

**Federal Advisory Committee for Household Goods Consumer Protection**  
**Paperwork Subgroup Teleconference**  
**Meeting Minutes for May 23, 2017 1:00pm – 2:30pm EDT**

The Federal Advisory Committee for Household Goods (HHG) Consumer Protection Paperwork Subgroup was convened for a teleconference at 1:00pm EDT on Tuesday, May 23, 2017.

**Working Group Members Present:**

Thomas Balzer, CAE – President, Ohio Trucking Association  
Thomas J. (TJ) Carney – President, Carney-McNicholas Inc.  
Richard Corona – President, Enterprise Database Corporation  
Scott Michael, President and CEO, American Moving and Storage Association  
Heather Paraino (Chairwoman), Esq. – Senior Corporate Counsel, MoveRescue

**FMCSA Support:**

Michael Evans – Transportation Specialist, HHG Team, FMCSA  
Lawrence Hawthorne – Transportation Specialist, FMCSA  
Monique Riddick – Lead Transportation Specialist and Assistant DFO, FMCSA

**Volpe Support:**

Dianne Gunther – Volpe Lead  
Erin Lohrenz – Record Minutes

**1. Introduction**

Heather Paraino called the group to order. She recapped the positive progress made by the group at the May onsite meeting. The plan for this meeting is to continue the discussion from the onsite meeting and focus on formulating recommendations for specific documents.

Upcoming Onsite Meeting:

June 27-29, 2017

**2. Discussion on Bill of Lading**

\*Bold are established recommendations

- **Add the following information to item # 1:** Carrier's U.S. DOT # and carrier's telephone number to bill of lading:
  - Suggestion to remove the following statement from item #1 to reduce confusion - "or the name and address of the motor carrier issuing the bill of lading."
- **Eliminate item # 2:** "The names and addresses of any other motor carriers, when known, who will participate in transportation of the shipment."
- **Eliminate item # 3:** "The name, address, and telephone number of your office (or the office of your agent) where the individual shipper can contact you in relation to the transportation of the shipment."

- The rationale for removing Items #1 and #2 is to not confuse customers with multiple points of contact. They should have one address and phone number, and that should belong to the carrier responsible for their goods.
- **Item # 4: Remove the phrase “order for service”**
  - The Working Group is recommending eliminating the requirement for the order for service, so this language will be unnecessary and confusing.
- **Keep items 5-14 as requirements on bill of lading.**
- Suggestion to do one of the following (discussion at next subgroup teleconference):
  - Move item # 11 from order for service to bill of lading, but change the language to include “a complete description of all services and charges ordered.”
    - Also need to add language to clarify that this information must be identical to what is written on the estimate – otherwise this gives criminals a “loophole.”
  - OR add the following statement to the bill of lading: “Bill of lading incorporates by reference all of the services included on the estimate.”
    - Volume and weight indications – bill of lading should reference the formal estimate prepared for the client as opposed to referencing tariffs and cubic footage – is there a way to clarify this?
    - A current requirement is that if an item is volume based, the carrier must provide the formula to convert it to weight.
    - Charges must be based on weight – potential recommendation that all items showing on the estimate must be weight based?
- **Move item # 12 from the order for service to the bill of lading:** “Any identification or registration number you assign to the shipment.”

### 3. Discussion on Order for Service

- The Working Group reviewed the 15 requirements for the order for service and determined that if the recommendations above are implemented all of the necessary items will be covered on the bill of lading or other documents.
  - Suggestion to remove item # 2 – this is covered by 373.101.
  - Suggestion to remove item # 3 – not necessary (one point of contact is sufficient).

### 4. Discussion on Interlining

- A working group member inquired whether a company is required to have a bill of lading if they enter into business through interlining. This discussion related to the proposal to eliminate Item #2 from the bill of lading (“The names and addresses of any other motor carriers, when known, who will participate in transportation of the shipment.”)
  - Must have a brokerage for interlining – is there an impact to the end consumer? Ex: Company A brokered a load to Company B – do they need to inform the consumer about this arrangement?
  - Paraino says no, as long as there is no direct contact with the consumer by Company B.
  - Monique Riddick explained that FMCSA receives complaints when someone acts as broker and another company shows up, it isn’t clear who this company is – this information needs to be conveyed to the shipper.

- It can be a problem if an unscrupulous company takes advantage of this arrangement and hides behind the carrier who issues the bill of lading. If they trick a carrier into issuing the documents, the company who issues the bill of lading is responsible.
- Riddick said that the identification of the company who comes to the door of the hauling needs to be conveyed to the shipper even if this is an interlining situation.

## **5. Next Steps**

- Subgroup members will reach out to others in their office for clarification on the remaining documents.
- Subgroup will review items still up for discussion at the next subgroup conference call.
- Next teleconference: Tuesday, May 30 1:00-2:30pm EST.

### **Adjournment:**

The teleconference for the Paperwork Subgroup of the Federal Advisory Committee for Household Goods Consumer Protection was adjourned at 2:30pm EDT on Tuesday, May 23, 2017.

**Federal Advisory Committee for Household Goods Consumer Protection**  
**Paperwork Subgroup Teleconference**  
**Meeting Minutes for May 30, 2017 1:00pm – 2:30pm EST**

The Federal Advisory Committee for Household Goods (HHG) Consumer Protection Paperwork Subgroup was convened for a teleconference at 1:00pm EST on Tuesday, May 30, 2017.

**Working Group Members Present:**

Francisco Acuna – President, Household Goods Compliance Solutions, Inc.  
Thomas Balzer, CAE – President, Ohio Trucking Association  
Thomas J. (TJ) Carney – President, Carney-McNicholas Inc.  
Scott Michael, President and CEO, American Moving and Storage Association  
Heather Paraino (Chairwoman), Esq. – Senior Corporate Counsel, MoveRescue

**FMCSA Support:**

Michael Evans – Transportation Specialist, HHG Team, FMCSA  
Lawrence Hawthorne – Transportation Specialist, FMCSA

**Volpe Support:**

Janet Bibinski – Record Minutes  
Dianne Gunther – Volpe Lead  
Julianne Schwarzer – Facilitator

**1. Introduction**

Julianne Schwarzer, U.S. Department of Transportation (DOT) Volpe Center, welcomed everyone to the teleconference and then called the meeting to order. She stated that the purpose of this meeting was to review the following items that are still up for discussion in the Paperwork Subgroup Recommendations, highlighted in bold below.

**2. Discussion on Paperwork Recommendations**

- **Estimate – include date spreads on estimate:**
  - The current language on the order of service is confusing for consumers.
  - Should this be more of an education item or a “Best Practice” that could be adopted?
  - There could be consequences of not having dates.
  - Dates are still included in the bill of lading.
  - This item was removed from the updated recommendations, and it was proposed to recommend that the Education Subgroup incorporate the concept of date spreads into their education plan.
- **Estimate – requirement to issue a new estimate (rather than amending an estimate):**
  - An action item from the last meeting was for folks to collect information from other representatives of the moving industry to determine if this recommendation would be feasible.
    - Most people understood why it would be desirable to issue a new estimate rather than create a revised estimate, and said that it would not cause much of

a burden for their business. Only one mover noted that it would cause difficulty for his business.

- There was a comment that all moving companies will eventually have to generate estimates electronically, and this group should not wait for the industry to catch up if there is a recommendation that can help consumers now.
  - Another Working Group member sought feedback, and the concerns that he received were mostly centered around the process (i.e., what would moving day look like for both the consumer and the mover if a new estimate had to be issued?).
  - It was noted that “criminal” movers believe consumers are liars and try to cheat movers, so they would not like this change.
  - The subgroup agreed to keep the recommendation to remove the check box.
  - It was noted that the group should be careful about prescribing processes because too many regulatory restrictions could be put in place.
  - It was also noted that even if the group closes this existing loophole, criminals may find another way to get around it.
  - Heather Paraino will provide an FRN publication to Dianne Gunther for reference to assist in writing the report. **(Action Item)**
- **Allowance of consumers to waive the inventory:**
  - Feedback:
    - The feedback from the moving industry was that the inventory is a way of protecting the consumer, and the industry representatives who were contacted felt that the inventory should continue to be required.
  - It was noted that criminals often do a bad inventory, and consumers do not understand what a good inventory is so they may not be as protected as they think.
  - If adopted, the group would want the inventory waiver requirements to be clearly documented, with no loose language that can be misinterpreted.
  - Other options could be to recommend this as a consideration for the future, or to make inventories an education issue (i.e., help the consumer to better understand inventories).
  - Members who reached out to other stakeholders should document their information and present to the larger group at the upcoming in-person meeting **(Action Item)**.
  - This issue will be put to a vote at the in-person meeting.
- **Bill of Lading – When should it be provided?**
  - Legally it can be done and signed way ahead of time and sometimes presented to the consumer weeks in advance, but not always.
    - There is a wide range of currently acceptable practices.
  - Should ‘Name of Entity’ be included on the bill of lading (and not the DBA?)
    - There are positive and negative consequences to this.
    - To change a legal name is very time-consuming and expensive.
- **New requirements to be added to the Bill of Lading: Option 1 vs. Option 2:**
  - Option 1: *(Move item # 11 from order for service to Bill of Lading, but change the language to include “a complete description of all services and charges ordered”).*
  - Option 2: *(add the following statement to the bill of lading: “Bill of lading incorporates by reference all of the services included on the estimate”).*

- The subgroup agreed that Option 2 would be the better recommendation to keep things streamlined, and Option 1 could be the backup plan if the full Working Group does not like Option 2.
- **General/Overarching recommendations - Removal of 50-mile automatic waiver for a physical (now “visual”) survey:**
  - Eliminating the waiver means that the consumer is always entitled to have a survey.
  - 50 miles was put in place because the consumer was not always close enough to obtain a survey, but with current technology that is less of a concern.
  - Recommendation consensus:
    - Group does not want to keep automatic waiver – Customer should be given the option of a virtual survey.
- **General/Overarching recommendations – Creation of standard forms.**
  - Those opposed to creating standard forms noted that the tariff structures can vary, and this would inconvenience many companies who would have to modify their forms.
  - Some liked the idea but didn’t think it would be practical to implement.
  - Some members felt that requiring certain information to be captured on the forms (like the regulations are written now) was fine, but did not like the idea of a template.
  - Recommendation:
    - Should be presented to larger group for further discussion.
- **Study and consider elimination of brokers and freight forwarders from the Limited Service Exclusion (LSE) definition:**
  - LSE creates a whole group – a loophole for brokers to not provide documents.
  - Needs to be looked at from a consumer education standpoint.
  - 75% of consumers are outside of the scope of the LSE and are untouched by the regulation.
  - Recommendation:
    - Present to the full group for further discussion.

### **3. Next Steps/Action Items:**

- Paraino will provide an FRN publication to Gunther.
- Members who reached out regarding inventory waiver should document their information and present to the larger group.

### **Adjournment:**

The teleconference for the Paperwork Subgroup of the Federal Advisory Committee for Household Goods Consumer Protection was adjourned at 2:30pm EST on Tuesday, May 30, 2017.