

CHAPTER 14
HB 207-FN - FINAL VERSION

5Jan2022... 2193h

2022 SESSION

21-0240
08/04

HOUSE BILL ***207-FN***

AN ACT repealing the regulation of household goods carriers.

SPONSORS: Rep. Yokela, Rock. 33

COMMITTEE: Commerce and Consumer Affairs

AMENDED ANALYSIS

This bill amends the licensure of carriage of household goods for hire by eliminating public utility requirements no longer applicable and updating provisions for consumer protection.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT repealing the regulation of household goods carriers.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 14:1 New Chapter; Carriage of Household Goods for Hire by Motor Vehicle. Amend RSA by inserting
2 after chapter 359-S the following new chapter:

3 CHAPTER 359-T

4 CARRIAGE OF HOUSEHOLD GOODS FOR HIRE BY MOTOR VEHICLE

5 359-T:1 Definitions. In this chapter, the following words shall have the following meanings:

6 I. "Department" shall mean the department of safety.

7 II. "Household goods carrier" shall mean a common or contract carrier which transports for hire
8 by motor vehicle between points in this state:

9 (a) Personal effects and property used or to be used in a dwelling as a part of the equipment
10 or supply of the dwelling;

11 (b) Furniture, fixtures, equipment, and property of any establishment, which are a part of the
12 stock, equipment or supply of the establishment;

13 (c) Articles, including objects of art, displays and exhibits with an unusual nature or value,
14 which require specialized handling and equipment usually used in moving household goods.

15 III. "Household goods carrier" does not include any person who transports his or her own goods
16 for the purpose of sale or delivery, or in the furtherance of a trade or business other than transportation.

17 IV. "Commissioner" shall mean the commissioner of the department of safety.

18 V. "Common carrier" means a person holding itself out to the general public to provide motor
19 vehicle transportation for compensation over regular or irregular routes, or both.

20 VI. "Contract carrier" means a person providing motor vehicle transportation for compensation
21 under continuing agreements with one or more persons:

22 (a) By assigning motor vehicles for a continuing period of time for the exclusive use of each
23 such person; or

24 (b) Designed to meet the distinct needs of each such person.

25 359-T:2 Certificate Required. No household goods carrier, as defined herein, shall engage in the
26 business of transporting household goods, as defined by the department, between points in this state,
27 unless the carrier holds a certificate issued by the department authorizing such operations. The
28 application for such certificate shall be in accordance with the procedure provided for in RSA 359-T:3 and
29 such certificate shall be issued or denied accordingly.

30 359-T:3 Issuance. A certificate shall be issued to any qualified applicant therefor, if it is found that
31 the applicant is willing and able properly to perform the service proposed and to conform to the provisions

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1 of this chapter and the requirements, rules, and regulations issued by the commissioner thereunder;
2 otherwise, such application shall be denied.

3 359-T:4 Issuance of Contract Carrier Permits. A contract carrier permit shall be issued to any
4 qualified applicant, if it appears from the application, that the applicant is willing and able to properly
5 perform the service of a contract carrier by motor vehicle, and to conform to the provisions of this chapter
6 and any rules adopted by the commissioner, otherwise, such application shall be denied.

7 359-T:5 Applications for Certificates. Application for certificates required in RSA 359-T:2 shall be:

8 I. Made in writing to the department;

9 II. Signed under the penalties of unsworn falsification pursuant to RSA 541:3;

10 III. Accompanied by the fee specified in RSA 359-T:18;

11 IV. In the form specified in rules adopted by the commissioner; and

12 V. With the information specified in rules adopted by the commissioner.

13 359-T:6 Suspension, Change, and Revocation of Certificates and Permits. Certificates and permits
14 issued under the provisions of this chapter authorizing operations as a household goods carrier shall be
15 effective from the date specified therein and shall remain in effect until suspended, revoked, or terminated
16 as herein provided. The department may, after notice and hearing, upon application or upon its own
17 initiative, amend, suspend, or revoke any such certificate or permit in whole or in part, for willful failure to
18 comply with any provision of this chapter or with any lawful order or rule issued or adopted by the
19 department.

20 359-T:7 Transfer of Certificates and Permits. No certificate or permit, nor any rights thereunder, shall
21 be transferred without the approval of the department.

22 359-T:8 Security for the Protection of Property. No certificate or permit issued to a carrier under the
23 provisions of this chapter shall remain in effect unless such carrier shall file with the department and keep
24 in force a certificate of insurance in such form and in such reasonable amount as the department may
25 require to adequately provide for the reasonable protection of the owner or owners of the property
26 transported. This certificate of insurance shall be submitted on an annual basis with the annual report
27 required by RSA 359-T:13, I(a).

28 359-T:9 Written Estimates of Cost. Upon the request of any customer, a household goods carrier
29 shall provide a written estimate of cost to the customer in advance of performing any service. The written
30 estimate shall include:

31 I. An itemization of the service to be performed;

32 II. An estimated completion date;

33 III. A statement that the carrier shall notify the customer of the estimated cost of any additional
34 services of an unrelated and different nature from the work originally itemized in the written estimate and
35 shall receive the customer's written or oral permission to proceed before performing the work; and

36 IV. A statement that the carrier shall not charge the customer any amount which exceeds the
37 written estimate by 10 percent without the customer's written consent.

38 359-T:10 Discrimination Prohibited. It shall be unlawful for any household goods carrier by motor
39 vehicle engaged in transportation between points in this state to make, give, or cause any undue or

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1 unreasonable preference or advantage to any particular person or locality in any respect whatsoever or to
2 subject any particular person or locality to any unjust discrimination or any undue or unreasonable
3 prejudice or disadvantage in any respect whatsoever.

4 359-T:11 Additional Service. If additional service of an unrelated and different nature from the work
5 originally itemized in the written estimate becomes necessary, a household goods carrier shall notify the
6 customer of the estimated cost of such additional service and receive his written or oral permission to
7 proceed before performing the work.

8 359-T:12 Effect of Exceeding the Estimate. Upon the completion of any service for which an
9 estimate has been given, a household goods carrier shall not charge the customer any amount which
10 exceeds the estimate by 10 percent without the customer's written consent.

11 359-T:13 Accounts, Records and Reports.

12 I. The department may require:

13 (a) Annual reports from all household goods carriers. The department shall require reports to
14 be signed under the penalties of unsworn falsification pursuant to RSA 541:3; and

15 (b) Specific answers to any questions deemed necessary by the department.

16 II. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the form of annual
17 reports.

18 III. The department or its authorized representative shall have access, at reasonable times, to all
19 accounts, records, and other documents of a carrier which relate to RSA 359-T.

20 359-T:14 Rulemaking; General Duties and Powers of the Commissioner.

21 I. The commissioner shall regulate household goods carriers by motor vehicle.

22 II. The commissioner may adopt rules relative to:

23 (a) Reasonable and adequate service.

24 (b) Adequate levels of insurance.

25 (c) Complaints and hearings, including the suspension or revocation of certificates or
26 permits.

27 (d) Any other requirements deemed necessary to regulate household goods carriers in
28 accordance with this chapter.

29 359-T:15 Complaints; Hearings.

30 I. The department may investigate, upon written complaint or on its own initiative, or hold a
31 hearing, after notice, to determine whether any household goods carrier has failed to comply with RSA
32 359-T or rules adopted by the commissioner relative to RSA 359-T.

33 II. If the department finds, after a hearing, that a carrier has failed to comply with RSA 359-T, the
34 department may issue an appropriate order to compel compliance.

35 III. The department may dismiss any complaint which does not state reasonable grounds for
36 investigation and action by the department.

37 359-T:16 Examination of Vehicles; Inspectors; Penalty.

38 I. Any person who operates a motor vehicle for a household goods carrier doing business in this
39 state shall stop his motor vehicle and permit any inspector authorized by the department or state police

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trooper to examine the vehicle. The inspector or state police trooper may examine the vehicle as necessary to determine its compliance with the provisions of this chapter and with rules adopted under this chapter.

II. Inspectors authorized by the department shall have authority as peace officers as provided by RSA 594 to enforce this chapter and rules adopted by the commissioner relative to this chapter. An inspector shall display the proper insignia of his office when stopping and examining a motor vehicle.

III. Any person who violates RSA 359-T:16 shall be guilty of a violation.

359-T:17 Vehicles to be Registered. Each household goods carrier holding a certificate or permit under the provisions of this chapter shall annually apply to the department of safety, division of motor vehicles, on blanks to be furnished by it, for the registration of each vehicle operated under the provisions of such certificate or permit and pay to said department fees as provided for in RSA 359-T:18. Upon receipt of such application and fee, a distinguishing number plate or plates and registration certificate shall be furnished by the division for such vehicle applied for, and said plates shall be prominently displayed on the vehicle in such manner as the director of the division shall prescribe. Registration certificates and number plates issued under the provisions of this section shall be used coincidental with, and shall expire with, the corresponding registration certificate and number plates issued by the division of motor vehicles, department of safety, of this state.

359-T:18 Fees. The following fees shall be paid:

I. To the department:

(a) For each application for a common or contract carrier of household goods certificate under RSA 359-T:3 or permit under RSA 359-T:4, \$50.

(b) For the annual registration of each vehicle used in the carriage of household goods, \$10.

(c) For each transfer of a registration certificate, \$1.

II. The department of safety, division of motor vehicles, shall deduct from the fees received under subparagraphs I(b) and (c) the actual cost of issuing such registration certificates and number plates and shall forward the balance to the department to be used by it in the administration of this chapter.

359-T:19 Penalty.

I. Except as provided in paragraph II, any person violating any provision of this chapter, or any rule or order adopted or issued under this chapter, or any term or condition of any certificate, permit or license shall:

(a) For a first offense, be guilty of a violation and shall be fined not less than \$100.

(b) For a second offense, within a 12-month period preceding the date of the second offense, be guilty of a violation and shall be fined not less than \$250.

II. Any person found guilty of operating after suspension or revocation of rights, for a first offense, shall be guilty of a violation and shall be fined not less than \$250. For a second such offense, within a 12-month period, such person shall be guilty of a violation and shall be fined not less than \$500.

III. Any person found guilty of a third and subsequent offense as described under paragraph I, paragraph II, or paragraphs I and II combined, in a 12-month period preceding a third or subsequent offense, shall be guilty of a misdemeanor and shall be fined not less than \$500.

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1 14:2 Repeal. RSA 375-A, relative to carriage of household goods for hire by motor vehicle, is
2 repealed.

3 14:3 Reference Deleted. Amend RSA 21-P:4, IV(c) to read as follows:

4 (c) Power to enforce the provisions of RSA ~~[375-A and]~~ 376 **and RSA 359-T**.

5 14:4 Reference Deleted. Amend RSA 228:92, II to read as follows:

6 II. Any common carrier which is subject to ~~[RSA 375-A or]~~ **RSA 359-T or** RSA 376 shall not be
7 subject to the provisions of this subdivision.

8 14:5 Reference Deleted. Amend RSA 374-A:6, I(a)(1) to read as follows:

9 (1) The provisions of RSA **359-T**, 367, 368, 372, 373, ~~[375-A,]~~ 376, 377, 379, 380, 381,
10 and 382 and all sections in RSA Title XXXIV relating solely to public utilities other than electric utilities
11 shall not apply to any such municipal utility;

12 14:6 Rulemaking Authority; Commissioner of Safety. RSA 21-P:14, II(u)-(w) are repealed and
13 reenacted to read as follows:

14 (u) Application for and issuance of household goods carrier certificates, including all
15 necessary forms, as authorized by RSA 359-T.

16 (v) Annual reporting requirements, as authorized by RSA 359-T.

17 (w) Regulating household goods carriers, as authorized by RSA 359-T.

18 14:7 Effective Date. This act shall take effect January 1, 2023.

Approved: April 11, 2022
Effective Date: January 01, 2023

