

and regulations of the Washington Metropolitan Area Transportation Commission.

(d) A private or public recipient of governmental assistance (within the meaning of 49 U.S.C. 13902(b)(8)) may provide service under incidental charter rights only for special or chartered parties originating in the area in which the private or public recipient provides regularly scheduled mass transportation services under the specific qualifying certificate that confers its incidental charter rights.

[54 FR 46619, Nov. 6, 1989. Redesignated at 61 FR 54709, Oct. 21, 1996, as amended at 62 FR 15423, Apr. 1, 1997]

PART 375—TRANSPORTATION OF HOUSEHOLD GOODS IN INTER-STATE COMMERCE; CONSUMER PROTECTION REGULATIONS

Subpart A—General Requirements

Sec.

- 375.101 Who must follow these regulations?
 375.103 What are the definitions of terms used in this part?
 375.105 What are the information collection requirements of this part?

Subpart B—Before Offering Services to My Customers

LIABILITY CONSIDERATIONS

- 375.201 What is my normal liability for loss and damage when I accept goods from an individual shipper?
 375.203 What actions of an individual shipper may limit or reduce my normal liability?

GENERAL RESPONSIBILITIES

- 375.205 May I have agents?
 375.207 What items must be in my advertisements?
 375.209 How must I handle complaints and inquiries?
 375.211 Must I have an arbitration program?
 375.213 What information must I provide to a prospective individual shipper?

COLLECTING TRANSPORTATION CHARGES

- 375.215 How must I collect charges?
 375.217 May I collect charges upon delivery?
 375.219 May I extend credit to shippers?
 375.221 May I use a charge or credit card plan for payments?

Subpart C—Service Options Provided

- 375.301 What service options may I provide?

- 375.303 If I sell liability insurance coverage, what must I do?

Subpart D—Estimating Charges

- 375.401 Must I estimate charges?
 375.403 How must I provide a binding estimate?
 375.405 How must I provide a non-binding estimate?
 375.407 Under what circumstances must I relinquish possession of a collect-on-delivery shipment transported under a non-binding estimate?
 375.409 May household goods brokers provide estimates?

Subpart E—Pick Up of Shipments of Household Goods

BEFORE LOADING

- 375.501 Must I write up an order for service?
 375.503 Must I write up an inventory?
 375.505 Must I write up a bill of lading?

WEIGHING THE SHIPMENT

- 375.507 Must I determine the weight of a shipment?
 375.509 How must I determine the weight of a shipment?
 375.511 May I use an alternative method for shipments weighing 3,000 pounds or less?
 375.513 Must I give the individual shipper an opportunity to observe the weighing?
 375.515 May an individual shipper waive his/her right to observe each weighing?
 375.517 May an individual shipper demand re-weighing?
 375.519 Must I obtain weight tickets?
 375.521 What must I do if an individual shipper wants to know the actual weight or charges for a shipment before I tender delivery?

Subpart F—Transportation of Shipments

- 375.601 Must I transport the shipment in a timely manner?
 375.603 When must I tender a shipment for delivery?
 375.605 How must I notify an individual shipper of any service delays?
 375.607 What must I do if I am able to tender a shipment for final delivery more than 24 hours before a specified date?
 375.609 What must I do for shippers who store household goods in transit?

Subpart G—Delivery of Shipments

- 375.701 May I provide for a release of liability on my delivery receipt?
 375.703 What is the maximum collect-on-delivery amount I may demand at the time of delivery?

§ 375.101

49 CFR Ch. III (10–1–05 Edition)

375.705 If a shipment is transported on more than one vehicle, what charges may I collect at delivery?

375.707 If a shipment is partially lost or destroyed, what charges may I collect at delivery?

375.709 If a shipment is totally lost or destroyed, what charges may I collect at delivery?

Subpart H—Collection of Charges

375.801 What types of charges apply to subpart H?

375.803 How must I present my freight or expense bill?

375.805 If I am forced to relinquish a collect-on-delivery shipment before the payment of ALL charges, how do I collect the balance?

375.807 What actions may I take to collect the charges upon my freight bill?

Subpart I—Penalties

375.901 What penalties do we impose for violations of this part?

APPENDIX A TO PART 375—YOUR RIGHTS AND RESPONSIBILITIES WHEN YOU MOVE

AUTHORITY: 5 U.S.C. 553; 49 U.S.C. 13301, 13704, 13707, 14104, 14706; and 49 CFR 1.73.

SOURCE: 68 FR 35091, June 11, 2003 unless otherwise noted.

Subpart A—General Requirements

§ 375.101 Who must follow these regulations?

You, a for-hire motor carrier engaged in the interstate transportation of household goods, must follow these regulations when offering your services to individual shippers. You are subject to this part only when you transport household goods for individual shippers by motor vehicle in interstate commerce as defined in § 390.5 of this subchapter.

[69 FR 10575, Mar. 5, 2004]

§ 375.103 What are the definitions of terms used in this part?

Terms used in this part are defined as follows. You may find other terms used in these regulations defined in 49 U.S.C. 13102. The definitions contained in this statute control. If terms are used in this part and the terms are neither defined here nor in 49 U.S.C. 13102, the terms will have the ordinary practical meaning of such terms.

Advertisement means any communication to the public in connection with an offer or sale of any interstate household goods transportation service. This includes written or electronic database listings of your name, address, and telephone number in an on-line database. This excludes listings of your name, address, and telephone number in a telephone directory or similar publication. However, Yellow Pages advertising is included in the definition.

Cashier's check means a check that has all four of the following characteristics:

(1) Drawn on a bank as defined in 12 CFR 229.2.

(2) Signed by an officer or employee of the bank on behalf of the bank as drawer.

(3) A direct obligation of the bank.

(4) Provided to a customer of the bank or acquired from the bank for remittance purposes.

Certified scale means any scale inspected and certified by an authorized scale inspection and licensing authority, and designed for weighing motor vehicles, including trailers or semi-trailers not attached to a tractor, or designed as a platform or warehouse type scale.

Commercial shipper means any person who is named as the consignor or consignee in a bill of lading contract who is not the owner of the goods being transported but who assumes the responsibility for payment of the transportation and other tariff charges for the account of the beneficial owner of the goods. The beneficial owner of the goods is normally an employee of the consignor and/or consignee. A freight forwarder tendering a shipment to a carrier in furtherance of freight forwarder operations is also a commercial shipper. The Federal government is a government bill of lading shipper, not a commercial shipper.

Force majeure means a defense protecting the parties in the event that a part of the contract cannot be performed due to causes which are outside the control of the parties and could not be avoided by exercise of due care.

Government bill of lading shipper means any person whose property is transported under the terms and conditions of a government bill of lading