

Regulatory Analysis Form

This space for use by IRRC

(1) Agency

Pennsylvania Public Utility Commission

(2) I.D. Number (Governor*s Office Use)

L-00020157/57-233

IRRC Number: 2410

(3) Short Title

Proposed Rulemaking Amending 52 Pa. Code Chapters 29 and 31.

(4) PA Code Cite

52 Pa. Code Chapters 29 and 31.

(5) Agency Contacts & Telephone Numbers

Primary Contact: John Herzog 717-783-3714

Secondary Contact:

(6) Type of Rulemaking (check one)

- Proposed Rulemaking
 Final Order Adopting Regulation
 Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No
 Yes: By the Attorney General
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The proposed rulemaking deletes, modifies, and establishes various regulations governing common carriers of passengers and property, including household goods, operating within Pennsylvania. The proposed regulations delete obsolete regulations, modify existing regulations to be reflective of the current regulatory environment, and add regulations aimed at consumer protection and safety.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

66 Pa. C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508, and Chapters 23 and 25. 45 P.S. 1201 et seq.

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

No.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The proposed regulations address changes to the appropriate levels of Commission oversight of common carriers operating within Pennsylvania. The appropriate level of Commission oversight has been affected by Federal preemption as well as the changing dynamics within the transportation market. In addition, the proposed regulations will create a safer transportation industry and offer greater consumer protection.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Nonregulation is not an option. The legislature has determined that the Public Utility Commission shall oversee the transportation industry. Nonregulation would be adverse to the public interest and compromise safety.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The public will benefit due to increased safety requirements. Consumers will benefit due to various protections proposed. Finally, carriers will benefit due to deletion of obsolete and burdensome regulations.

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(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

There will be no foreseeable adverse affects.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

Common carriers operating within Pennsylvania.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

Advance notice of rulemaking with comment period was provided. Numerous comments were filed by various common carriers.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

There will be some modest costs incurred by passenger carriers operating vehicles with seating capacities of less than 15 passengers as well as household goods carriers. These costs result from the proposal to require driver history and criminal history checks.

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(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

N/A

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

N/A

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(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

N/A

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

N/A

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

N/A

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

N/A

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(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

Comparison with other states was not directly made. However, the proposed rulemaking should not put Pennsylvania at a competitive disadvantage with other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

Yes. Only regulations of the Commission, as referenced in the proposal, will be affected.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No.

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(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

Yes. The regulations change required accounting practices for common and contract carriers. Further, the addition of driver history and criminal history record checks will require additional record retention on the carrier.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

N/A

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will become effective upon publication in the Pennsylvania Bulletin following review by the standing committees and the Independent Regulatory Review Commission.

(31) Provide the schedule for continual review of the regulation.

The regulation will be reviewed on an ongoing basis after it becomes effective.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

2410

2004 JUN 15 11:17

REVISION NUMBER

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General.

BY *Amy M. Elliott*
(DEPUTY ATTORNEY GENERAL)

JUN 01 2004

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections attached

Copy below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:

Pennsylvania Public Utility Commission
(AGENCY)

DOCUMENT/FISCAL NOTE NO. L-00020157/57-233

DATE OF ADOPTION March 18, 2004

BY *James J. McNulty*

BY James J. McNulty

TITLE (SECRETARY)

Copy below is hereby approved as to form and legality. Executive or independent Agencies.

BY *Bohdan R. Pankiw*
Bohdan R. Pankiw
Chief Counsel

3-18-04
DATE OF APPROVAL

Check if applicable. No Attorney General approval or objection within 30 days after submission.

L-00020157/57-233
Proposed Rulemaking
Amending 52 Pa. Code Chapters 29 and 31

The Pennsylvania Public Utility Commission on March 18, 2004, adopted a proposed rulemaking order setting forth changes to regulations governing passenger service and property and household goods carriers. The contact person is John Herzog, Law Bureau, 783-3714.

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EXECUTIVE SUMMARY

L-00020157/57-233
Proposed Rulemaking
Amending 52 Pa. Code Chapters 29 and 31

The Pennsylvania Public Utility Commission is vested with jurisdiction over common carriers operating within Pennsylvania. 66 Pa. C.S. §§102, 501, 1101, 1102, 1103. In furtherance of this statutory charge, the Commission has promulgated regulations governing common carriers of passengers and property, including household goods. 52 Pa. Code Chapters 29 and 31. Due to changes in the appropriate levels of Commission oversight of these industries mandated by federal preemption as well as the changing dynamics within the transportation market, the Commission has proposed modifications and additions to its current regulations.

Proposed changes to regulations governing passenger service include implementation of procedural safeguards in the event of the death or incapacitation of a certificate holder, deletion of unduly burdensome accounting requirements, modification of accident reporting requirements, deletion of obsolete regulations governing smoking and passenger/driver conversation, modification of leasing regulations, implementation of a consumer information requirement for most carrier classes, and the addition of driver regulations for vehicles with seating capacities of 15 passengers or less.

Proposed changes to regulations governing property and household goods carriers include implementation of procedural safeguards in the event of the death or incapacitation of a certificate holder, modification of accident reporting requirements, modification of leasing regulations, modification of the "Information for Shippers" form provided by household goods carriers, implementation of a requirement that household goods carriers must prepare an

Inventory and a Bill of Lading, and implementation of a requirement that household carriers obtain criminal history records for all persons providing moving services within a dwelling.

The contact person is John Herzog, Assistant Counsel, Law Bureau, (717) 783-3714.

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3256**

Public Meeting held March 18, 2004

Commissioners Present:

Terrance J. Fitzpatrick, Chairman
Robert K. Bloom, Vice Chairman
Glen R. Thomas
Kim Pizzingrilli
Wendell F. Holland

Proposed Rulemaking Amending
52 Pa. Code Chapters 29 and 31

Docket No. L-00020157

PROPOSED RULEMAKING ORDER

BY THE COMMISSION:

On September 25, 2002, we issued an Advance Notice of Proposed Rulemaking Order, soliciting comments concerning changes to the Commission's regulations governing motor carriers of passengers and property, including household goods. 52 Pa. Code Chapters 29 and 31. The impetus for the Advance Notice was changes in the Commission's oversight of these industries mandated by federal preemption, (Federal Aviation Authorization Act of 1994 and the Transportation Equity Act for the 21st Century, P.L. 105-178), as well as changing dynamics within the transportation market. Comments were filed by numerous parties.¹ Having reviewed the comments, we now propose the following changes to the Commission's regulations at 52 Pa. Code Chapters 29 and 31.

¹ A complete list of commentators is available from the Commission's Secretary's Bureau.

52 Pa. Code Chapter 29

§29.11. Applicability.

We propose adding contract carriers of passengers to this section. This change is consistent with the scope and content of the chapter. See 52 Pa. Code §29.111.

§29.31. Sale or transfer of certificates.

We propose redrafting this section to make it more readily understandable. There is no change in content.

§29.32. Death or incapacitation of a certificate holder.

We propose modifying this provision to delete the self executing termination language. Before canceling or allowing the abandonment of a certificate of public convenience, the Commission must consider whether cancellation or abandonment is in the public interest. See 66 Pa. C.S. §§501, 1102, 1103. The rights and obligations conferred by a certificate can be terminated only upon application for abandonment or complaint to cancel the certificate. We propose modifying this section so that it is consistent with our statutory charge.

§29.33. Transfer of certificate without a hearing.

We propose deleting this section. This section addresses the hearing requirement for certificate transfers. However, it is our position that this issue is adequately addressed at 52 Pa. Code §29.31. Further, §29.33 is not accurate to the extent that it does not contain a complete recitation of circumstances under which a certificate may be transferred without hearing.

§29.41. Accounts and records.

We propose deleting the requirement that motor carriers of passengers maintain books in conformity with the Uniform System of Accounts found at 99 CFR §1206.2. Interstate carriers are no longer required to comply with the Uniform System of

Accounts. We see no benefit in requiring intrastate carriers to comply with this accounting system. Rather, we will simply direct that intrastate passenger carriers follow generally accepted accounting principles for all accounting and reporting matters. We note that we will leave subsection (c) intact.

§29.44. Accident reports.

We propose amending this provision to provide for telephonic notification to our Bureau of Transportation and Safety within 24 hours of an accident that results in the death of a person.² Carriers must also provide a written report of the accident to the Commission within 30 days of the accident. Finally, carriers must maintain copies of police reports for any reportable accidents for one year from the date of the accident. We believe that these modifications adequately protect the public while not overburdening the industry or our staff.

Currently, our regulations provide that carriers must report accidents to the Commission within 30 days of occurrence involving death, personal injuries requiring medical attention, property damage of \$4,200 or more, or collisions at grade crossings. The Bureau of Transportation and Safety receives monthly accident reports from the Pennsylvania Department of Transportation on accidents involving all motor carriers. Therefore, the current reporting requirements are duplicative. However, in light of our paramount concern over safety, we believe that the requirement that carriers report accidents involving death be retained.

§29.61. Commencement of service.

We propose revising this provision to eliminate the automatic termination of the certificate of public convenience in the event a carrier fails to commence service within 30 days of authorization. See 52 Pa. Code §29.32.

² We limit applicability to carriers operating vehicles with seating capacities of 15 passengers or less, including the driver, since larger vehicles are governed by 52 Pa. Code §37.204.

§29.62. Interruptions of service.

We propose amending this provision to change the reference from "order to show cause" to "complaint." This change is consistent with current practice.

§29.73. Posting notice prohibiting conversation.

We propose deleting this section. This change is consistent with current Federal regulations. See 49 CFR Part 392, subpart G.

§29.81. Smoking limitations.

We propose deleting this section since we do not believe that it is necessary.

§29.101. Operation of leased equipment.

We propose modifying the current regulation by requiring drivers be qualified under the new driver regulations (subchapter F, below), prohibiting carriers (with the exception of call or demand carriers) from leasing vehicles to drivers, updating some cross references, and eliminating the formal inspection reports (subsection j) and annual reports (subsection h). The prohibition against leasing vehicles to drivers is consistent with the intent of this section to ensure that the certificated carrier maintains control over the service provided under its authority. The elimination of the inspection report does not relieve the carrier's obligation to inspect leased vehicles and to maintain a certificate of inspection. We believe that the inspection report does not enhance safety enforcement and is simply cumbersome. Further, elimination of the annual report is consistent with current Commission practice.

We have also eliminated various sections that no longer serve a useful purpose. Specifically, we have eliminated the section concerning receipts, since we believe that the lease itself suffices as adequate documentation for our purposes. Further, we have eliminated subsection (g), concerning scheduled route and group and party service.

These provisions are not relevant in the current regulatory environment. We note that these carriers must continue to comply with the remainder of our leasing requirements.

We note that various commentators suggested amending this section to include a provision insulating carriers from prosecution if they utilize lease drivers who have a suspended or inactive driver's license. We decline to adopt this suggestion. As we have previously noted, it is a carrier's responsibility to ensure that all drivers operating under its authority are properly licensed. Pa. PUC v. Yellow Cab Company of Pittsburgh, Docket No. A-00049926C9803-C9812 (Order entered November 17, 1999). It is imperative that we take a zero tolerance stance on this issue. Public safety and insurance coverage are compromised through operation of vehicles by unlicensed drivers. We will not tolerate this at any level.

Commentators also suggest that we modify subsection 29.101(a)(3) to include reference to underinsured and uninsured motorist coverage. We decline to adopt this recommendation, since our regulations at 52 Pa. Code Chapter 32 adequately address insurance requirements.

Subchapter C. Contract carriers and brokers.

We propose deleting reference to "brokers" due to inapplicability.

§29.111. Accounts, records and memoranda.

We propose deleting references to 52 Pa. Code §§29.43, 29.73, and 29.81 to be consistent with current and proposed regulations. Further, we are deleting the annual report filing requirement for contract carriers.

Scheduled Route Service

§29.301. Conditions.

We propose revising this section to include reference to subchapters E (Vehicle Equipment and Inspection) and F (Driver Requirements, to be discussed below).

§29.303. Service standards and requirements.

This provision, concerning scheduled route carriers, is revised to ensure that particular schedule changes are provided to the Commission.

§29.306. Consumer information.

This provision was added in order to advise the public of the appropriate forum in which to address complaints over service. We believe that this requirement will have minimal cost to the carrier yet be a significant benefit to the public.

Call or Demand Service

§29.311. Conditions.

We propose revising this section to include reference to subchapters E (Vehicle Equipment and Inspection) and F (Driver Requirements, to be discussed below).

§29.313. Service standards and requirements.

We propose amending this provision to include a requirement that log sheets be completed contemporaneously with a trip. This requirement ensures reporting accuracy. Further, we propose that origin and destination points provided in log sheets include a street name with address, if available, or some identifiable landmark.

§29.314. Vehicle and equipment requirements.

We propose making meters mandatory for all call or demand carriers. We propose this as a more efficient and accurate means of charging the public for service. Meters are available at a cost of approximately \$225. Currently, approximately fifty per cent (50%)

of call or demand carriers charge non-metered rates. We believe that the cost of installing the meters is not enormous and is certainly outweighed by the benefits associated therewith; i.e., charges that more accurately reflect the cost of transportation. Further, we will continue to require all meters to be sealed for security and accuracy purposes. We also will require carriers to provide an annual vehicle list to the Commission. This requirement will aid the Commission in its enforcement efforts. Further, we will require all taxicabs to have dome lights, which will aid the public in identifying taxicabs available for service. Finally, we propose that no vehicles older than eight years be permitted to be utilized in taxi service. We believe this vehicle age limitation will ensure a current, reliable fleet. This requirement will be phased in over a one year period.

§29.315. Alternative forms of compensation.

We propose technical amendments to this section updating cross references.

§29.316. Tariff requirements.

We propose amending this section by phasing out zone-based fares in three years.

§29.317. Accounting requirements for alternative forms of compensation for drivers.

We propose technical amendments to this section as well as phasing out references to zone-based fares. Further, the report required by subsection (c) will only be provided to drivers upon request. We believe that this proposal minimizes unnecessary paperwork for the carrier while retaining necessary protections for the driver.

§29.318. Complaint decals.

We propose that all taxicabs be required to post a complaint decal inside their vehicles.³ The decal will advise a customer of relevant complaint information. The decals shall be provided by the Commission. Only decals provided by the Commission may be posted.

Limousine Service

§29.331. Conditions.

We propose amending this provision to include references to Subchapters E and F.

§29.332. Method of operation.

We propose amending this provision to prohibit the direct solicitation of passengers. While one commentator suggested establishing a 24 hour advance reservation requirement, we reject that suggestion as too restrictive. It is not our intention to deny the public a transportation service by establishing arbitrary and burdensome conditions. Rather, we believe the existing prohibition against street hail and the proposed prohibition against direct solicitation help to satisfactorily ensure the unique nature of limousine service.

§29.333. Vehicle and equipment requirements.

We propose amending this provision to include a requirement that limousines be no more than eight years old. This requirement helps to ensure the condition of the fleet and will be phased in over a one year period.

Further, we propose requiring limousine operators to provide the Commission with a vehicle list annually. This requirement will enhance enforcement efforts.

³ We note that we currently require this posting. Call or Demand Service: Complaint Decals, Docket No. M-00011476 (Order entered September 28, 2001).

Finally, we reject one commentator's suggestion that Commission inspections will be performed only on a pre-arranged basis. Currently, the Commission conducts both routine and random inspections of limousines. Routine inspections are scheduled for a mutually convenient time. Random inspections are not scheduled. We believe that continuing random inspections enhances Commission enforcement efforts to help ensure the provision of safe and reliable limousine service.

§29.334. Tariff requirements.

We propose amending this section to prohibit the use of meters. We believe that meters are unique to taxi service and should not be utilized in luxury limousine service. Further, we propose restricting limousines from basing tariffs on mileage. We believe that a mileage based rate is more akin to taxicab service. Limousine service is a luxury service, and should not be viewed as a substitute for taxicab service. The industries serve different transportation needs. A time based tariff is more consistent with the nature of limousine service.

§29.335. Trip sheet requirements.

We propose amending this provision to include a requirement that the origin point be included on trip sheets. This requirement will aid in enforcement. Further, we propose deleting odometer recording requirements, as irrelevant under our proposed tariff changes.

§29.336. Consumer information.

The Commission proposes mandating a consumer information initiative that would provide the consumer with relevant information regarding service complaints. We propose offering limousine carriers three choices to comply with this initiative: (1) posting a Commission supplied complaint decal, (2) providing information on the service contract, or (3) providing information on the receipt for service. We believe this initiative will aid the public and enhance transportation service.

Airport Transfer Service

§29.341. Conditions.

We propose amending this section to include reference to subchapters E and F.

§29.344. Consumer information.

The Commission proposes mandating a consumer information initiative that would provide the consumer with relevant information regarding service complaints. We propose offering airport transfer carriers two choices to comply with this initiative: (1) posting a Commission supplied complaint decal, or (2) providing information on the receipt for service. We believe this initiative will aid the public and enhance transportation service.

Other Services: Paratransit, Experimental

§29.351. Conditions.

We propose amending this section to include reference to subchapters E and F.

§29.356. Consumer information.

The Commission proposes mandating a consumer information initiative that would provide the consumer with relevant information regarding service complaints. We propose offering paratransit carriers two choices to comply with this initiative: (1) posting a Commission supplied complaint decal, or (2) providing information on the receipt for service. We believe this initiative will aid the public and enhance transportation service.

Subchapter E. Vehicle Equipment and Inspection.

§29.401. Applicability

We propose amending this provision to more clearly delineate its applicability to vehicles with seating capacities of 15 passengers or less, including the driver.

§29.402. Vehicle equipment requirements.

We propose amending this section to more clearly delineate applicability. See §29.401.

We also propose amending this section to include a requirement that advertising be limited to the roof of the vehicle. We believe this requirement will ensure unobstructed views for driver and passenger. Further, it will aid in enforcement since vehicle identification markings will not be obscured by advertisements.

§29.403. Requirements for passenger service operation.

We propose amending subsection (1) of this provision to include a reference to removable seats which are currently common in vehicles. Further, we propose the following additional vehicle requirements: operative air conditioning, exterior free of dents or gouges more than four inches in diameter, vehicles must have four matching wheel covers or the equivalent, and seats shall be secure and undamaged with no protruding springs or cushioning. We believe these requirements are reasonable and serve to enhance the level of service to the public.

§29.404. Unsafe operations forbidden.

We propose amending this section to include a prohibition against operating a vehicle in violation of 52 Pa. Code §29.403.

§29.406. Inspection by enforcement officers.

We propose amending this provision to clarify and simplify the out-of-service procedures employed by the Commission. We will no longer differentiate between “out-of-service” and “out-of-passenger service.” Our experience indicates that this distinction has no **practical** benefit and simply creates enforcement difficulties. Further, we propose deleting the requirement that carriers complete and provide the Commission with the “Motor Carrier Certification of Action Taken” form, since the Commission performs reinspections as a matter of course.

Subchapter F. Driver Regulations

We propose the addition of driver regulations for drivers of vehicles with seating capacities of 15 passengers or less, including the driver. We will require all drivers have a current license and be at least 21 years of age. Further, we shall require carriers to obtain a driver history for each driver and update that history every 12 months. We will require carriers to obtain a criminal history record for all drivers and update same every two years. Finally, we will prohibit operation of vehicles by anyone under the influence of alcohol or a controlled substance. We believe these requirements will help to ensure the quality and safety of public utility service in Pennsylvania.

We further propose additional driver standards for carriers operating vehicles with seating capacities of 9 to 15 passengers, including the driver. Recent amendments to federal regulations applicable to interstate carriers of this vehicle type are found at 49 CFR Part 390. We propose adopting similar standards. Specifically, we propose physical qualification and hours of service standards. We believe that the heightened scrutiny accorded drivers of these vehicles is warranted and in the public interest.

52 Pa. Code Chapter 31

Our proposed revisions to this chapter are primarily aimed at provisions governing household goods carriers, 52 Pa. Code §§31.121-31.130. Those proposed changes attempt to strike a continuing balance between the shipper and the carrier. We also propose some general revisions governing both property and household goods carriers.

§31.4. Transfer of Certificates and Permits.

We propose modifying this provision to delete the self executing termination language found in subsection (c). Before canceling or allowing the abandonment of a certificate of public convenience, the Commission must consider whether cancellation or abandonment is in the public interest. See 66 Pa. C.S. §§501, 1102, 1103. The rights and obligations conferred by a certificate can be terminated only upon application for abandonment or complaint to cancel the certificate. We propose modifying this section so that it is consistent with our statutory charge.

§31.11. Reports of Accidents and Damages.

We propose amending this provision to provide for telephonic notification to our Bureau of Transportation and Safety within 24 hours of an accident that results in the death of a person. Further, carriers must maintain copies of police reports for any reportable accidents for one year from the date of the accident. We believe that these modifications adequately protect the public while not overburdening the industry or our staff.

§31.32. Equipment.

We propose revising this section to simplify and clarify leasing requirements. The Commission's primary concern in leasing is that the carrier have substantial control over the leased equipment and the transportation, ensuring compliance with relevant safety and insurance requirements. We believe that the proposed changes advance this goal while eliminating unnecessary regulatory requirements. The proposed modifications

include making the regulation explicitly applicable to household goods carriers, deleting the minimum duration requirement as no longer relevant, deleting the additional documentation requirement for short term leases as no longer relevant, deleting the receipts for equipment requirement as no longer necessary, requiring carriers retain leases for 2 years following expiration of the lease, replacing the inspection report requirement with a certification requirement, deleting the prohibition on the amount of equipment leased, and deleting the interchange of equipment requirement for carriers authorized to interchange freight. The elimination of the inspection report does not relieve the carrier of its obligation to have leased vehicles inspected and to maintain a certificate of inspection. We believe that the report does not enhance the requirements.

§31.33. Identification of equipment.

The proposed changes include deleting excess language and replacing the requirement that identification markings be painted on the vehicle.

§31.121. Information for Shippers.

Our proposed modifications to this section include requiring carriers to provide shippers with the “Information for Shippers” form at least 48 hours in advance of the move, to ensure that shippers receive meaningful notice. Further, we propose requiring an Inventory be completed by the carrier and provided to the shipper, as well as a bill of lading. We propose raising the minimum insurance limits to 60 cents per pound per article.⁴ We also propose requiring carriers to use a Commission supplied form, which will be available on our web-site or upon request. This form will include the Commission’s contact information for complaints. We also propose requiring carriers to retain an executed copy of the form for two years from the date of the move. We propose

⁴ We recognize that this proposal will necessitate a collateral proceeding to modify the existing rate structure.

replacing “money order” with “cashier’s check,” due to the relative security of these instruments. Finally, we have reconfigured the form so that it is more user-friendly.⁵

§31.122. Estimate of Charges.

We propose delineating all contents required on an estimate of charges form. Further, we propose deleting current regulation §31.130, which is a sample “Estimate of Charges” form, as unnecessary. We also propose that carriers retain the form for two years from the date of the move. Finally, we propose moving the “Notification of Charges” section, since that section is distinct from “Estimate of Charges.”

§31.123. Delivery when Charges Exceed Estimates.

We propose replacing “money order” with “cashier’s check,” due to increased security.

§31.124. Report of Underestimates.

We propose deleting the sample report form attached to the regulations. Further, we propose carriers retain these reports for two years from the date of the move.

§31.125. Obtaining Weight Tickets.

We propose amending this section to eliminate the requirement for separate gross and tare weight tickets, since gross and tare weights are commonly included on the same weight ticket. Further, we propose eliminating the requirement that copies of bills of lading utilizing constructive weight be furnished to the Commission. This is an unnecessary requirement. If a dispute would arise, the bill of lading is available from the

⁵ We reject Commentators’ suggested revisions to change damage notations. We believe the current language better informs the consumer of his rights and responsibilities. Commentators also proposed revising the required payment when charges exceed the estimate from the greater of \$25 or 10 percent to the greater of \$250 or 25 percent. We decline to adopt this proposal. For low cost moves, (under \$1,000.00) the proposed charges could place an undue hardship on a shipper. The \$250 minimum would be unduly burdensome to a shipper. We believe that limits currently in place strike a better balance between shipper and carrier. Finally, we reject commentators’ suggestion to make supplying this form to the shipper optional. We believe that this form is the linchpin of consumer protection in the household goods market, and believe that supplying the shipper with same is mandatory.

carrier. Finally, we propose that carriers retain the tickets for two years from the date of the move.

§31.127. Failure to Comply with Provisions.

We propose updating this section with appropriate statutory references.

§31.130. Estimated Cost of Services.

We propose deleting this provision since an example form is unnecessary in light of the specifications established for an estimated cost of services provided at §31.122.

§31.131. Notification to Shipper of Charges.

We propose moving the notification requirement currently found at 52 Pa. Code §31.122(1) to this location. This will reduce confusion and clarify that “Notification of Charges” is distinct from “Estimate of Charges.” Further, we propose modifying the notification requirements by permitting notice by fax or e-mail.

§31.132. Bill of Lading.

We propose adding a new requirement that a household goods carrier prepare and provide to the shipper a bill of lading for the shipment. We believe that the bill of lading is currently used by carriers and should not be omitted from our regulations. The requirement is straightforward, places no undue burden on the carrier, and serves as a valuable consumer protection tool.

§31.133. Inventory.

We propose requiring a household goods carrier to prepare an inventory of the shipment. The inventory will provide a shipper with the opportunity to make any damage notations. It will act as security for items damaged, lost or misplaced. We believe that an inventory does not pose an undue burden on the carrier and aids in consumer protection.

§31.134. Criminal History.

We propose requiring carriers to obtain criminal history records for all persons providing moving services within a dwelling. Further, carriers may not permit an individual who has been convicted of a felony or a crime of moral turpitude, and who remains under court supervision, to provide moving services in a shipper's dwelling. We believe that these requirements are reflective of fundamental shipper expectations when engaging a licensed carrier.

The attached Annex A, proposed regulations, is permitted by Sections 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508, and chapters 23 and 25 of the Public Utility Code. Accordingly, under section 501 of the Public Utility Code, 66 Pa. C.S. §501, and the Commonwealth Documents Law, 45 P.S. §§1201 et seq., and regulations promulgated thereunder at 1 Pa. Code §§7.1, 7.2 and 7.5, we propose to amend the regulations at Chapters 29 and 31 as set forth in Annex A. **THEREFORE,**

IT IS ORDERED:

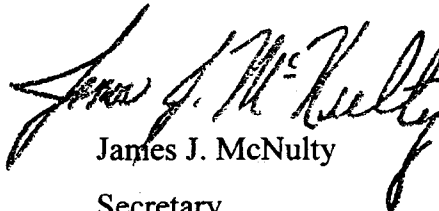
1. That the Secretary shall submit this order and Annex A to the Office of Attorney General for preliminary review as to form and legality.
2. That the Secretary shall submit a copy of this order, together with Annex A, to the Governor's Budget Office for review of fiscal impact.
3. That the Secretary shall submit this order and Annex A for review and comment by the designated standing committees of both Houses of the General Assembly, and for review and comment by the Independent Regulatory Review Commission.

4. That the Secretary shall duly certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

5. That, ~~within thirty (30) days of this order's publication~~ in the Pennsylvania Bulletin, an original and fifteen copies of any comments concerning this order should be submitted to the Office of the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA, 17105-3265. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau at (717) 772-4597 or through the AT&T Relay Center at 1-800-654-5988. The contact person is John Herzog, Assistant Counsel, Law Bureau, (717) 783-3714.

6. That a copy of this order shall be served on all commentators to the Advance Notice of Proposed Rulemaking order.

BY THE COMMISSION,


James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: March 18, 2004

ORDER ENTERED: **MARCH 25 2004**

ANNEX A

TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION
Subpart B. CARRIERS OF PASSENGERS OR PROPERTY
CHAPTER 29. MOTOR CARRIERS OF PASSENGERS
Subchapter B. COMMON CARRIERS

PRELIMINARY PROVISIONS

§ 29.11. Applicability.

This chapter applies to common carriers and contract carriers of passengers, and is subject to amendment, change, modification or exception as the Commission may deem advisable, just and proper.

* * * * *

TRANSFER OF RIGHTS

§ 29.31. Sale or transfer of certificates.

The approval of the Commission is required for the sale or transfer of a certificate, except as otherwise provided herein. [No certificate or right described in § § 29.31—29.35 (relating to transfer of rights) may be sold or transferred by act, deed or by operation of law, except as otherwise provided in § § 29.31—29.35, unless the approval of the Commission is first obtained.] The approval may be granted with or without hearing and after such reasonable notice as the Commission may direct.

§ 29.32. Death or incapacitation of a certificate holder.

Upon the death of a holder of a certificate, or upon an individual certificate holder being legally declared insane or otherwise incompetent, the rights conferred by the certificate shall continue with the legal representative of the deceased or insane holder for a period of 1 year[, after which time the rights conferred shall terminate]. After the expiration of the one year period, appropriate proceedings shall be initiated to terminate the certificate, unless application has been made to transfer the rights to the heirs, guardian, trustees, legatees or others, in which case

the rights shall continue with the legal representative until the application is granted or refused. In the event application is made by the legal representative not less than 30 days prior to the end of a period of 1 year, the Commission may, at its discretion and for cause shown, permit the transfer of the rights to the executors, administrators, guardians, trustees or other legal representatives of the deceased or insane holder for a period to be fixed by the Commission. Pertinent orders or decrees of the court having jurisdiction over the estate of the decedent or insane person may be deemed cause for the granting of the petitions by the Commission.

§ 29.33. [Transfer of certificate without a hearing.] Reserved.

[If the individual holder of a certificate dies or is legally declared insane or otherwise incompetent, and an application is made to transfer the rights granted under the certificate to his legal representative, or if the certificate holder is a copartnership and the application for a transfer is in effect to change one or more of the partners, the Commission may dispose of the application without a hearing.]

* * * * *

ACCOUNTS, RECORDS AND REPORTS

§ 29.41. Accounts and records.

(a) [A common carrier with average gross annual revenues, intrastate and interstate combined, during the preceding year, of \$1 million and over, shall maintain books, accounts and records in conformity with the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Passengers, 49 CFR Part 1206 (relating to common and contract motor carriers of passengers), and the applicable current sections of 49 CFR (relating to transportation) governing the preservation of records of Class I motor carriers.] Common carriers of passengers shall follow generally accepted accounting principles for all accounting and reporting matters.

[(b) Other common carriers shall have the election of maintaining books, accounts and records in conformity with those required of motor carriers with average gross revenues of \$1 million and over, or on a modified basis as will permit the filing of properly completed annual reports or assessment reports with the Commission, and shall preserve their records under the applicable current sections of 49 CFR governing the preservation of records of Class I and Class II motor carriers.]

[(c)](b) * * *

* * * * *

§ 29.44. Accident reports.

(a) [Within 30 days after a reportable accident occurs, a detailed report shall be mailed to Secretary, Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17120.] Accidents involving death of a person. Motor carriers of passengers, operating vehicles with seating capacities of 15 passengers or less, including the driver, shall telephonically notify the Bureau of Transportation and Safety of any accident resulting in the death of a person within 24 hours of the accident. Carriers shall maintain a copy of the police report for 1 year from the date of the accident.

[(b) A reportable accident is one involving one or more of the following:

- (1) The death of a person.
- (2) Personal injuries which require medical attention.
- (3) Property damage amounting to \$4200 or more, based on actual costs or reliable estimates.
- (4) Collisions at grade crossings between motor vehicles operated under a certificate of public convenience and trains or streetcars, whether or not a person is killed or injured in the accident.

(c) In the event of the occurrence of an accident resulting in the death of a person, an immediate report of the accident shall be made by telephone or telegraph to the Bureau of Safety and Compliance of the Pennsylvania Public Utility Commission, in addition to the detailed written report required by subsection (a).

(d) The requirements of this section for the reporting of accidents correspond closely with those of the United States Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, and the Department of Transportation, Bureau of Traffic Safety, of the Commonwealth. A copy of the report to the Bureau of Motor Carrier Safety or the Bureau of Traffic Safety will be accepted in lieu of a separate accident report.]

(b) Other accidents. For all accidents resulting in the filing of a police report, a motor carrier shall maintain a copy of the police report for 1 year from the date of the accident.

* * * * *

CONTINUITY OF SERVICE

§ 29.61. Commencement of service.

A common carrier shall, within 30 days from the date of receipt of a certificate, begin operating and furnishing service. If it has not commenced operating and furnishing the authorized service within 30 days, [the rights granted by the certificate shall terminate,] appropriate proceedings shall be initiated to terminate the certificate unless, upon specific permission granted by the Commission, the time for commencement of service is extended.

§ 29.62. Interruptions of service.

An interruption of service for more than 48 hours shall be reported to the Commission with a statement of the cause of interruption and its probable duration. Suspension of service for a period of 5 consecutive days without notice to the Commission will be deemed sufficient cause for revocation or cancellation of the rights of the carrier, except if the suspension is caused by strike or labor difficulties, riot, insurrection, war, government decrees or an act of God. No order of revocation will issue until the carrier is given opportunity for a public hearing on a [rule to show cause] complaint why the rights should not be revoked and cancelled.

MARKINGS AND POSTING NOTICE

* * * * *

§ 29.73. [Posting notice prohibiting conversation.] Reserved.

[The following notice or a notice approved by the Commission shall be posted in a conspicuous place in the front part of the interior of each bus having seating capacity in excess of nine passengers:

**PENNSYLVANIA PUBLIC UTILITY COMMISSION ORDER
PROHIBITING CONVERSATION**

BY THE COMMISSION:

It is ordered: That operators of motor or trackless trolley buses engaged in intrastate common carrier service be and are hereby prohibited from conversing

with passengers while the vehicle is in motion; and, further, that all passengers in such vehicles in motion be prohibited from distracting the attention of the operator by conversation or otherwise.]

[SAFETY]

§ 29.81. [Smoking limitations.] Reserved.

[(a) A motor common carrier of passengers subject to the act, which provides scheduled route service between fixed termini or over designated routes, and which desires to permit smoking of cigars, cigarettes or pipes, shall where smoking on passenger-carrying vehicles is not otherwise prohibited by law, provide a smoking area consisting of a number of seats at either the rear or the front of the passenger-carrying vehicle depending upon which area is best suited to the air circulating system of the vehicle, the area not to exceed 20% of the seating capacity of the vehicle.

(b) Subsection (a) does not apply to common carriers of passengers subject to the act when operating in call or demand or group or party service.]

MISCELLANEOUS PROVISIONS

§ 29.101. Operation of leased equipment.

(a) *General provisions.* General provisions shall include the following:

(1) *Common carriers.* Common carriers shall operate vehicles in compliance with this title and of the laws of the Commonwealth.

(2) *Drivers.* When used in the authorized service of the lessee, leased vehicles shall be operated by drivers qualified under Subchapter F (relating to driver regulations) when operating vehicles with seating capacities of 15 or less, including the driver, or Chapter 37 (relating to safety code for transportation of property and passengers), when operating vehicles with seating capacities of 16 or more, including the driver.

(3) *Insurance and registration.* Leased vehicles shall be covered by insurance as provided by § [29.104 (Reserved)] 32.11 (relating to passenger carrier insurance)

and shall conform with the requirements for registration of vehicles as set forth in 75 Pa.C.S. § § 101—9910 (relating to the Vehicle Code).

(4) *Capacity.* The operation of leased vehicles may in no event be assumed to permit an increase in the number of vehicles or in the seating capacity of vehicles where so limited by the terms of the certificate.

(5) *Control.* Vehicles shall be owned by or leased by the certificate holder. Operation and service shall be under the direct control and supervision of the certificate holder. A common carrier of passengers shall not lease a vehicle to a driver, except as provided in subsection (h), relating to call or demand service.

(b) *Lease agreements.* Lease agreements shall conform with the following:

(1) *Content.* Leases of vehicles shall be in writing, shall specifically set forth the terms of the lease including obligations assumed such as maintenance and fuel, compensation, and the duration of the lease, and shall be executed by the parties or their authorized agents or officers.

(2) *Copies of lease and distribution.* The following applies to copies and distribution of the lease:

(i) *Preparation.* Lease agreements shall be prepared in triplicate, the original to be retained by the certificate holder in whose service the equipment is to be operated. The original shall be retained at the principal office of the certificate holder, one copy to be retained by the owner of the equipment, and one copy to be carried on the leased vehicle for the duration of the contract. The certificate holder shall retain leases for 2 years following their expiration date.

(ii) *Certificates.* In lieu of a copy of the lease, a certificate or rental form identifying the leased vehicle shall be carried on the leased vehicle certifying that the equipment is to be operated exclusively in the service of the certificate holder named therein as lessee, the names and addresses of the owner and lessee, the date of the lease, the location of the original lease retained by the certificate holder, and the exact expiration date of the lease. This certificate or rental form shall be certified as true and correct by the certificate holder or his authorized representative.

[(c) *Receipts.* When possession of the equipment is taken by the certificate holder or its regular employe or agent authorized to act for it, such certificate holder, employe or agent shall give to the owner of the equipment or to the owner's employe or agent a receipt specifically identifying the equipment and stating the date and time possession thereof is taken; and, when possession by the certificate

holder ends, it or its employe or agent shall obtain from the owner of the equipment, or its regular employe or agent authorized to act for it a receipt specifically identifying the equipment and stating therein the date and the time possession thereof is retaken. The receipts shall be retained by the certificate holder for not less than 2 years.]

[(d)](c) *Safety inspection.* It is the duty of the certificate holder, before taking possession of equipment, to inspect the same or to have the same inspected by a person who is competent and qualified to make an inspection as a representative of the carrier to insure that the equipment is in a safe condition to be operated on the highway. The person making the inspection shall certify the results thereof [on a report in the form set forth in subsection (j)], which [report] certification shall be retained by the certificate holder for a period of not less than 1 year. If the inspection discloses that the equipment is not in a safe condition to be operated on the highways, possession thereof may not be taken by the certificate holder.

[(e)](d) *Registration of vehicles.* Where the Department of Transportation, at the request of the owner, designates the lessee certificate holder as the registrant of the vehicle and the name and address of the lessee are substituted for the address of the lessor, the Commission will approve the registration where the certificate is in good standing, but the approval is effective only for the period during which the lease remains in effect.

[(f)](e) *Identification.* If a removable device is used to identify the operating carrier as lessee, the device shall be made of durable material securely affixed to the vehicle operated, throughout the duration of the lease. Upon relinquishing possession of the equipment, the certificate holder operating the leased vehicle under this subsection shall remove the legend or removable device displayed on such vehicle.

[(g)] *Scheduled route; group and party.* The following applies to scheduled route carriers and to group and party carriers operating leased equipment:

(1) *Leases for less than 10 days.* Where a common carrier leases a vehicle for less than 10 days to another common carrier for operation in certificated service, subsections (c) and (d), relative to receipts and safety checks when taking possession of the leased vehicles are not applicable.

(2) *Joint-line service.* This section, with the exception of subsection (f), does not apply to vehicles when the vehicles are used in providing through transportation of passengers in regular service over the authorized routes of two or more carriers under a continuing interchange or lease of equipment arrangement between such carriers; provided that the schedules of the motor carriers show

clearly the points or places between which each common carrier assumes and bears complete control and responsibility for the operation of the interchanged or leased vehicles.

(3) *Number of vehicles.* The seating capacity of the vehicles leased at any one time may not exceed the greater of one vehicle or 50% of the total seating capacity of the vehicles owned by the lessee and operated in the certificated service of the lessee; provided that, for purposes of this limitation, a vehicle shall be considered to be neither leased nor owned if the minimum duration of the lease is for a term of at least 120 days or if the lease has been continuously in force for a period of at least 120 days.]

[(h)](f) *Call or demand.* The following applies to call or demand carriers operating leased equipment:

(1) A certificate holder may not lease, contract with or make an arrangement with an employe-driver under which the certificate holder is given custody, possession or use of a vehicle owned or leased by the employe-driver or his nominee. For the purpose of this paragraph a nominee shall include the employe-driver, his spouse, children, parents or a trust for their benefit or an affiliated corporation, partnership or association.

(2) The holder of a call or demand certificate may lease vehicles to drivers for operation in the service of the certificate holder only under the following conditions:

(i) The leased vehicle shall be operated under the direct control and supervision of the certificate holder.

(ii) The driver-lessee of the vehicle and the certificate holder shall be required to keep and retain daily log sheets as prescribed by § 29.313(c) (relating to service standards and requirements).

(iii) The certificate holder shall be required to furnish and maintain adequate service to the public which shall be reasonably continuous and without unreasonable interruptions or delays.

[(iv) The certificate holder shall be required to file an annual report in accordance with § 29.42 (relating to annual reports) which shall include gross operating revenues based upon the amount of the fares recorded on the daily log sheets maintained by the lessee-drivers.]

[(v)](iv) The leasing plan of the certificate holder shall conform with the requirements of § 29.315 (relating to alternative forms of compensation).

(i) [Reserved].

[(j) Form. The following form is hereby made part of this section.

REPORT OF VEHICLE INSPECTION

Description of vehicle:

Make _____ Year _____
 Model _____ Serial No. _____
 Type: _____
 License plate: No. _____ State _____
 Owner's name _____
 Name of authorized carrier _____

Indicate in the proper column the result of the inspection of each item listed:

Item	Not defective	Defective	Description of defect
Body			
Brakes			
Cooling System			
Drive line			
Emergency Equipment			
Engine			
Exhaust			
Fuel system			
Glass			

Horn			
Leaks			
Lights (state which)			
Reflectors			
Speedometer			
Springs			
Steering			
Tires			
Wheels			
Windshield wiper			

Any other items requiring attention _____

I hereby certify that on the _____ day of _____
 I carefully inspected the equipment described above and that this is a true and
 correct report of the result of such inspection.

 (Signature of person making inspection)

I hereby certify that on the date stated above the person who made the inspection
 covered by this report was competent and qualified to make such inspection and
 was duly authorized to make such inspection as a representative of _____

 (Name of authorized carrier)

 (Signature of carrier, partner, office, safety director, or
 other supervisory employe responsible for safety compliance)

Date _____]

* * * * *

Subchapter C. CONTRACT CARRIERS [AND BROKERS]

§ 29.111. Accounts, records and memoranda.

* * * * *

(b) A contract carrier shall comply with § § 29.41, [29.43,] 29.44, [29.73, 29.81] and 29.101—29.103. [A contract carrier of passengers, regardless of the amount of gross annual revenues, intrastate and interstate combined, shall file, in properly completed form, signed and notarized, on or before March 31, covering the preceding calendar year, a contract carrier annual report form as prescribed and furnished by the Commission.

(c) Other matters relating to applications for permits by contract carriers shall, if practicable, conform with subsection (b).]

Subchapter D. SUPPLEMENTAL REGULATIONS

* * * * *

SCHEDULED ROUTE SERVICE

§29.301. Conditions.

This section and § § 29.302—29.305 (relating to scheduled route service) applies to operations in the scheduled route class of common carriage. This section and §§29.302-29.305 apply [applies] in addition to relevant provisions of Subchapters A, [and] B, E and F (relating to general provisions; [and]common carriers; vehicle equipment and inspection; driver regulations) as well as particular provisions contained in each certificate of a carrier.

* * * * *

§ 29.303. Service standards and requirements.

* * * * *

(b) *Notice of schedule changes.* Notice of proposed changes in routes or in time schedules involving retiming or withdrawal of a trip shall be conspicuously posted in vehicles engaged in services affected by the changes and at stations and stops where practicable, for a period of not less than 10 days prior to the effective date thereof. Notice of any changes shall be provided to the Commission, in writing, 10

days prior to implementation. This section relating to changes in time schedules [do] does not apply to that portion of the service that is and will continue to be rendered on headways of 20 minutes or less.

* * * * *

§29.306. Consumer Information.

In order to provide passengers with the necessary information to file a complaint, scheduled route carriers shall post a Commission-issued complaint decal in a conspicuous location inside the vehicle which lists the telephone number and web site to be used to lodge a complaint or provide the following notice on the receipt for service:

For complaints and information, contact the PA Public Utility Commission at 1-800-782-1100 or at www.puc.paonline.com. Include the company name and A-number for all complaints.

CALL OR DEMAND SERVICE

§ 29.311. Conditions.

This section and § § 29.312—29.316 (relating to call or demand service) applies only to operations in the “call or demand”—taxi—class of common carriage. These sections apply in addition to relevant provisions of Subchapters A, [and] B, E and F (relating to general provisions; common carriers; vehicle equipment and inspection; driver regulations) as well as particular provisions contained in each certificate of a carrier.

* * * * *

§ 29.313. Service standards and requirements.

* * * * *

(c) *Log sheets.* A driver of a vehicle in call or demand service shall keep a log sheet or manifest for each shift he operates unless some other method is, upon petition, specifically approved by the Commission. These log sheets shall be filled out contemporaneously with the trip, on a form supplied by the certificate holder. The log sheets shall be retained by the certificate holder for at least 2 years. Log sheets shall be turned over upon request to an authorized representative of the

Commission upon the rendering of a receipt. Drivers shall fill out the log sheets with the following information:

* * * * *

(4) The times and places of origin and destination of each trip including the odometer or meter mileage at the origin and destination of each passenger trip. Origin and destination places shall contain a street name and address or, if unavailable, an identifiable landmark.

* * * * *

§ 29.314. Vehicle and equipment requirements.

* * * * *

(b) *Meters.* Meters shall conform with the following requirements:

(1) A call or demand vehicle operated within Pennsylvania [a city, borough or township having a population of 20,000 or more] shall be equipped with a meter.

* * * * *

(8) Paragraph (7) does not apply when the filed tariff provides for a flat rate in lieu of a metered charge for transportation beyond a certain mileage point or for a zone-based fare structure. This provision is no longer valid after January 1, 2007.

(c) *Vehicle List.* Between December 1 and December 31 of each year, carriers shall provide the Commission with a current list of all vehicles utilized under its call or demand authority. The list shall contain the year, make, vehicle identification number and registration number for each vehicle. The list shall be mailed to Director, Bureau of Transportation and Safety, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.

(d) *Vehicle Age.* A vehicle may not be operated in call and demand service which is more than 8 model years old. For example, the last day on which a 1996 model year vehicle may be operated in taxi service is December 31, 2004. This provision is effective 1 year from ____. (Editor's note: The blank refers to the date of publication of final form regulation.)

(e) *Dome lights.* All vehicles operated by call and demand carriers shall have a dome light affixed to the roof of the vehicle. The dome light shall be visible from

a distance of 100 feet from the front and rear of the vehicle. The dome light shall be illuminated only when a customer does not occupy the vehicle.

§ 29.315. Alternative forms of compensation.

* * * * *

(2) The certificate holder shall be responsible for providing and maintaining insurance as required by § [29.104 (Reserved)] 32.11.

(3) The certificate holder shall comply with Subchapters E and F (relating to vehicle equipment and inspection and driver regulations).

* * * * *

§ 29.316. Tariff requirements.

(a) *Charges.* Every call or demand carrier shall charge according to its tariffs filed, posted, and published in accordance with law and the provisions of this title:

(1) [s]Such amount as is calculated and registered on the meter[;].

(2) [w]When authorized by the tariff, a fixed amount for the trip or the amount shown to be due on the meter plus a surcharge. This provision is invalid after January 1, 2007. [; or]

(3) [w]When authorized by the tariff, a charge tabulated according to the zones entered in the course of the trip. This provision is invalid after January 1, 2007.

(b) *Zone tariff requirements.* If the rates of fare specified in the tariff of the certificate holder are calculated according to the zones entered in the course of the trip: a map of the service territory on which each zone is delineated and in which the cost calculations for trips are described must be available in the vehicle for the passenger to examine, and a representative of the certificate holder must be available to quote to the passenger in advance the estimated cost of the particular trip of the passenger. This provision is invalid after January 1, 2007

(c) *Posting of fare rate.* Every operator of a call or demand service with fares based on a meter or flat rate shall post the rates of fare in a conspicuous place in each of its vehicles.

(d) *Full fare information about alternative services.* When a customer requests call or demand service from a certificate holder who offers service under tariffs authorizing both exclusive and nonexclusive services: the dispatcher shall, if

requested by the customer, quote to the customer the estimated fare for the trip of the customer as priced under both of these two alternative services, considering the number of people in the traveling group of the customer; and the dispatcher shall explain to the customer, if necessary, the difference in these two types of service.

§ 29.317. Accounting requirements for alternative forms of compensation for drivers.

(a) *Revenues.*

(1) *Metered rates.*

* * * * *

(ii) It is the responsibility of the certificate holder to [insure] ensure that appropriate information from the log sheets is properly and correctly recorded under § § 29.41 [—] and 29.43 (relating to accounts and records [; annual reports;] and assessment reports).

(2) *Zoned rates and flat rates.* A requirement of paragraph (1) except for meter verification is applicable when the fare is based on zones entered in the course of the trip or on flat rates. This provision is invalid after January 1, 2007.

(b) *Expenses.*

* * * * *

(c) *Reporting.* At the end of a calendar year, the certificate holder shall supply a lease driver, upon request, with a statement of operating revenues and operating expenses based on the information supplied as required by subsections (a) and (b). The statement may be provided during the calendar year when appropriate.

§29.318. Complaint Decals.

In order to provide passengers with the information necessary to file a complaint, taxicabs shall display a Commission-issued complaint decal which lists the telephone number and web site to be used to lodge a complaint. The decal shall be posted on the inside of the right rear window of the vehicle, along the bottom edge.

* * * * *

LIMOUSINE SERVICE

§ 29.331. Conditions.

This section and § § 29.332—29.335 (relating to limousine service) apply to operations in the limousine class of common carriage. These sections apply in addition to relevant provisions of Subchapters A [and], B, E and F (relating to general provisions; [and] common carriers; vehicle equipment and inspection; driver regulations) as well as a particular provision contained in a certificate of a carrier.

§ 29.332. Method of operation.

Unless otherwise specifically provided in the certificate of public convenience, a common carrier operating limousine service shall have the rights and be subject to the conditions as follows:

* * * * *

(3) A limousine driver may not directly solicit a passenger.

§ 29.333. Vehicle and equipment requirements.

(a) Limousine service may be operated only in luxury type vehicles with seating capacities of ten passengers or less, excluding the driver.

(b) Luxury type vehicles are vehicles manufactured or subsequently modified so that they have physical configurations and accessory features that are not considered as being ordinary, standard or commonplace in lower to moderately priced vehicles. Luxury type vehicles are intended to afford patrons a higher level of service and comfort than are ordinarily available in call or demand, paratransit, and airport transfer services. To qualify as a luxury type vehicle, a vehicle shall have at a minimum: air conditioning, AM/FM stereo radio, deluxe leather or deluxe fabric upholstery, deluxe wheels or wheel covers, four doors and a wheelbase of at least 109 inches. Other amenities which limousine service might afford are CD changer, internet access, [AM/FM cassette stereo radio,] reading lights, work desk or table, cellular phone, refrigerator, television, VCR, DVD player, extended wheelbase and privacy dividers.

(c) Section 29.71(a) (relating to marking of vehicles) does not apply to luxury type vehicles engaged in limousine service under this section and § § 29.331, 29.332, 29.334 and 29.335 (relating to limousine service).

(d) Vehicle List. Between December 1 and December 31 of each year, carriers shall provide the Commission with a current list of all vehicles utilized under its

limousine authority. The list shall contain the year, make, vehicle identification number and registration number for each vehicle. The list shall be mailed to Director, Bureau of Transportation and Safety, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.

(e) Vehicle Age. A vehicle may not be operated in limousine service which is more than 8 model years old. For example, the last day on which a 1996 model year vehicle may be operated in limousine service is December 31, 2004. This provision is effective 1 year from . (Editor's Note: The blank refers to the date of publication of final form regulation.)

§ 29.334. Tariff requirements.

Limousine rates [may] shall be based solely on [mileage or] time, [or both,] and shall be contained in a tariff filed, posted and published under statute and this title. The use of meters is prohibited.

§ 29.335. Trip sheet requirements.

(a) A driver of a luxury type vehicle engaged in providing limousine service shall have a trip sheet in the vehicle evidencing that the vehicle is in service. The trip sheet shall contain the following information:

* * * * *

(5) The origin and intended destination.

(6) The starting time and length of time for which the vehicle has been reserved.

[(7) The initial odometer reading.]

(b) At the conclusion of the trip, the driver shall record the ending time [and final odometer reading] on the trip sheet.

(c) The trip sheet shall be retained by the certificate holder for a minimum of 1 year. Copies of the documents may be required to be submitted in support of carrier proposed tariff rate increases in addition to other documentation in § 23.64 (relating to data required in filing increases in operating revenues).

§29.336. Consumer Information.

In order to provide passengers with the information necessary to file a complaint, limousines shall:

(1) Post, on the inside of the right rear window of the vehicle, along the bottom edge, a Commission-issued complaint decal which lists the telephone number and web site to be used to lodge a complaint, or provide the following notice on the contract for service:

For complaints and information, contact the PA Public Utility Commission at 1-800-782-1100 or at www.puc.paonline.com. Include the company name and A-number for all complaints.

(2) Provide the following notice on the receipt for service:

For complaints and information, contact the PA Public Utility Commission at 1-800-782-1100 or at www.puc.paonline.com. Include the company name and A-number for all complaints.

AIRPORT TRANSFER SERVICE

§ 29.341. Conditions.

This section and § § 29.342—29.343 (relating to airport transfer service) apply to operation in the airport transfer, airport limousine, class of common carriage. These provisions apply in addition to relevant provisions of Subchapters A [and], B, E and F (relating to general provisions; [and] common carriers; vehicle equipment and inspection; driver regulations) as well as [a] particular provisions contained in a certificate of a carrier.

* * * * *

§29.344. Consumer Information.

In order to provide passengers with the information necessary to file a complaint, airport transfer carriers shall post, on the inside of the right rear window of the vehicle, along the bottom edge, a Commission-issued complaint decal which lists the telephone number and web site to be used to lodge a complaint, or provide the following notice on the receipt for service:

For complaints and information, contact the PA Public Utility Commission at 1-800-782-1100 or at www.puc.paonline.com. Include the company name and A-number for all complaints.

OTHER SERVICES: PARATRANSIT, EXPERIMENTAL

§ 29.351. Conditions.

This section and § § 29.352—29.355 (relating to other services: paratransit, experimental) apply to operations conducted under certificates granting paratransit or experimental rights. These provisions apply in addition to relevant provisions of Subchapters A [and], B, E and F (relating to general provisions; and common carriers; vehicle equipment and inspection; driver regulations) as well as [a] particular provisions contained in a certificate of a carrier.

* * * * *

§29.356 Consumer Information.

In order to provide passengers with the information necessary to file a complaint, paratransit and experimental service carriers shall post, on the inside of the right rear window of the vehicle, along the bottom edge, a Commission-issued complaint decal which lists the telephone number and web site to be used to lodge a complaint, or provide the following notice on the receipt for service:

For complaints and information, contact the PA Public Utility Commission at 1-800-782-1100 or at www.puc.paonline.com. Include the company name and A-number for all complaints.

Subchapter E. VEHICLE EQUIPMENT AND INSPECTION

§ 29.401. Applicability.

This subchapter applies to vehicles having a designed seating capacity of 15 passengers or less, including the driver, which are used by common carriers or contract carriers to transport passengers in scheduled route service, [in] call or demand service, group and party service, limousine service, airport transfer service, or paratransit and experimental service defined in § 29.13(6) (relating to scheme of classification).

§ 29.402. Vehicle equipment requirements.

A common carrier or a contract carrier may not permit a vehicle having a seating capacity of 15 passengers or less, including the driver, to be operated unless it complies with the following requirements:

(1) Vehicles shall comply with applicable Department of Transportation equipment inspection standards as set forth in 67 Pa. Code Chapter 175 (relating to vehicle equipment and inspection) at all times when the vehicle is being operated.

(2) Vehicles shall have door hinges and latches in working order, and doors shall operate easily and close securely.

(3) Advertising on vehicles is limited to the exterior roof of the vehicle. [Exterior and interior a] Advertising displayed on a vehicle shall be securely fastened and may not obscure the driver's view in any direction.

§ 29.403. Requirements for passenger service operation.

A common carrier or a contract carrier may not permit a vehicle having a designed seating capacity of 15 passengers or less, including the driver, to be operated to transport passengers unless it complies with the following requirements, in addition to those set forth in § 29.402 (relating to vehicle equipment requirements):

(1) Vehicles which are equipped with folding, [or] temporary or removable seats shall have hinges, latches, brackets or other hardware associated with the seats in working order.

* * * * *

(6) A vehicle's exterior shall not have any dents or gouges larger than 4 inches in diameter.

(7) A vehicle shall have 4 matching wheel covers, or the equivalent.

(8) A vehicle shall have operative air conditioning.

(9) A vehicle's seats shall be secure and not be damaged so as to allow springs or other cushioning or support devices to protrude through the seat.

§ 29.404. Unsafe operations forbidden.

A common carrier or contract carrier may not permit or require a driver to operate a vehicle revealed by inspection or operation not to comply with §§ 29.402 (relating to vehicle equipment requirements) or 29.403 (relating to requirements for passenger service operation). If a vehicle being operated on a highway is discovered not to comply with §§ 29.402 or 29.403, it may be continued in operation to the carrier's nearest terminal, the carrier's place of business or other similar location where repairs can be effected safely; however, this operation may be conducted only if it is less hazardous to the public than permitting the vehicle to remain on the highway.

* * * * *

§ 29.406. Inspection by enforcement officers.

(a) An enforcement officer employed by the Commission is authorized to perform inspections of vehicles to determine compliance with this subchapter under 66 Pa.C.S. §§ 307 and 506 (relating to inspectors for enforcement; and inspection of facilities and records). In order to perform these inspections, Commission enforcement officers are authorized to stop vehicles in operation. Commission enforcement officers are also authorized to enter upon the premises of the agent or lessee of a common carrier or contract carrier at a reasonable time for the purpose of performing inspections upon vehicles used in regulated operations.

(b) A form designated by the Commission [The PUC Driver—Equipment Compliance Check Form will] shall be used to record findings from vehicles selected for inspection.

(c) Vehicles in operation which are found upon inspection not to comply with §§ 29.402 (relating to vehicle equipment requirements) and 29.403 (relating to requirements for passenger service operations) [will] shall be declared out-of-service by an enforcement officer employed by the Commission and shall be placed out of service utilizing the Commission's out of service sticker.

[(d) Vehicles being used to transport passengers which are found upon inspection not to comply with the requirements of § 29.403 (relating to requirements for passenger service operation) will be declared out- of-passenger service by an enforcement officer employed by the Commission and placed out-of-passenger service utilizing the Commission's out-of-passenger service sticker.]

[(e)](d) A common carrier or contract carrier may not require or permit a person to operate nor may a person operate a vehicle declared and placed out-of-service until repairs required by the [PUC Driver—Equipment Compliance Check Form] Commission have been satisfactorily completed, except as provided in § 29.404 (relating to unsafe operations forbidden).

[(f) A common carrier or contract carrier may not require or permit a person to transport passengers, nor may a person transport passengers in a vehicle declared and placed out-of-passenger service until repairs or maintenance required by the PUC Driver—Equipment Compliance Check Form have been completed.]

[(g)](e) A person may not remove an out-of-service sticker [or an out-of-passenger service sticker] from a vehicle prior to completion of the repairs required by the [PUC Driver—Enforcement Compliance Check Form] Commission.

[(h)](f) The person completing the repairs required by the out-of-service notice shall sign the Certificate of Repairman in accordance with the terms prescribed [on] by the [PUC Driver—Equipment Compliance Check Form] Commission, entering the name of the person's shop or garage and the date and time the required repairs were completed. If the vehicle operator completes the required repairs, the operator shall sign and complete the Certification of Repairman.

[(i)](g) The carrier's disposition of the form [PUC Driver—Equipment Compliance Check Form] shall be as follows:

(1) The operator of a vehicle receiving the form placing the vehicle out of service [a PUC Driver—Equipment Compliance Check Form] shall deliver the form to the common carrier or contract carrier operating the vehicle, [; it shall be the sole responsibility of the common carrier or contract carrier to return the form to the Commission in accordance with the terms prescribed thereon and in paragraphs (2) and (3).]

(2) Violations or mechanical defects noted on a form shall be corrected. To the extent that vehicle operators are shown not to be in compliance with this chapter, appropriate corrective action shall be taken by the common carrier or contract carrier.

(3) [Common carriers and contract carriers shall complete the Motor Carrier Certification of Action Taken on the form in accordance with the terms prescribed thereon. They shall return the form to the Commission at the address indicated on the form within 15 days following the date of the vehicle inspection.] Carriers

shall retain a copy of the form at their principal place of business for 1 year from the date of inspection.

Subchapter F. DRIVER REGULATIONS

§ 29.501. Applicability.

This subchapter applies to drivers of vehicles having a designed seating capacity of 15 passengers or less, including the driver, which are used by common carriers or contract carriers to transport passengers in scheduled route service, call or demand service, group and party service, limousine service, airport transfer service, or paratransit service and experimental service, as defined at §29.13.

§ 29.502. Current driver's license required.

A common or contract carrier may not permit a person to operate a vehicle in its authorized service unless that person has a current, valid driver's license.

§ 29.503. Age restrictions.

A common or contract carrier may not permit a person to operate a vehicle in its authorized service unless that person is at least 21 years of age.

§ 29.504. Driver history.

(a) A common or contract carrier may not permit a person to operate a vehicle in its authorized service until it has obtained a driver history from the appropriate agency of every State in which that person held a motor vehicle operator's license or permit during the preceding 3 years.

(b) Following receipt of the initial driver history report, a common or contract carrier shall, at least once every 12 months from the date of the last report, obtain a driver history for each driver operating under its authority from the appropriate agency of the State in which the driver held an operator's license during the time period. Compliance with this subsection does not relieve a common or contract carrier of the responsibility to ensure its drivers hold a current, valid driver's license.

(c) A copy of the driver history shall be maintained by the common or contract carrier for a period of not less than 2 years.

§ 29.505. Criminal history.

(a) Criminal history record required. A common or contract carrier shall not permit a person to operate a vehicle in its authorized service until it has obtained a criminal history record from the Pennsylvania State Police and every other state in which the person resided for the last 12 months. For current drivers, carriers must obtain a criminal history record within 90 days of _____. (Editor's Note: The blank refers to the date of publication of final form regulation.)

(b) Frequency of record check. Following receipt of the initial criminal history record, a common or contract carrier shall obtain a criminal history record for each driver operating under its authority from the Pennsylvania State Police every 2 years from the date of the last criminal history check.

(c) Disqualification by reason of felony conviction. A common or contract carrier may not permit a person to operate a vehicle in its authorized service when the person was convicted of a felony under the laws of the Commonwealth or under the laws of another jurisdiction and who is under the supervision of a court or correctional institution as a result of that conviction, so long as a court or correctional institution maintains some form of supervision. The supervision may include incarceration, probation, parole and furlough.

(d) Disqualification for conviction of crime of moral turpitude. A common or contract carrier shall not permit a person to operate a vehicle in its authorized service when the person was convicted of a crime of moral turpitude, whether a felony or misdemeanor, under the laws of the Commonwealth or under the laws of another jurisdiction and who is under the supervision of a court or correctional institution as a result of that conviction, so long as a court or correctional institution maintains some form of supervision. The supervision may include incarceration, probation, parole and furlough.

(e) Record retention. A copy of the criminal history shall be maintained by the common or contract carrier for a period of not less than 3 years.

§ 29.506. Alcohol prohibition.

No driver shall use alcohol, be under the influence of alcohol, or have any measured alcohol concentration or detected presence of alcohol, while operating a vehicle in passenger service.

§ 29.507. Controlled substance prohibition.

No driver shall use a controlled substance, be under the influence of a controlled substance, or have any measured concentration or detected presence of a controlled substance, while operating a vehicle in passenger service.

§ 29.508. Common or contract carriers operating vehicles with seating capacities of 9 to 15 passengers, including the driver.

(a) A common or contract carrier may not permit a person to drive a vehicle with a seating capacity of 9 to 15 passengers, including the driver, unless the driver complies with the following:

(1) The driver is physically qualified in accordance with 49 CFR §§ 391.41 through 391.49.

(2) The driver is in compliance with the hours of service provisions of 49 CFR §395.5 (relating to maximum driving time for passenger-carrying vehicles) and 49 CFR §395.8 (relating to driver's record of duty status).

(3) Drivers are exempt from 49 CFR §395.8 (relating to driver's record of duty status) if they fall within exemption at 49 CFR §395.1(e) (relating to 100 air-mile radius driver). In this circumstance, carriers must keep time records in accordance with 49 CFR §395.1(e)(5).

§ 29.509. Civil Penalties for violations.

A complaint may be initiated against the carrier for violations of this subchapter.

**CHAPTER 31. MOTOR CARRIER PROPERTY AND HOUSEHOLD
GOODS TRANSPORTATION**

GENERAL PROVISIONS

* * * * *

§ 31.4. Transfer of certificates and permits.

* * * * *

(c) Upon the death of an individual holder of a certificate or permit or upon an individual certificate holder being legally declared incompetent, the rights

conferred by the certificate or permit shall continue with the legal representative of the deceased or incompetent holder for 1 year. [After that time, the rights conferred shall terminate,]. After the expiration of the 1 year period, appropriate proceedings shall be initiated to terminate the certificate unless application has been made to transfer the rights to the heirs, guardian, trustees, legatee or others, in which case the rights shall continue with the legal representative until the application is granted or refused. If application is made by the legal representative not less than 30 days prior to the end of the period of 1 year, the Commission may, for cause shown, permit the transfer of rights to the executors, administrators, guardians, trustees or other legal representatives of the deceased or incompetent holder for a period to be fixed by the Commission. Pertinent orders or decrees of the court having jurisdiction over the estate of the decedent or incompetent person may be deemed cause for the granting of the application by the Commission.

* * * * *

§ 31.11. Reports of accidents and damage.

[(a) Within 30 days after a reportable accident occurs, a detailed report shall be mailed to: Secretary, Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105.

(b) A reportable accident is one involving one or more of the following:

(1) The death of a person.

(2) Personal injuries which require medical attention.

(3) Property damage amounting to \$4,200 or more, based on actual costs or reliable estimates.

(4) Collisions at grade crossings between motor vehicles operated under a certificate of public convenience or contract carrier permit and trains or streetcars, whether or not a person is killed or injured in the accident.

(c) If the occurrence of an accident results in the death of a person, an immediate report of the accident shall be made by telephone or telegraph to the Bureau of Transportation and Safety, in addition to the detailed written report required by subsection (a).

(d) The requirements of this section for the reporting of accidents correspond closely with those of the United States Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, and the Department of

Transportation, Bureau of Traffic Safety, of the Commonwealth. A copy of the report to the Bureau of Motor Carrier Safety or the Bureau of Traffic Safety will be accepted in lieu of a separate accident report.]

(a) Accidents involving death of a person. Motor carriers of property and household goods shall telephonically notify the Bureau of Transportation and Safety of any accident resulting in the death of a person within 24 hours of the accident. Carriers shall maintain a copy of the police report for 1 year from the date of the accident.

(b) Other accidents. For all accidents resulting in the filing of a police report, the carrier shall maintain a copy of that report for 1 year from the date of the accident.

* * * * *

COMMON CARRIERS OF PROPERTY AND HOUSEHOLD GOODS IN USE

* * * * *

§ 31.32. Equipment leasing.

(a) *Applicability.* This section applies to the [augmenting] leasing of equipment by motor carriers engaged in transporting property and household goods by motor vehicle between points in this Commonwealth. [, the interchange of equipment between motor carriers of property by motor vehicle engaged in transporting property between points in this Commonwealth and the rental of equipment by motor carriers of property to private carriers and shippers, for use in transporting property between points in this Commonwealth.]

(b) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Authorized employe or agent—A person authorized to act for and on behalf of a motor carrier or owner of equipment and subject to the supervision, direction and control of the motor carrier in whose service he is acting.

Equipment—A motor vehicle, straight truck, tractor, semitrailer, full trailer, combination tractor-and-semitrailer, combination straight truck and full trailer and other types of equipment used in the transportation of property for-hire.

Motor carrier—A person or corporation authorized to engage in the

transportation of property or household goods as a common or contract carrier by motor vehicle under 66 Pa.C.S. § § 1101—3315 (relating to Public Utility Code).

(c) [*Augmenting*] Leasing equipment. [The augmenting of e] Equipment leasing by a motor carrier shall conform with the following:

(1) *General*. [Other than equipment exchanged between motor carriers in interchange service as defined in subsection (d), n] No motor vehicle may be operated between points in this Commonwealth in intrastate commerce by a motor carrier, unless the vehicle is either owned by the motor carrier or is leased to the motor carrier under the conditions in paragraphs (2)—(4).

(2) *Contract requirements*. A contract is subject to the following:

(i) *Parties*. The contract, lease or other arrangement for the use of equipment shall be between the motor carrier and the owner of equipment.

(ii) *Written*. The agreement shall be in writing and signed by the parties thereto or their drivers, employes or agents authorized in writing.

[(iii) *Minimum duration*. A lease between owners of equipment and motor carriers shall be in effect for a term of 30 days or more, except that the 30-day minimum period does not apply to the following:

(A) Dump equipment leased to a motor carrier for use in transporting salt and calcium chloride, in bulk, for ice and snow control purposes, during the period from October 1 to April 30, both inclusive, of each year.

(B) Equipment owned or held under lease by motor carriers of automobiles or tank truck carriers used respectively in the transportation of automobiles or commodities in bulk, if leased or sub-leased to other motor carriers.

(C) Equipment without drivers leased by a motor carrier.

(D) Equipment operated to meet peak demands, not exceeding 5 consecutive days in a 30-day period, or in case of an emergency such as equipment breakdown or publicly declared civil emergency.

(E) Equipment owned by the lessor or held by the lessor under a lease of 30 days or more.]

[(iv)](iii) *Exclusive possession, control and responsibility*.

(A) *Lease.* A lease shall provide for and be carried out so that the possession, control and use of the equipment is the complete and exclusive responsibility of the lessee for the full term of the lease, except during the period provided for in clauses (B) and (C).

(B) *Sublease.* The lease agreement may contain a provision permitting the lessee to sublease equipment to other motor carriers for a period not exceeding the duration thereof, if the sublessee assumes full responsibility in the manner set forth in clause (A).

[(C) *Household goods carriers: intermittent operations under long-term lease.* If leases are entered into by motor carriers of household goods, clause (A) need only apply during the period the equipment is in operation by or for the motor carrier, lessee.]

[(v)](iv) *Compensation.* The lease agreement shall specify the amount of compensation to be paid by the lessee for the rental of the leased equipment.

[(vi)](v) *Duration.* The lease agreement shall specify the time and date or the circumstances on which the contract, lease or other arrangement begins and the time or the circumstances on which it ends. [The duration of the contract, lease or other arrangement shall coincide with the time for the giving of receipts for the equipment as set forth in paragraph (3).]

[(vii)](vi) *Documentation.* A lease shall be executed in triplicate. The original shall be retained by the motor carrier in whose service the equipment is to be operated, one copy shall be retained by the owner of the equipment and one copy shall be carried on the equipment specified therein during the entire period of the contract, lease or other arrangement, unless a certificate is carried on the equipment in lieu thereof, certifying that the equipment is being operated by [it] lessee, the name of the owner, the date of the lease, contract or other arrangement, the period thereof and the location where the original of the lease, contract or other arrangement is retained by the motor carrier. [If the equipment is being leased for periods of less than 30 days, the motor carrier shall prepare and keep documents covering each trip for which the equipment is used in its service. The documents shall contain the name and address of the owner of the equipment, the point of origin, the time and date of departure and the point of final destination. The motor carrier shall also carry papers with the leased equipment during its operation containing this information and identifying the lading and clearly indicating that the transportation is under its responsibility. The papers shall be preserved by the motor carrier as part of its transportation records. Trip leases which contain the information required by this paragraph may be used and retained instead of the

documents or papers.] The certificate holder shall retain leases for 2 years following their expiration date.

[(3) Receipts for equipment. If possession of equipment is taken by the motor carrier or its regular employe or agent authorized to act for it, the carrier, employe or agent shall give to the owner of the equipment, or the owner's employe or agent, a receipt specifically identifying the equipment and stating the date and the time possession is taken. When possession by the motor carrier ends, the carrier or its employe or agent shall obtain from the owner of the equipment, or its regular employe or agent authorized to act for it, a receipt specifically identifying the equipment and stating therein the date and the time possession thereof is retaken. The receipts shall be retained by the motor carrier for a period of at least 1 year.]

[(4)](3) Safety inspection of equipment. It is the duty of the motor carrier, before taking possession of equipment, to ensure that the equipment has a valid State inspection decal or complies with the periodic inspection requirements in § 37.204(7) (relating to adoption of portions of 49 CFR by reference), or to inspect or to have the equipment inspected by a person who is competent and qualified to make an inspection and who has been authorized by the carrier to make the inspection as a representative of the carrier, to ensure that the equipment is in a safe condition to be operated on the highways. The person making the inspection shall certify the results thereof, which certification [inspection report] shall be retained by the motor carrier for at least 1 year. If the inspection discloses that the equipment is not in a safe condition to be operated on the highways, possession thereof may not be taken by the motor carrier. [The person making the inspection shall certify the results on a report in the form which follows:

REPORT OF VEHICLE INSPECTION

Description of vehicle:

Make Year
 Model Serial No.
 Type: Tractor Trailer
 Semitrailer
 License plate No. State
 Owner's name
 Name of authorized carrier

Indicate in the proper column the result of the inspection of each item listed:

Item	Not defective	Defective	Description of defect
Body			
Brakes			
Cooling system			
Drive line			
Emergency equipment			
Engine			
Exhaust			
Fuel system			
Glass			
Horn			
Leaks			
Lights (state which)			
Reflectors			
Speedometer			
Springs			
Steering			
Tires			
Wheels			
Windshield wiper			

Any other items requiring attention

I hereby certify that on the day of, I carefully inspected the equipment described above and that this is a true and correct report of the result of such inspection.

(Signature of person making inspection)

I hereby certify that on the date stated above the person who made the inspection covered by this report was competent and qualified to make such inspection and was duly authorized to make such inspection as a representative of

(Name of authorized carrier)

(Signature of carrier, partner, officer, safety director, or other supervisory employee responsible for safety compliance)

Date

(5) *Limitation on leasing.* The number of pieces of powered equipment leased by a motor carrier for operation in its certificated Commonwealth intrastate service may not exceed the number of pieces of powered equipment owned by that motor carrier and operating in its certificated Commonwealth intrastate service. For purposes of this paragraph, the following shall be considered to be neither leased nor owned:

(i) Leased equipment if the minimum duration of the lease is for a term of at least 120 days or if the lease has been continuously in force for a period of at least 120 days.

(ii) Equipment being leased under the interchange provisions of subsection (d).

(iii) Equipment specified in the minimum duration exemptions listed in paragraph (2)(iii).

(d) *Interchange of equipment between motor carriers.* This subsection applies to those motor carriers who own or hold equipment under a lease and who are authorized by their certificates or by the application of the regulations of the Commission to interchange freight. If carriers are so authorized, the movement to which the interchange applies shall be between points included in the interline authority of each carrier. Under these circumstances, a motor carrier may receive equipment from another motor carrier in connection with the through movement of freight, subject to the following:

(1) There shall be a written lease or other agreement describing specifically the time and date when the lease or agreement begins and ends, the equipment to be interchanged, the specific points of interchange, the use to be made of the equipment and the consideration for the use. The lease or agreement shall be signed by the parties thereto or their authorized employees or agents.

(2) The traffic shall move on a through bill of lading issued by the originating carrier and shall show the points of interchange with connecting carriers.

(3) The carrier receiving the equipment at the interchange point shall identify the equipment as required by § 31.33 (relating to identification of equipment) and shall remove the identification when the equipment is returned to the service of the originating carrier.]

[(e)](d) *Leasing equipment to shippers.* [Unless the service is specified in their operating authority, a] A motor carrier is prohibited from leasing equipment with or without drivers to shippers or private carriers.

§ 31.33. Identification of equipment.

[(a) This section applies to the augmenting of equipment by motor carriers engaged in transporting property by motor vehicle between points in this Commonwealth, the interchange of equipment between motor carriers of property

between points in this Commonwealth, and the rental of equipment by motor carriers of property to private carriers and shippers, for use in transporting property between points in this Commonwealth.]

[(b)](a) [A motor carrier shall cause to be painted on each side of every] Every motor vehicle operated by [him,] a motor carrier shall be marked on each side, in letters not less than 2 inches in height, and not less than 1/2 inch in width, the name and address of the motor carrier and the number of the certificate of public convenience or permit as follows: "PA. P.U.C. NO. A ____." If the vehicle is owned by someone other than the motor carrier operating it, there shall be shown on each side of the vehicle, in letters not less than two inches in height and not less than 1/2 inch in width, the wording: "OPERATED BY (name and address of authorized motor carrier), PA. P.U.C. NO. A ____." If a removable device is used to identify the operating carrier as lessee, the device shall be of durable material and securely affixed, to the vehicle operated, throughout the duration of the lease.

[(c)](b) * * *

[(d)](c) * * *

* * * * *

TRANSPORTATION OF HOUSEHOLD GOODS IN USE

31.121. Information for shippers.

(a) When a prospective shipper requests moving service and before an order for service is prepared, the household goods carrier shall furnish the prospective shipper with [a statement entitled] the following Commission supplied form entitled "Information for Shippers[,]" [in accordance with the following specimen]:

[INFORMATION FOR SHIPPERS

The carrier must give you a written estimate that will approximate the amount he believes it will cost you to move your household furnishings. In this connection it is important that you inform the estimator of *everything* you intend to move. The total actual charges may be more or less than the estimate, depending on the size of your shipment, the distance it is to move, and other circumstances relating to your shipment.

You will be required ultimately to pay the mover's applicable tariff charges based on an hourly rate (if distance is 40 miles or less) or on a weight and mileage basis (if distance is over 40 miles).

Where the mover has not informed you *prior to delivery* that he will extend credit, the mover will expect you to make payment of the charges at time of delivery in cash, money order or certified check.

If the total actual charges *do not exceed* the estimate by more than 10 percent, you must be prepared to pay *all of the actual charges* prior to the mover unloading your goods. If the total actual charges *do exceed* the estimate by more than 10 percent, the mover is required to deliver the full and complete shipment upon payment of the estimated charges plus an additional \$25, or 10 percent of the estimate whichever is greater, and you may defer paying the balance for 15 days after delivery.

In case you sustain a loss or damage to your household effects, you are protected only up to but not exceeding 30 cents per pound per article. If you desire protection greater than 30 cents per pound, you may declare such valuation and pay the increased tariff rate applicable to the valuation you declare. You may also protect yourself to the full valuation of your goods by taking out a policy of transit insurance.

Upon completion of the delivery the driver will ask you to sign either the delivery receipt, the inventory, or both. Before signing either one, be sure that one or the other notes all the damage and any lost articles. If the driver will not make such notations, make them yourself before signing. Remember, telling the driver about these things is not enough. Do not sign any delivery papers for the driver until delivery is completed. When you sign the delivery receipt, you accept your goods in apparent good condition, except as noted on the receipt.

I hereby certify that a copy of above Information for Shippers was furnished

_____ on _____
Name of Shipper Date

Signature of Carrier Representative]

INFORMATION FOR SHIPPERS

ESTIMATE

The carrier must give you a written estimate that will approximate the amount he believes it will cost you to move your household furnishings. It is important that you inform the estimator of *everything* you intend to move. The *actual* charges may be more or less than the estimate.

RATES

If the move is 40 miles or less, the charge will be based on an hourly rate. If the move is over 40 miles, the charge will be based on weight and mileage. You will be required to pay any increase in charges resulting from changes to the carrier's rates between the time of the estimate and the actual move.

INVENTORY

The carrier must complete a detailed inventory listing all items to be moved and their condition. All items must be given an identification number. The inventory must be completed before loading. You should observe and verify the inventory, noting the condition of all items. The carrier must provide you with a copy of the completed inventory before loading and it must be signed by you and the carrier. Upon delivery, you should verify all items in the inventory were delivered and their condition. You should note on the inventory any missing or damaged items. Retain your copy of the inventory until all disputes are settled.

BILL/RECEIPT

The carrier must give you a bill/receipt for the move within 15 days after the delivery date. The bill/receipt must detail all charges for the move. It must also contain copies of the Inventory and the Estimated Cost of Services.

PAYMENT

You will be required to pay the mover's tariff charges. If the mover has not informed you *prior to delivery* that he will extend credit, the mover will expect you to make payment of the charges at time of delivery in cash, cashier's check or certified check.

If the actual charges *do not exceed* the estimate by more than 10 percent, you must pay *all of the actual charges* prior to the mover unloading your goods. If the total actual charges *exceed* the estimate by more than 10 percent, the mover is required to deliver the full and complete shipment upon payment of the estimated

charges plus an additional \$25, or 10 percent of the estimate, whichever is greater. You may defer paying the balance for 15 days after delivery.

LOSS AND INSURANCE

If you sustain a loss or damage to your goods, you are protected only up to but not exceeding 60 cents per pound per article. If you desire protection greater than 60 cents per pound, per article, you may secure increased coverage by paying a higher tariff rate applicable to the coverage you desire. You may also protect yourself to the full valuation of your goods by taking out a policy of transit insurance with an insurance agent.

PROOF OF DAMAGE/ RECEIPT

Upon completion of the delivery, the driver will ask you to sign the delivery receipt. Do not sign any delivery papers until delivery is completed. Before signing, be sure all damage and any lost articles are noted on the receipt or inventory. If the driver will not make such notations, make them yourself before signing. Remember, telling the driver about these things is not enough. Do not sign the delivery receipt if it contains language purporting to release or discharge the carrier from liability. Strike this language out before signing or refuse delivery if the mover refuses to provide a proper delivery receipt.

Complaints

For complaints and information, contact the PA Public Utility Commission at 1-800-782-1100 or at www.puc.paonline.com. Include the company name and A-number for all complaints.

I hereby certify that a copy of above Information for Shippers was furnished on

Name of Shipper

Signature of Carrier Representative

(b) The carrier shall retain an executed copy of this certification with shipping order for 2 years from the date of the move.

(c) [A sample form, Estimated Cost of Services, is set forth in § 31.130 (relating to estimated cost of services).] The carrier shall provide the form to the shipper at least 48 hours prior to the move.

§ 31.122. [Estimate of charges.] Estimated cost of services.

(a) A [common carrier by motor vehicle engaged in transporting] household goods carrier [in use between points in this Commonwealth] shall prepare an [Estimate of Charges] Estimated cost of services for the proposed service, on a form. [and in the following manner:] The form shall be supplied to the shipper prior to the move and shall contain the following information:

[(1) Notification to shipper of charges. Whenever the shipper specifically requests notification of the actual weight and charges on a shipment, and supplies the carrier with an address or telephone number at which the communication shall be received, the carrier shall comply with the request immediately upon determining the actual weight and charges. The notification shall be made by telephone, first-class mail or in person at the carrier's expense unless the carrier provides in its tariff that the actual cost of the notification shall be collected from the shipper.

(2) Form for estimates of charges. Across the top of each form there shall be imprinted in letters not less than 1/2 inch high the words "Estimated Cost of Services". The form shall be fully executed as appropriate in each case in accordance with the instructions therein and shall set forth special services for handling, packing, use of containers, the rates for vehicles and labor, weight and distance charges if applicable, and other information that may be provided in this chapter. The original or a true legible copy of each completed estimate of charges shall be given to the shipper, and a copy thereof shall be maintained by the carrier as part of its record of transportation.]

(1) Across the top of each form there shall be imprinted in letters not less than 1/2 inch high the words "Estimated Cost of Services."

(2) The names and addresses of the carrier and shipper.

(3) The origin and destination of the shipment.

(4) The date of the estimate and the date of the proposed move.

(5) A certification that the shipper accepts or rejects the minimum insurance limits.

(6) The applicable rates for handling, packing, container use, vehicles, labor, weight and distance, and excess insurance above the minimum.

(7) Notification to the shipper that he will be required to pay any increase in charges resulting from changes to the carrier's tariff between the time of the estimate and the actual move.

(8) The signature of the carrier representative and the shipper.

(b) The Carrier shall maintain a copy of the Estimated Cost of Services for 2 years from the date of the move.

§ 31.123. Delivery when charges exceed estimates.

If actual charges exceed the amount shown in the carrier's estimate, the carrier, upon request of the shipper or his representative, shall relinquish possession of the complete shipment at destination upon payment of the estimated amount plus 10% over the estimate or \$25, whichever is greater. Carrier shall defer demand for the remainder of the tariff charges for a period of 15 days following delivery. [If carrier does not extend credit to shipper, he shall notify shipper prior to delivery that payment of charges shall be required to be made in cash, money order or certified check.]

§ 31.124. Report of underestimates.

(a) A motor common carrier of household goods in use shall file with the Pennsylvania Public Utility Commission, Bureau of [Investigations, Service and Enforcement] Transportation and Safety, Harrisburg, Pennsylvania, a quarterly report [commencing with the 3-month period ending December 31, 1973,] containing instances during the period wherein charges exceeded the estimate by more than 10% with the explanation of the reasons for the variances. [For this purpose the mover may use the Report of Underestimates which is set forth in subsection (b) or the quarterly report form prescribed by the Interstate Commerce Commission.] The report shall be filed within 30 days after the end of the quarter reported. The carrier shall retain the report for 2 years after the date of filing.

[(b) A Report of Underestimates is attached hereto and made a part of this chapter:

FIFTH COMMON CARRIERS OF HOUSEHOLD GOODS REPORT OF UNDERESTIMATES		PUC DOCKET NUMBER
TO: PA. PUBLIC UTILITY COMMISSION HARRISBURG, PA.		NAME AND ADDRESS OF CARRIER
<small>INSTRUCTIONS: A quarterly report of underestimates is required to be filed with the Pennsylvania Public Utility Commission pursuant to Rule 703, General Order No. 29. Submit only the original copy of this report, not later than the end of the month following the quarter reported on. When no reportable underestimates occur, a report is not required. Retain one copy of the report and each estimate for three years. Specimen copies of this form will be supplied upon request without charge. Additional copies may be reproduced using the same format and size. Failure to submit this report is subject to the penalties provided under Article XIII of the Public Utility Law.</small>		
TOTAL NUMBER OF SHIPMENTS MOVED THIS QUARTER		
TOTAL NUMBER OF SHIPMENTS FOR WHICH ESTIMATES WERE GIVEN <small>All estimates of approximations of charges must be in writing.</small>		
TOTAL NUMBER OF SHIPMENTS IN WHICH ACTUAL CHARGES EXCEEDED ESTIMATED CHARGES BY 10% OR MORE		
REASONS FOR UNDERESTIMATES REPORTED ABOVE <small>Include: bill of lading number, date of shipment, shipper's estimated and actual charges.</small>		NUMBER OF UNDERESTIMATES
SIGNATURE AND TITLE OF RESPONSIBLE EMPLOYEE		<small>Quarterly Period Expires</small> 3-31-197__ 6-30-197__ 9-30-197__ 12-31-197__ Please circle period

(b) Content. The report shall contain the carrier's name, address, and certificate number. The report shall also contain the total number of shipments made for the quarter, the total number of reportable underestimates, and the reasons for the underestimates.

§ 31.125. Obtaining weight tickets.

The carrier shall cause every shipment of household goods in use for distances over 40 miles to be weighed by a public weighmaster. [Separate weight] Weight tickets evidencing gross and tare weights shall be obtained from the public weighmaster, which the driver shall identify by recording thereon the bill of lading number of the shipment. True copies of the weight tickets shall be attached to the receipt or bill of lading accompanying the shipment and retained in the carrier's file. True copies of the weight tickets shall also be furnished to the shipper upon request. Under circumstances where a public weighmaster is not available to the mover at origin or at a point within a radius of 10 miles thereof, a constructive weight based on seven pounds per cubic foot of properly loaded van space may be used. Where constructive weight is used, the mover shall designate same on the bill of lading, and a copy of the bill of lading shall be furnished to the Pennsylvania Public Utility Commission, Bureau of [Investigations, Service and Enforcement] Transportation and Safety, Harrisburg, Pennsylvania. Weight tickets shall be maintained by the carrier for 2 years from the date of the move.

* * * * *

§ 31.127. Failure to comply with provisions.

A common carrier by motor vehicle engaged in transporting household goods shall comply with this chapter, and failure to comply therewith may subject the carrier to the penalties provided under [Article XIII of the Pennsylvania Public Utility Law (66 P. S. § 1491 et seq.) (Repealed).] Chapter 33 of the Public Utility Code, 66 Pa. C.S. §§3301-3316. Whenever circumstances are present which in the opinion of the Commission indicate that a common carrier of household goods is persistently in violation of this chapter or the Pennsylvania Public Utility [Law (66 P. S. 1101 et seq.) (Repealed)] Code, 66 Pa. C.S. §§101, et. seq., the Commission may institute appropriate enforcement action. [with the view of revoking or suspending the certificate of the common carrier.]

* * * * *

§ 31.130. [Estimated cost of services.] Reserved.

[An estimated cost of services is attached hereto and made a part of this chapter:

ESTIMATED COST OF SERVICES
 This is only an Estimate not a Contract for Transportation
SHIPPER PLEASE READ!

Name of shipper _____ Date _____
 Address of shipper _____ Phone No. _____
 Shipper moving from _____ to _____ Zip code _____
 Shipper's destination contact _____ Phone No. _____
 Packing Date _____ Loading time _____ Delivery Date or
 Requested _____ Requested _____ period of time requested _____

IMPORTANT NOTICE: This estimate covers only the articles and services listed. It is not a guarantee that the actual charges will not exceed the amount of the estimate. Common carriers are required by law to collect transportation and other incidental charges (consigned on the basis of rates shown in their lawfully published tariffs, regardless of prior rate quotations or estimates made by the carrier or its agents. Charges for additional services will be added to the transportation charges.

ESTIMATE
CHARGES
 Shipments of distances over 40 miles are estimated on weight and mileage. ESTIMATE CHARGES \$ _____
 Transportation for less than 40 miles are based on man and vehicle hours. ESTIMATE CHARGES \$ _____
 Estimated man and vehicle hours: Number of men _____ @ per hour _____ ESTIMATE CHARGES \$ _____
 Vehicle hours per tonnage in part of service in excess of that estimated when no longer than per charge) _____
 Rates include 20% per month of additional temporary coverage in requested quantities over 40 miles (the 20% per cent will be assessed based on carrier's published rates).

Additional temporary coverage may be obtained by shipper purchasing **TEMPERARY**.
 1. SHIPPER ACCEPTS RELEASED VALUE OF \$100 PER POUND PER ARTICLE. YES NO
 2. SHIPPER REQUESTS VALUATION OF \$ _____
 (PACKING, UNPACKING AND CONTAINERS (SEE BELOW) _____ \$ _____
 SPECIAL SERVING OF APPLIANCES _____ \$ _____
 LABOR SERVING OF APPLIANCES _____ MEN PER _____ HRS PER _____ \$ _____
 (PER MAN PER HOUR) _____ \$ _____
 OTHER SERVICES _____ \$ _____
 (EXPLAIN) _____

Storage in Transit (for each 30 days in excess thereof) _____ lbs @ _____ Rate per 100 lbs. \$ _____
 Storage in Transit Valuation Charge _____ lbs @ _____ Rate per 100 lbs. \$ _____
 Warehouse Handling (over time charge) _____ lbs @ _____ Rate per 100 lbs. \$ _____
 Pick-up in Delivery to Storage at Transit _____ lbs @ _____ Rate per 100 lbs. \$ _____

IMPORTANT NOTES: If the total weight changes for the listed articles and services, the carrier will estimate by more than ten percent then upon your request, the carrier will re-estimate provision of your shipment upon delivery in absence of the payment of the total amount of your charges shown on the bill of lading or invoice bill. You are still obligated to pay the balance of the total charges within 15 days. Maximum amount to be paid on delivery of your C.O.D. shipment in cash, certified check or money order is total estimated and plus 10% or \$25.00 whichever is greater.

PACKING
 (INCLUDES MATERIAL, PACKING AND UNPACKING)

ESTIMATED NUMBER	CHARGE PER TON	TOTAL
BARREL, each pack, 200 lbs capacity		
BOXES, each 50 lbs capacity		
50 lbs each (each 50 lbs)		
CRATES, each 100 lbs capacity		
1 - 2 cubic feet		
3 cubic feet		
4 - 5 cubic feet		
6 cubic feet		
6 1/2 cubic feet		
Specialty Cases		
A. E. Mattress Cases		
Refrigerator (not exceeding 36" x 24")		
Woolens Cases (not exceeding 36" x 24")		
Mattress Cover (type of cover)		
CRATES AND CONTAINERS (quantity assigned for articles, materials, glass or brittle ware and similar fragile articles) Gross measurement of crate or container		
	TOTAL ESTIMATED COST	

REMARKS: _____
 NOTICE: On shipments over 40 miles cubic measurements shall be applied in accordance with the Table of Measurements and Weights, Motor Vehicle No. 2, Order of Com. March 22, 1965. Articles not to be shipped should be indicated by a "check mark" in the column provided on the table of measurements.

(SIGNATURE AND TITLE OF ESTIMATOR) _____ DATE _____

§31.131. Notification to shipper of charges.

Whenever the shipper specifically requests notification of the actual weight and charges on a shipment, and supplies the carrier with an address or telephone number, the carrier shall comply with the request immediately upon determining

the actual weight and charges. The notification shall be made by telephone, first-class mail, fax, e-mail, or in person at the carrier's expense unless the carrier provides in its tariff that the actual cost of the notification shall be collected from the shipper.

§31.132. Bill of lading.

(a) A household goods carrier shall issue a bill of lading (receipt) for each shipment. The bill of lading shall contain the following information:

- (1) The name, address and telephone number of the carrier.
- (2) The carrier's certificate number.
- (3) The name and address of the shipper.
- (4) The date of the shipment.
- (5) The origin and destination of the shipment.
- (6) A detailed account of the charges and applicable rates.
- (7) A total of the charges due and acceptable methods of payment.

(b) The carrier shall present the bill of lading to the shipper within 15 days of the delivery date.

(c) The carrier shall attach a copy of the estimated cost of services and inventory to the bill of lading.

(d) A copy of the bill of lading must accompany the shipment at all times.

(e) Carriers shall retain a copy of the bill of lading for 2 years from the date of the move.

(f) The bill of lading may not contain any language purporting to release or discharge the carrier from liability for damage. The bill of lading may include a statement that the property was received in apparent good condition except as noted on the inventory.

§31.133. Inventory.

(a) A household goods carrier shall prepare a written, itemized inventory for each shipment. The inventory shall identify every carton and every uncartoned item shipped. An identification number corresponding to the inventory shall be placed on each article in the shipment.

(b) The inventory shall be prepared before the shipment is loaded for transportation.

(c) The shipper shall be provided the opportunity to observe and verify the accuracy of the inventory.

(d) The carrier shall provide a copy of the inventory, signed by both the shipper and carrier, to the shipper prior to loading.

(e) Upon delivery, a carrier shall provide the shipper with the opportunity to observe and verify that the same articles are being delivered and the condition of the articles. A carrier shall also provide the shipper the opportunity to note, in writing, any missing articles and the condition of any damaged articles. The carrier shall provide the shipper with a copy of all notations.

(f) The carrier shall retain an inventory for 2 years from the date of the shipment.

§31.134. Criminal History.

(a) *Criminal History Record Required.* A household goods carrier may not permit a person to provide moving services in a shipper's dwelling until it has obtained a criminal history record from the Pennsylvania State Police and from every other state in which the person resided for the last 12 months. For current employees, carriers must obtain a criminal history record within 90 days of ____. (Editor's Note: the blank refers to the date of publication of final form regulation.)

(b) *Frequency of record check.* Following receipt of the initial criminal history record, a household goods carrier shall obtain a criminal history record for each employee providing moving services from the Pennsylvania State Police every 2 years from the date of the last criminal history check.

(c) *Disqualification by reason of felony conviction.* A household goodscarrier may not permit a person to provide moving services in a shipper's dwelling when

the person was convicted of a felony under the laws of the Commonwealth or under the laws of another jurisdiction and who is under the supervision of a court or correctional institution as a result of that conviction, so long as a court or correctional institution maintains some form of supervision. The supervision may include incarceration, probation, parole and furlough.

(d) *Disqualification for conviction of crime of moral turpitude.* A household goods carrier may not permit a person to provide moving services in a shipper's dwelling when the person was convicted of a crime of moral turpitude, whether a felony or misdemeanor, under the laws of the Commonwealth or under the laws of another jurisdiction and who is under the supervision of a court or correctional institution as a result of that conviction, so long as a court or correctional institution maintains some form of supervision. The supervision may include incarceration, probation, parole and furlough.

(e) *Record retention.* A copy of the criminal history shall be maintained by the household goods carrier for a period of not less than 3 years.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA

TERRANCE J. FITZPATRICK
CHAIRMAN

June 16, 2004

The Honorable John R. McGinley, Jr.
Chairman
Independent Regulatory Review Commission
14th Floor, Harristown II
333 Market Street
Harrisburg, PA 17101

Re: L-00020157/57-233
Proposed Rulemaking
Amending 52 Pa. Code Chapters 29 and 31

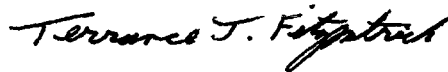
Dear Chairman McGinley:

Enclosed please find one (1) copy of the proposed rulemaking and the Regulatory Analysis Form prepared in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." Pursuant to Section 5(a) of the Regulatory Review Act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §§745.1-745.15) the Commission is submitting today a copy of the proposed rulemaking and Regulatory Analysis Form to the Chairman of the House Committee on Consumer Affairs and to the Chairman of the Senate Committee on Consumer Protection and Professional Licensure.

The purpose of this proposal is to set forth changes to regulations governing passenger service and property and household goods carriers. The contact person is John Herzog, Law Bureau, 783-3714.

The proposal has been deposited for publication with the
Legislative Reference Bureau.

Very truly yours,



Terrance J. Fitzpatrick
Chairman

Enclosures

pc: The Honorable Robert M. Tomlinson
The Honorable Lisa Boscola
The Honorable Robert J. Flick
The Honorable Joseph Preston, Jr.
Legislative Affairs Director Perry
Chief Counsel Pankiw
Assistant Counsel Herzog
Regulatory Coordinator DelBiondo
Donna Cooper, Governor's Policy Office

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT
TO THE REGULATORY REVIEW ACT

ID Number: L-00020157/57-233

Subject: Amending 52 Pa. Code Chapters 29 and 31

Pennsylvania Public Utility Commission

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted.
- Final Regulation
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor

FILING OF REPORT

<u>Date</u>	<u>Signature</u>	<u>Designation</u>
<u>6/16/00</u>	<u>Michelle Warren</u>	<u>HOUSE COMMITTEE</u> Consumer Affairs
<u>6/16/05</u>	<u>Donna L. Herman</u>	<u>SENATE COMMITTEE</u> Consumer Protection and Professional Licensure
<u>6/16/04</u>	<u>St. Gilnet</u>	Independent Regulatory Review Commission Attorney General
<u>6/16/04</u>	<u>C. Lee</u>	Legislative Reference Bureau