

Highlights of FMCSA's Final Household Goods Rule

Enforcement Starting October 31, 2022

The Federal Motor Carrier Safety Administration (FMCSA) will begin enforcement of updates to household goods Consumer Protection regulations on October 31, 2022. These changes were finalized earlier this year.

These regulatory changes impact moving company paperwork and processes and are overall a positive for both the industry and consumers. They will streamline document requirements, increase efficiency across all stages of a move, and support efforts to combat fraud.

Because they are the first changes to the household goods regulations in many years, the ATA Moving & Storage Conference has developed this high-level summary to help movers better understand the new requirements, especially as they differ from current practices. You should also:

- review the complete text and details of the new requirements: <https://www.fmcsa.dot.gov/regulations/federal-register-documents/2022-08808>; and
- read the full and updated language of the FMCSA's Consumer Protection regulations at <https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-375?toc=1>.

Please contact the ATA MSC at moving@trucking.org with any questions.

Applicability

- **The Consumer Protection regulations continue to apply exclusively to C.O.D. interstate household goods shipments, where the shipper owns the goods being moved and pays their own shipping charges.** *These regulations do **not** apply to government, military, or other household goods shipments where a national account arranges and pays the charges for the shipper's move.*

Physical surveys now required and can be virtual

- **The definition of "physical survey" has been expanded** to include both on-site and virtual surveys. Virtual surveys can be either live OR pre-recorded video with opportunity for follow-up to address questions, that allow the carrier to clearly identify the household goods to be transported.
- **Physical surveys (meeting the new definition) are now REQUIRED for all shipments** unless 1) waived by the shipper in writing; 2) the waiver is signed by the shipper before goods are loaded; and 3) the waiver is retained as an addendum to the bill of lading. *Past regulations did not require physical surveys for shipments beyond 50 miles from the carrier's / agent's location.*

New estimates required when changes made before loading

- Carriers **must prepare a NEW binding or non-binding estimate** when the shipper tenders additional items or requests additional services before the shipment is loaded. *Past regulations allowed use of revised estimates in these cases. An estimate still cannot be changed or replaced once loading commences and a new bill of lading is still required when a new estimate is provided.*

Consumer protection information must be provided earlier

- **When carriers and household goods brokers provide a written estimate, they are required to provide shippers with BOTH** the FMCSA's "Ready to Move?" pamphlet and the "Rights & Responsibilities When You Move" booklet. *Note: Past regulations required providing the "Rights & Responsibilities" booklet before a shipper executes the order for service.*

- **Before execution of the bill of lading, carriers must provide** a concise and accurate estimate of charges, information on applicable sections of their tariff, a summary of their arbitration program, and description of their consumer complaint and inquiry process. *Past regulations required this information to be furnished prior to execution of the order for service.*

Order for service no longer required

- **The Final Rule permits movers to eliminate the order for service document.** All references to the order for service in the regulations have been replaced with a reference to the bill of lading. *If carriers continue to issue an order for service, it should not conflict with other provisions of the regulations.*

Changes to the bill of lading

- The bill of lading must **include the physical address, telephone number, and DOT number** of all motor carriers, when known, who will participate in the shipment.

Bill of lading must be provided at least three days before loading

- **Carriers must prepare and issue the bill of lading at least 3 days before the shipment is scheduled to be loaded.** *Past regulations did not have a specific requirement for when the carrier must provide the bill of lading or order for service. The Final Rule does not exempt moves scheduled less than 3 days in advance from these requirements; it also does not prohibit booking these short notice moves.*
- **Shippers must sign and date the bill of lading at least 3 days before the shipment is scheduled to be loaded.** *Past regulations did not have a specific requirement for when the shipper must sign the bill of lading or order for service.*

Shippers must have three days to rescind the bill of lading

- **After the shipper signs the bill of lading, carriers must provide them the opportunity to rescind the bill of lading without penalty for a 3-day period.** *Past regulations included a similar 3-day post-signing period, but for the order for service.*

Shippers cannot be required to sign any blank documents

- Shippers **can never be required to sign a blank bill of lading or other document**, and they may only be required to sign an incomplete document before loading if it contains all relevant shipping information except actual shipment weight under non-binding estimates and any other information necessary to determine the final charges for all services performed that cannot be determined before loading.

Carriers must use an “invoice” to collect charges

- A freight bill is no longer a required document with every shipment. The Final Rule **now requires carriers collecting charges post-delivery to issue an invoice** containing all information required by Title 49 US Code of Federal Regulations Part 373 Subpart A ([link](#)).

Additional provisions

- FMCSA has **officially adopted the 2013 updates to the “Rights & Responsibilities” booklet**, and movers should only be distributing hard and / or electronic copies of the 2013 version or providing website links to a true and accurate copy of the 2013 version. The 2013 version is available from the FMCSA [at this link](#). *Pre-2013 versions should be disposed of, and web / electronic versions or links should be updated.*
- Both carriers and household goods brokers with a website must **prominently display a link to the FMCSA’s “Ready to Move?” pamphlet**. This can either be a link to the FMCSA website ([link](#)) or to a true and accurate copy of that document on their own website.