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**Authority**

The provisions of this Chapter 31 issued under act of May 28, 1937 (P. L. 1053, No. 286) (66 P. S. §§ 1341—1342) (Repealed), unless otherwise noted.

**Source**

The provisions of this Chapter 31 adopted April 11, 1939, amended through April 1, 1967, unless otherwise noted.

**GENERAL PROVISIONS****§ 31.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Common carrier by motor vehicle*—A person or corporation holding out or undertaking, directly or indirectly, to transport household goods in use or property between points within this Commonwealth by motor vehicle for compensation, whether or not as the owner or operator of the motor vehicle. The term includes persons or corporations providing or furnishing a motor vehicle with or without a driver for the transportation or for use in the transportation of

household goods in use or property; a common carrier by rail, water or air; and express or forwarding public utilities insofar as the common carrier or the public utility is engaged in motor vehicle operation, except as expressly exempted by the act.

*Contract carrier by motor vehicle*—A person or corporation who or which provides or furnishes transportation of household goods in use between points within this Commonwealth by motor vehicle for compensation whether or not as the owner operator of the motor vehicle. The term includes a person or corporation providing or furnishing a motor vehicle with or without a driver for the transportation or for use in the transportation other than as a common carrier by motor vehicle, except as expressly exempted by the act.

*Corporation*—As defined in § 21.1 (relating to definitions), but shall also exclude bona fide corporate associations which furnish service on a nonprofit basis only to their stockholders or members, as expressly exempted by the act.

*Forwarder*—A person or corporation not included in the terms “common carrier by motor vehicle,” “contract carrier by motor vehicle” or “broker,” who or which issues receipts or billings for property received by the person or corporation for transportation, forwarding or consolidating, or for distribution by a medium of transportation or combination of media of transportation other than solely by motor vehicle.

*Household goods in use*. See § 21.1 (relating to definitions).

*Household goods in use carrier*—A motor common or contract carrier who or which holds a certificate or permit to transport household goods in use.

*Motor common carrier of property*—A motor common carrier who or which transports property, other than household goods in use.

*Permit*—A permit issued by the Commission to contract carriers by motor vehicle.

*Property*—Tangible property, other than household goods in use.

#### Authority

The provisions of this § 31.1 amended under the Public Utility Code, 66 Pa.C.S. § 501.

#### Source

The provisions of this § 31.1 adopted April 11, 1939; amended through April 1, 1967; amended May 25, 1979, effective May 26, 1979, 9 Pa.B. 1670; amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial pages (216019) to (216020).

### § 31.2. Applicability.

This chapter applies to common carriers by motor vehicle, contract carriers by motor vehicle and forwarders operating at the time of the adoption of this chapter; and also to those to whom a certificate or permit may be issued.

#### Authority

The provisions of this § 31.2 amended under the Public Utility Code, 66 Pa.C.S. § 501.

**Source**

The provisions of this § 31.2 adopted April 11, 1939; amended through April 1, 1967; amended May 25, 1979, effective May 26, 1979, 9 Pa.B. 1670; amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial page (216020).

**§ 31.3. [Reserved].****§ 31.4. Transfer of certificates and permits.**

(a) A certificate or permit or the rights thereunder may not be sold or transferred by act, deed or operation of law, unless the approval of the Commission is first obtained. The approval may be granted with or without hearing and after reasonable notice in the *Pennsylvania Bulletin* as the Commission directs.

(b) Certificates issued to motor common carriers of property are nontransferable, except as provided in subsections (c)—(e).

(c) Upon the death of an individual holder of a certificate or permit or upon an individual certificateholder being legally declared incapacitated, the rights conferred by the certificate or permit shall continue with the legal representative of the deceased or incapacitated holder for 1 year. 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 at least 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 incapacitated 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 incapacitated person may be deemed cause for the granting of the application by the Commission.

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

(e) If a trustee, receiver, assignee, custodian or similar officer is appointed by a court of competent jurisdiction or is selected by creditors in accordance with provisions of law, with authority to take or retain possession and to operate the property and business of a certificateholder, the officer shall have authority to perform the service authorized in the certificates of the debtor carrier for 90 days from his appointment or selection. The officer may petition the Commission for authority to conduct the operations for an additional period of time, and the Commission may, for good cause shown, grant the authority. If the petition is filed within 90 days of the appointment or selection of the petitioner, the peti-

tioner shall have the authority to continue operations pending decision by the Commission on the petition. Pertinent orders or decrees of the court having jurisdiction may be deemed a basis for action on the petitions by the Commission.

**Authority**

The provisions of this § 31.4 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

**Source**

The provisions of this § 31.4 adopted April 11, 1939; amended through April 1, 1967; amended July 20, 1979, effective July 21, 1979, 9 Pa.B. 2396; amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (241238) and (311893).

**§ 31.5. [Reserved].**

**§ 31.6. [Reserved].**

**Source**

The provisions of this § 31.6 adopted April 11, 1939; amended through April 1, 1967; amended September 14, 1970, effective September 15, 1970, 1 Pa.B. 287; amended May 25, 1979, effective May 26, 1979, 9 Pa.B. 1670; reserved July 31, 1987, effective August 1, 1987, 17 Pa.B. 3217; corrected November 20, 1987, effective August 1, 1987, 17 Pa.B. 4726. Immediately preceding text appears at serial page (120434).

**§ 31.8. [Reserved].**

**Source**

The provisions of this § 31.8 adopted April 11, 1939; amended through April 1, 1967; amended August 6, 1976, effective August 7, 1976, 6 Pa.B. 1841; amended December 22, 1989, effective December 23, 1989, 19 Pa.B. 5424; reserved February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial pages (216021) to (216022).

**§ 31.9. [Reserved].**

**Source**

The provisions of this § 31.9 adopted April 11, 1939; amended through April 1, 1967; amended August 6, 1976, effective August 7, 1976, 6 Pa.B. 1841; amended December 22, 1989, effective December 23, 1989, 19 Pa.B. 5424; reserved February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial pages (216022) and (233143).

**§ 31.10. Assessment reports.**

Each common carrier and forwarder of property shall file with the Commission each year an assessment report, on Form MT—(year) provided by the Commission, showing gross Commonwealth intrastate revenues for assessment purposes. The assessment report shall be filed by March 31, covering the preceding calendar year.

**Source**

The provisions of this § 31.10 adopted April 11, 1939; amended through April 1, 1967.

**Cross References**

This section cited in 52 Pa. Code § 101.2 (relating to definitions); and 52 Pa. Code § 101.4 (relating to reporting requirements).

**§ 31.11. Reports of accidents and damage.**

(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 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.

**Authority**

The provisions of this § 31.11 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

**Source**

The provisions of this § 31.11 adopted April 11, 1939; amended through April 1, 1967; amended June 8, 1984, effective June 9, 1984, 14 Pa.B. 1939; amended May 29, 1987, effective May 30, 1987, 17 Pa.B. 2068; amended December 22, 1989, effective December 23, 1989, 19 Pa.B. 5424; amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial page (311894).

**§ 31.12. Compliance.**

Common carriers by motor vehicle, contract carriers by motor vehicle and forwarders shall comply with all applicable provisions of the act not specifically referred to in this chapter. Failure to comply with this chapter or the terms and conditions of the certificates of public convenience or permit issued will be sufficient cause for the Commission to suspend, revoke or rescind the rights and privileges conferred by the certificate of public convenience or permit and to invoke a forfeiture or other penalty provisions of the act. No revocation or penalty will be finally ordered until the common carrier, contract carrier or forwarder has first been given opportunity to be heard as to why the certificate permit should not be revoked or penalty imposed.

**Source**

The provisions of this § 31.12 adopted April 11, 1939; amended through April 1, 1967; amended May 25, 1979, effective May 26, 1979, 9 Pa.B. 1670. Immediately preceding text appears at serial page (28782).

**§ 31.13. Transportation of hazardous materials.**

(a) A common carrier by motor vehicle, and forwarder, when transporting an article or commodity now classified, or which may be classified as a hazardous

material under the regulations of the United States Department of Transportation shall transport the material as provided by the laws of the Commonwealth and the regulations of the Department of Transportation not inconsistent with those laws.

(b) Subsection (a) is subject to changes and modifications that the laws of the Commonwealth or the regulations of the Department of Transportation may provide.

**Source**

The provisions of this § 31.13 adopted April 11, 1939; amended through April 1, 1967; amended May 25, 1979, effective May 26, 1979, 9 Pa.B. 1670; amended July 25, 1997, effective August 25, 1997, 27 Pa.B. 3676. Immediately preceding text appears at serial pages (216024) to (216025).

**§ 31.14. [Reserved].**

**Source**

The provisions of this § 31.14 adopted April 11, 1939; amended through April 1, 1967; reserved July 25, 1997, effective August 25, 1997, 27 Pa.B. 3676. Immediately preceding text appears at serial page (216025).

**§ 31.15. Transportation of radioactive material.**

No certificate or permit may be considered as granting authority to transport material or combination of materials that spontaneously emits ionizing radiation, unless the certificate or permit specifically provides the authority.

**Source**

The provisions of this § 31.15 adopted April 11, 1939; amended through April 1, 1967.

**§ 31.16. Mileage description in certificates.**

A certificate of public convenience issued by the Commission for the transportation of household goods in use to common carriers by motor vehicle, in which mileage distances are provided without being described in terms of “airline distance,” “statute miles,” “usually traveled highways” or other comprehensive definition, shall be construed to mean airline distance measured in statute miles.

**Authority**

The provisions of this § 31.16 amended under the Public Utility Code, 66 Pa.C.S. § 501.

**Source**

The provisions of this § 31.16 adopted April 11, 1939; amended through April 1, 1967; amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial page (233145).

**COMMON CARRIERS OF PROPERTY AND  
HOUSEHOLD GOODS IN USE****§§ 31.21—31.25. [Reserved].****Source**

The provisions of these §§ 31.21—31.25 adopted April 11, 1939; amended through April 1, 1967; reserved February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial pages (233145) to (233146) and (216027) to (216028).

**Notes of Decisions***Separate Violations*

Although only 128 separate days were involved, 184 separate shipments were identified and each shipment constituted a separate violation of this section. *Newcomer Trucking, Inc. v. Pennsylvania Public Utility Commission*, 531 A.2d 85 (Pa. Cmwlth. 1987).

Where the Petitioner had violated this section 184 times on 128 separate days, it was proper for the PUC to impose a fine of \$18,400 for repeated violations under 66 Pa.C.S. § 3301(a). *Newcomer Trucking, Inc. v. Pennsylvania Public Utility Commission*, 531 A.2d 85 (Pa. Cmwlth. 1987).

**§ 31.26. [Reserved].****Source**

The provisions of this § 31.26 adopted April 11, 1939; amended through April 1, 1967; amended September 14, 1970, effective September 15, 1970, 1 Pa.B. 287; reserved July 31, 1987, effective August 1, 1987, 17 Pa.B. 3217; corrected November 20, 1987, effective August 1, 1987, 17 Pa.B. 4726. Immediately preceding text appears at serial page (120441).

**§ 31.27. Rate schedules and tariffs.**

(a) Each common carrier of household goods in use shall comply with regulations the Commission may formulate governing the filing, publishing and posting of tariffs by common carriers of household goods in use as set forth in Chapter 23 (relating to tariffs for common carriers of passengers and household goods in use).

(b) No rate based upon a limitation of liability may be published in the tariff and no limitation of liability may be prescribed in a bill of lading, unless approval has been obtained from the Commission for the publication of tariffs providing rates limited to value of the commodity, in the form and manner of the petition and proceedings as the Commission may provide in its rules governing filing, publishing and posting of tariffs by common carriers of household goods in use as set forth in Chapter 23.

**Authority**

The provisions of this § 31.27 amended under the Public Utility Code, 66 Pa.C.S. § 501.

**Source**

The provisions of this § 31.27 adopted April 11, 1939; amended through April 1, 1967; amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial page (216028).

**§ 31.28—31.31. [Reserved].****Source**

The provisions of these §§ 31.28—31.31 adopted April 11, 1939; amended through April 1, 1967; reserved February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial pages (216028) to (216030).

**§ 31.32. Equipment leasing.**

(a) *Applicability.* This section applies to the leasing of equipment by motor carriers engaged in transporting property and household goods by motor vehicle 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 employee 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) *Leasing equipment.* Equipment leasing by a motor carrier must conform with the following:

(1) *General.* A motor vehicle may not 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 must be in writing and signed by the parties thereto or their drivers, employees or agents authorized in writing.

(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 clause (B).

(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).

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

(v) *Duration.* The lease agreement must 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.

(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 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. The certificateholder shall retain leases for 2 years following their expiration date.

(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 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.

(d) *Leasing equipment to shippers.* A motor carrier is prohibited from leasing equipment with or without drivers to shippers or private carriers.

#### Authority

The provisions of this § 31.32 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

#### Source

The provisions of this § 31.32 adopted April 11, 1939; amended through April 1, 1967; amended September 22, 1972, effective September 23, 1972, 2 Pa.B. 1773; amended February 1, 1980, effective May 2, 1980, 10 Pa.B. 464; amended May 29, 1987, effective May 30, 1987, 17 Pa.B. 2069;

amended July 25, 1997, effective August 25, 1997, 27 Pa.B. 3676; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (241243) to (241248).

#### Notes of Decisions

##### *Documentation*

Taxpayer insisted that the company leased its equipment to other Public Utility Commission entities for use in public utility service, and that such leases would be found in the boxes of documents. However, the taxpayer was unable to identify which boxes, among the many piled in the back of the courtroom, contained these leases and after allowing the taxpayer time to select several boxes as possible sites for these leases and marking these boxes for identification, no leases were identified in the subsequent inventory. Therefore, the taxpayer failed to prove that the assessed equipment was leased to a Commission licensed entity. *Fiore v. Commonwealth*, 668 A.2d 1210 (Pa. Cmwlth. 1995).

A licensed common carrier could not enter into an agency agreement thereby making an unlicensed owner of a leased vehicle its agent in order to exercise control and management over leased vehicles, because the regulated carriers could, therefore, provide public services without the required certificates of public convenience and regulation from the Commission. *McQuaide v. Pennsylvania Public Utility Commission*, 629 A.2d 272, 277 (Pa. Commw. 1993).

#### Cross References

This section cited in 52 Pa. Code § 31.42 (relating to equipment); and 52 Pa. Code § 31.63 (relating to equipment).

### § 31.33. Identification of equipment.

(a) Every motor vehicle operated by a motor carrier shall be marked on each side, in letters at least 2 inches in height, and at least 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 at least 2 inches in height and at least 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.

(b) Upon relinquishing possession of the equipment, the motor carrier operating the leased vehicle under this section shall remove the legend or removable device displayed on the vehicle showing it to be the operating carrier.

(c) In the event that the certificate of a common carrier or permit of a contract carrier is canceled or revoked by the Commission or when a motor vehicle is permanently removed from service, the carrier shall immediately cause the certificate or permit number to be removed from its vehicle.

#### Authority

The provisions of this § 31.33 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

**Source**

The provisions of this § 31.33 adopted April 11, 1939; amended through April 1, 1967; amended May 12, 1972, effective May 13, 1972, 2 Pa.B. 842; amended November 21, 1975, effective November 22, 1975, 5 Pa.B. 3026; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (241248) to (241249).

**Cross References**

This section cited in 52 Pa. Code § 31.43 (relating to identification of equipment); 52 Pa. Code § 31.64 (relating to identification of equipment); and 52 Pa. Code § 37.205 (relating to additions or modifications to 49 CFR).

**§ 31.34. [Reserved].****Source**

The provisions of this § 31.34 adopted April 11, 1939; amended through April 1, 1967; reserved February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial page (216037).

**§ 31.35. Maintenance of equipment lists.**

(a) A motor carrier engaged in transporting property or household goods in use by motor vehicle between points in this Commonwealth shall maintain at its principal place of business in this Commonwealth a current list of equipment owned and leased which is used in the transportation of property or household goods in use for-hire, containing the following information:

- (1) Year.
- (2) Make.
- (3) Type.
- (4) Manufacturer's serial number.
- (5) State and license number.
- (6) Name and address of the owner-lessor.

(b) The information shall be made available during regular business hours to authorized representatives of the Commission.

**Authority**

The provisions of this § 31.35 amended under the Public Utility Code, 66 Pa.C.S. § 501.

**Source**

The provisions of this § 31.35 adopted May 12, 1972, effective May 13, 1972, 2 Pa.B. 842; amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial pages (216037) to (216038).

**§ 31.36. [Reserved].****Source**

The provisions of this § 31.36 adopted May 11, 1979, effective May 12, 1979, 9 Pa.B. 1536; reserved October 28, 1983, effective October 29, 1983, 13 Pa.B. 3285. Immediately preceding text appears at serial page (40777).

**APPENDIX A****[Reserved]****Source**

The provisions of this Appendix A adopted May 11, 1979, effective May 12, 1979, 9 Pa.B. 1536; reserved October 28, 1983, effective October 29, 1983, 13 Pa.B. 3285. Immediately preceding text appears at serial pages (40779) to (40789).

**§ 31.37. [Reserved].****Source**

The provisions of this § 31.37 adopted February 1, 1980, effective April 2, 1980, 10 Pa.B. 465; reserved February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial page (216038).

**CONTRACT CARRIERS OF PROPERTY AND  
HOUSEHOLD GOODS IN USE****§ 31.41. Classification.**

The classification of contract carriers of household goods in use is as described in the permit.

**Authority**

The provisions of this § 31.41 amended under the Public Utility Code, 66 Pa.C.S. § 501.

**Source**

The provisions of this § 31.41 adopted April 11, 1939; amended through April 1, 1967; amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial page (216038).

**§ 31.42. Equipment.**

Equipment regulations applicable to common carriers, the provisions of which are set forth in § 31.32 (relating to equipment), also apply to contract carriers.

**Source**

The provisions of this § 31.42 adopted April 11, 1939; amended through April 1, 1967.

**§ 31.43. Identification of equipment.**

Identification of equipment regulations applicable to common carriers, the provisions of which are set forth in § 31.33 (relating to identification of equipment), except that markings shall specify the classification of contract carriers as follows:

“Pa. P.U.C. No. P.”

**Source**

The provisions of this § 31.43 adopted April 11, 1939; amended through April 1, 1967.

**§ 31.44. [Reserved].****Source**

The provisions of this § 31.44 adopted April 11, 1939; amended through April 1, 1967; reserved July 31, 1987, effective August 1, 1987, 17 Pa.B. 3217; corrected November 20, 1987, effective August 1, 1987, 17 Pa.B. 4726. Immediately preceding text appears at serial page (120453).

**§ 31.45. Contracts.**

(a) *Form.* The special or individual agreements entered into by a contract carrier of household goods in use with shippers shall be in writing, shall provide for transportation for a particular shipper, shall be bilateral and impose specific obligations upon both carrier and shipper.

(b) *Filing.* Each contract carrier of household goods in use shall file and keep on file with the Commission copies or abstracts of contracts in a manner the Commission may by regulation from time to time prescribe. The contracts shall be certified by the carrier and the shipper.

(c) *Cancellation or expiration.* Notice of cancellation or expiration of every contract shall be given to the Commission within 10 days following the cancellation or expiration of the contract. Upon receipt of the notice, the Commission may, without further hearing or notice, revoke or rescind the authorization to operate under the provisions of the contract.

(d) *Addition or substitution.* Contracts may be added to or substituted for those named in the permit only upon the issuance of an amendment to the permit obtained upon the approval of the Commission and only after compliance with the following:

(1) Application to the Commission showing the name and address of the proposed customer, route or area sought to be served, extent to which the route or area differs from or conforms to the provisions of the existing permit, commodity to be hauled and the extent to which they exceed or are covered by existing permit, duration of proposed contract or arrangement, and, if substitution, the contract or customer for which to be substituted.

(2) Publication of notice of the application in the *Pennsylvania Bulletin*.

(3) If no protests to the application are filed on or before the date prescribed in the *Pennsylvania Bulletin* for protest, the Commission may issue an amended permit upon consideration of the application and without hearing. If protest is filed, a hearing will be held. Further, the applications may, in the discretion of the Commission, be scheduled for hearing before protests are filed.

(4) If the application is for substitution of a contract or customer covering the same commodities and route or territory as for the customer or contract covered by the permit and for which the substitution is to be made, the Commission may grant the same without notice but subject to protest, upon issuance of the amended permit.

#### Authority

The provisions of this § 31.45 amended under the Public Utility Code, 66 Pa.C.S. § 501.

#### Source

The provisions of this § 31.45 adopted April 11, 1939; amended through April 1, 1967; amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial pages (216039) to (216040).

### § 31.46. Tariff regulations.

Tariff regulations applicable to carriers are set forth in Chapters 23 and 53 (relating to tariffs for common carriers; and tariffs for noncommon carriers).

#### Source

The provisions of this § 31.46 adopted April 11, 1939; amended through April 1, 1967.

### §§ 31.47—31.50. [Reserved].

#### Source

The provisions of these §§ 31.47—31.50 adopted April 11, 1939; amended through April 1, 1967; reserved February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial page (216040).

## FORWARDERS OF PROPERTY

### § 31.61. [Reserved].

#### Source

The provisions of this § 31.61 adopted April 11, 1939; amended through April 1, 1967; reserved February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial page (216041).

**§ 31.62. Use of or interchange with carriers.**

(a) No forwarder in intrastate commerce may use or interchange with a motor or water common carrier which does not have a certificate of public convenience issued by the Commission, if the certificate is required.

(b) No forwarder may accept freight from, or deliver freight to, a motor, air or water contract carrier which does not have a permit issued by the Commission, if the permit is required. A forwarder may accept freight from, or deliver freight to, a contract carrier with the permit for the customers the contract carrier is authorized to serve, and only to the extent the contract carrier is authorized to serve the customer. The forwarder shall neither receive allowance nor participate in joint rates with a contract carrier.

**Authority**

The provisions of this § 31.62 amended under the Public Utility Code, 66 Pa.C.S. § 501.

**Source**

The provisions of this § 31.62 adopted April 11, 1939; amended through April 1, 1967; amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial page (216041).

**§ 31.63. Equipment.**

Equipment regulations applicable to common carriers, the provisions of which are set forth in § 31.32 (relating to equipment), also apply to forwarders.

**Source**

The provisions of this § 31.63 adopted April 11, 1939; amended through April 1, 1967.

**§ 31.64. Identification of equipment.**

Identification of equipment regulations applicable to common carriers, the provisions of which are set forth in § 31.33 (relating to identification of equipment), also apply to motor vehicles operated by forwarders, except that the classification shall be shown as follows:

“Pa. P.U.C. No. F”

**Source**

The provisions of this § 31.64 adopted April 11, 1939; amended through April 1, 1967.

**§ 31.65. [Reserved].****Source**

The provisions of this § 31.65 adopted April 11, 1939; amended through April 1, 1967; reserved July 31, 1987, effective August 1, 1987, 17 Pa.B. 3217; corrected November 20, 1987, effective August 1, 1987, 17 Pa.B. 4726. Immediately preceding text appears at serial page (120456).

**§§ 31.66—31.71. [Reserved].****Source**

The provisions of these §§ 31.66—31.71 adopted April 11, 1939; amended through April 1, 1967; reserved February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial pages (216042) to (216043).

**§ 31.81. [Reserved].****Source**

The provisions of this § 31.81 adopted April 11, 1939; amended through April 1, 1967; reserved May 25, 1979, effective May 26, 1979, 9 Pa.B. 1670. Immediately preceding text appears at serial page (20845).

**§ 31.82. [Reserved].****Source**

The provisions of this § 31.82 adopted April 11, 1939; amended through April 1, 1967; reserved May 25, 1979, effective May 26, 1979, 9 Pa.B. 1670. Immediately preceding text appears at serial page (20846).

**§ 31.83. [Reserved].****Source**

The provisions of this § 31.83 adopted April 11, 1939; amended through April 1, 1967; reserved May 25, 1979, effective May 26, 1979, 9 Pa.B. 1670. Immediately preceding text appears at serial page (20846).

**§ 31.84. [Reserved].****Source**

The provisions of this § 31.84 adopted April 11, 1939; amended through April 1, 1967; reserved May 25, 1979, effective May 26, 1979, 9 Pa.B. 1670. Immediately preceding text appears at serial page (20846).

**§ 31.85. [Reserved].****Source**

The provisions of this § 31.85 adopted April 11, 1939; amended through April 1, 1967; reserved May 25, 1979, effective May 26, 1979, 9 Pa.B. 1670. Immediately preceding text appears at serial page (20846).

**§ 31.86. [Reserved].****Source**

The provisions of this § 31.86 adopted April 11, 1939; amended through April 1, 1967; reserved May 25, 1979, effective May 26, 1979, 9 Pa.B. 1670. Immediately preceding text appears at serial page (20847).

**§ 31.87. [Reserved].****Source**

The provisions of this § 31.87 adopted April 11, 1939; amended through April 1, 1967; reserved May 25, 1979, effective May 26, 1979, 9 Pa.B. 1670. Immediately preceding text appears at serial page (20847).

**§ 31.88. [Reserved].****Source**

The provisions of this § 31.88 adopted April 11, 1939; amended through April 1, 1967; reserved May 25, 1979, effective May 26, 1979, 9 Pa.B. 1670. Immediately preceding text appears at serial page (20847).

**§ 31.89. [Reserved].****Source**

The provisions of this § 31.89 adopted April 11, 1939; amended through April 1, 1967; reserved May 25, 1979, effective May 26, 1979, 9 Pa.B. 1670. Immediately preceding text appears at serial pages (20847) to (20848).

**§ 31.101. [Reserved].****Source**

The provisions of this § 31.101 adopted April 11, 1939; amended through April 1, 1967; reserved June 8, 1984, effective June 9, 1984, 14 Pa.B. 1939. Immediately preceding text appears at serial pages (40795) to (40796).

**§ 31.102. [Reserved].****Source**

The provisions of this § 31.102 adopted April 11, 1939; amended through April 1, 1967; amended May 25, 1979, effective May 26, 1979, 9 Pa.B. 1670; reserved June 8, 1984, effective June 9, 1984, 14 Pa.B. 1939. Immediately preceding text appears at serial pages (40796) to (40797).

**§ 31.103. [Reserved].****Source**

The provisions of this § 31.103 adopted April 11, 1939; amended through April 1, 1967; reserved June 8, 1984, effective June 9, 1984, 14 Pa.B. 1939. Immediately preceding text appears at serial page (40797).

**§ 31.104. [Reserved].****Source**

The provisions of this § 31.104 adopted April 11, 1939; amended through April 1, 1967; reserved June 8, 1984, effective June 9, 1984, 14 Pa.B. 1939. Immediately preceding text appears at serial page (40797).

**§ 31.105. [Reserved].****Source**

The provisions of this § 31.105 adopted April 11, 1939; amended through April 1, 1967; reserved June 8, 1984, effective June 9, 1984, 14 Pa.B. 1939. Immediately preceding text appears at serial page (40798).

**§ 31.106. [Reserved].****Source**

The provisions of this § 31.106 adopted April 11, 1939; amended through April 1, 1967; reserved June 8, 1984, effective June 9, 1984, 14 Pa.B. 1939. Immediately preceding text appears at serial page (40798).

**§ 31.107. [Reserved].****Source**

The provisions of this § 31.107 adopted April 11, 1939; amended through April 1, 1967; reserved June 8, 1984, effective June 9, 1984, 14 Pa.B. 1939. Immediately preceding text appears at serial page (20851).

**§ 31.108. [Reserved].****Source**

The provisions of this § 31.108 adopted April 11, 1939; amended through April 1, 1967; reserved June 8, 1984, effective June 9, 1984, 14 Pa.B. 1939. Immediately preceding text appears at serial page (20851).

**§ 31.109. [Reserved].****Source**

The provisions of this § 31.109 adopted April 11, 1939; amended through April 1, 1967; reserved June 8, 1984, effective June 9, 1984, 14 Pa.B. 1939. Immediately preceding text appears at serial pages (20851) to (20852).

**§ 31.110. [Reserved].****Source**

The provisions of this § 31.110 adopted April 11, 1939; amended through April 1, 1967; reserved June 8, 1984, effective June 9, 1984, 14 Pa.B. 1939. Immediately preceding text appears at serial page (20852).

**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 the following Commission supplied form entitled “Information for Shippers”:

**INFORMATION FOR SHIPPERS****ESTIMATE**

The carrier must give you a written estimate 48 hours prior to the move, unless the shipper agrees, in writing, to a shorter period. The estimate 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. You may waive this requirement, in writing, for moves 40 miles or less. 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 esti-

mated 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 DAMAGE COVERAGE**

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 otherwise required by agreement or law. 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 1-800-782-1110 or at www.state.pa.us. Include the company name and A-# for all complaints.

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

DATE \_\_\_\_\_ TIME \_\_\_\_\_ (THIS FORM, AND THE ESTIMATE, MUST BE PROVIDED TO THE SHIPPER, IN WRITING, AT LEAST 48 HOURS BEFORE THE MOVE, UNLESS THE SHIPPER AGREES, IN WRITING, TO A SHORTER NOTICE PERIOD.)

Name of Shipper

\_\_\_\_\_  
SIGNATURE 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) The carrier shall provide the form to the shipper at least 48 hours prior to the move, unless the shipper agrees, in writing, to a shorter notice period.

**Authority**

The provisions of this § 31.121 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

**Source**

The provisions of this § 31.121 adopted September 14, 1973, effective September 15, 1973, 3 Pa.B. 2064; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (241256) to (241257).

**§ 31.122. Estimated cost of services.**

(a) A household goods carrier shall prepare an estimated cost of services for the proposed service, on a form. The form shall be supplied to the shipper at least 48 hours prior to the move, unless the shipper agrees, in writing, to a shorter notice period. The estimate must contain the following information:

- (1) Unless otherwise permitted by the Commission, across the top of each form there shall be imprinted in letters at least 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 coverage limits for loss or damage.
- (6) The applicable rates for handling, packing, container use, vehicles, labor, weight and distance, and excess loss/damage coverage above the minimum.
- (7) Notification to the shipper that the shipper 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, including the date and time the estimate was provided.

(b) The carrier shall maintain a copy of the estimated cost of services for 2 years from the date of the move.

**Authority**

The provisions of this § 31.122 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

**Source**

The provisions of this § 31.22 adopted September 14, 1973, effective September 15, 1973, 3 Pa.B. 2064; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial page (241258).

**§ 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 the shipper’s 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. The carrier shall defer demand for the remainder of the tariff charges for 15 days following delivery.

**Authority**

The provisions of this § 31.123 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

**Source**

The provisions of this § 31.123 adopted September 14, 1973, effective September 15, 1973, 3 Pa.B. 2064; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial page (241258).

**§ 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 Transportation and Safety, Harrisburg, Pennsylvania, 17105-3265, a quarterly report containing instances during the period wherein charges exceeded the estimate by more than 10% with the explanation of the reasons for the variances. 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) *Content.* The report must contain the carrier's name, address and certificate number. The report must also contain the total number of shipments made for the quarter, the total number of reportable underestimates and the reasons for the underestimates.

**Authority**

The provisions of this § 31.124 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

**Source**

The provisions of this § 31.124 adopted September 14, 1973, effective September 15, 1973, 3 Pa.B. 2064; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (241258) to (241260).

**§ 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. 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 when 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 7 pounds per cubic foot of properly loaded van space may be used. When con-

structive weight is used, the mover shall designate same on the bill of lading. Weight tickets shall be maintained by the carrier for 2 years from the date of the move.

**Authority**

The provisions of this § 31.125 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

**Source**

The provisions of this § 31.125 adopted September 14, 1973, effective September 15, 1973, 3 Pa.B. 2064; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (241260) to (241261).

**Cross References**

This section cited in § 31.126 (relating to reweighing of shipment).

**§ 31.126. Reweighing of shipment.**

The carrier, upon request of shipper made prior to the delivery date, shall reweigh the shipment. The carrier shall inform the person requesting the reweighing of the tariff charges therefor and, without altering or deleting the initial weights, shall cause to be recorded on the bill of lading, the gross, tare and net weight on reweighing in the same manner as set forth in § 31.125 (relating to obtaining weight tickets) for initial weighing. The lower of the two net scale weights shall be used for determining the applicable charges. The carrier shall publish in its tariff a reasonable charge for reweighing, and such charge shall be paid by the shipper requesting reweighing.

**Source**

The provisions of this § 31.126 adopted September 14, 1973, effective September 15, 1973, 3 Pa.B. 2064.

**§ 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 may subject the carrier to the penalties provided under 66 Pa.C.S. §§ 3301—3316 (relating to violations and penalties). 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 66 Pa.C.S. (relating to public utility code), the Commission may institute appropriate enforcement action.

**Authority**

The provisions of this § 31.127 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

**Source**

The provisions of this § 31.127 adopted September 14, 1973, effective September 15, 1973, 3 Pa.B. 2064; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (241261) to (241262).

**§ 31.128. Fraud or concealment by shipper.**

This chapter is not applicable where fraud or concealment has been practiced by the shipper in respect to the movement of household goods.

**Source**

The provisions of this § 31.128 adopted September 14, 1973, effective September 15, 1973, 3 Pa.B. 2064.

**§ 31.129. Fraud or concealment by carrier.**

A shipper who proves to the satisfaction of the Commission that a carrier has committed fraud or deliberate concealment in rendering an estimate shall be entitled to restrict his payment to the amount of the estimate made by the carrier.

**Source**

The provisions of this § 31.129 adopted September 14, 1973, effective September 15, 1973, 3 Pa.B. 2064.

**§ 31.130. [Reserved].****Source**

The provisions of this § 31.130 adopted September 14, 1973, effective September 15, 1973, 3 Pa.B. 2064; reserved August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (241262) to (241264).

**§ 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.

**Authority**

The provisions of this § 31.131 issued under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

**Source**

The provisions of this § 31.131 adopted August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181.

**§ 31.132. Bill of lading.**

(a) A household goods carrier shall issue a bill of lading (receipt) for each shipment. The bill of lading must 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 otherwise required by agreement or law. The bill of lading may include a statement that the property was received in apparent good condition except as noted on the inventory.

**Authority**

The provisions of this § 31.132 issued under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

**Source**

The provisions of this § 31.132 adopted August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181.

**§ 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) For moves of 40 miles or less, a shipper may waive the inventory requirement, in writing.

(g) The carrier shall retain an inventory, or waiver thereof, for 2 years from the date of the shipment.

**Authority**

The provisions of this § 31.133 issued under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

**Source**

The provisions of this § 31.133 adopted August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181.

**§ 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 and reviewed 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 by November 9, 2006.

(b) *Frequency of record check.* Following receipt of the initial criminal history record, a household goods carrier shall obtain and review 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.* 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 felony or a misdemeanor under the laws of the Commonwealth or under the laws of another jurisdiction, to the extent the conviction relates adversely to that person's suitability to provide service safely and legally.

(d) *Record retention.* A copy of the criminal history shall be maintained by the household goods carrier for at least 3 years.

**Authority**

The provisions of this § 31.134 issued under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

**Source**

The provisions of this § 31.134 adopted August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181.

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