge receipt of such claim in writing to the claimant within 30 calendar days after its receipt by the carrier or carrier's agent. The carrier shall at the time such claim is received, record the date of its receipt on the claim.

(b) Every such carrier which receives a written claim for loss or damage to household goods transported by it, or for overcharge shall pay, decline, satisfactorily adjust or make a firm compromise settlement offer in writing to the claimant within 90 days after receipt of the claim by the carrier or its agent; provided that, if the claim cannot be processed or disposed of within 90 days after receipt thereof, the carrier shall at that time and after the expiration of each succeeding 30-day period while the claim remains pending advise the claimant in writing of the status of the claim and the reasons for the delay in making final disposition thereof and send a copy of such letter electronically to nymoving@dot.ny.gov or by surface mail to the Department of Transportation, 50 Wolf Road, POD 5-3, Albany, New York 12232.
(c) Every common carrier of household goods shall maintain a claim register showing for each claim of loss, damage or overcharge, the name of the claimant, the date of the claim, whether the claim was settled or disallowed and the date of settlement or disallowance.

(d) Whenever a judgment of a duly constituted court of law, based upon a complaint for loss or damage or overcharges in respect to a movement of household goods, is recovered against a carrier, such carrier shall satisfy the judgment within 30 days from the date thereof, unless execution of the judgment is stayed by court order or other statutory provisions, or unless satisfactory arrangements for the payment of the judgment have been made between the parties.