

Pt. 376

SUBPART I—RESOLVING DISPUTES WITH MY MOVER

WHAT MAY I DO TO RESOLVE DISPUTES WITH MY MOVER?

The Federal Motor Carrier Safety Administration does not help you settle your dispute with your mover.

Generally, you must resolve your own loss and damage disputes with your mover. You enter a contractual arrangement with your mover. You are bound by each of the following three things:

- (1) The terms and conditions you negotiated before your move.
- (2) The terms and conditions you accepted when you signed the bill of lading.
- (3) The terms and conditions you accepted when you signed for delivery of your goods.

You have the right to take your mover to court. We require your mover to offer you arbitration to settle your disputes with it.

If your mover holds your goods “hostage”—refuses delivery unless you pay an amount you believe the mover is not entitled to charge—the Federal Motor Carrier Safety Administration does not have the resources to seek a court injunction on your behalf.

[69 FR 10576, Mar. 5, 2004, as amended at 69 FR 17317, Apr. 2, 2004; 69 FR 47387, Aug. 5, 2004]

PART 376—LEASE AND INTERCHANGE OF VEHICLES

Subpart A—General Applicability and Definitions

Sec.

- 376.1 Applicability.
- 376.2 Definitions.

Subpart B—Leasing Regulations

- 376.11 General leasing requirements.
- 376.12 Written lease requirements.

Subpart C—Exemptions for the Leasing Regulations

- 376.21 General exemptions.
- 376.22 Exemption for private carrier leasing and leasing between authorized carriers.
- 376.26 Exemption for leases between authorized carriers and their agents.

Subpart D—Interchange Regulations

- 376.31 Interchange of equipment.

Subpart E—Private Carriers and Shippers

- 376.42 Lease of equipment by regulated carriers.

AUTHORITY: 49 U.S.C. 13301 and 14102; and 49 CFR 1.73.

49 CFR Ch. III (10–1–05 Edition)

SOURCE: 44 FR 4681, Jan. 23, 1979, unless otherwise noted. Redesignated at 61 FR 54707, Oct. 21, 1996.

EDITORIAL NOTE: Nomenclature changes to part 376 appear at 66 FR 49871, Oct. 1, 2001.

Subpart A—General Applicability and Definitions

§376.1 Applicability.

The regulations in this part apply to the following actions by motor carriers registered with the Secretary to transport property:

- (a) The leasing of equipment with which to perform transportation regulated by the Secretary.
- (b) The leasing of equipment to motor private carrier or shippers.
- (c) The interchange of equipment between motor common carriers in the performance of transportation regulated by the Secretary.

[44 FR 4681, Jan. 23, 1979. Redesignated at 61 FR 54707, Oct. 21, 1996, as amended at 62 FR 15423, Apr. 1, 1997]

§376.2 Definitions.

(a) *Authorized carrier.* A person or persons authorized to engage in the transportation of property as a motor carrier under the provisions of 49 U.S.C. 13901 and 13902.

(b) *Equipment.* A motor vehicle, straight truck, tractor, semitrailer, full trailer, any combination of these and any other type of equipment used by authorized carriers in the transportation of property for hire.

(c) *Interchange.* The receipt of equipment by one motor common carrier of property from another such carrier, at a point which both carriers are authorized to serve, with which to continue a through movement.

(d) *Owner.* A person (1) to whom title to equipment has been issued, or (2) who, without title, has the right to exclusive use of equipment, or (3) who has lawful possession of equipment registered and licensed in any State in the name of that person.

(e) *Lease.* A contract or arrangement in which the owner grants the use of equipment, with or without driver, for a specified period to an authorized carrier for use in the regulated transportation of property, in exchange for compensation.