

PROPOSED AMENDMENTS FOR DISCUSSION ONLY

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TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER a: COMMERCIAL TRANSPORTATION GENERALLY

PART 1457
HOUSEHOLD GOODS CARRIERS

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SUBPART P: CARRIER/AGENT RELATIONSHIPS

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AUTHORITY: Implementing Sections 18c-1202 and 18c-2107 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202 and 18c-2107].

SOURCE: Adopted at 24 Ill. Reg. 17072, effective November 1, 2000; amended at 28 Ill. Reg. 3840, effective March 1, 2004; amended at 28 Ill. Reg. 13003, effective October 1, 2004; amended at 31 Ill. Reg. 3156, effective March 1, 2007; amended at 48 Ill. Reg. _____, effective _____.

SUBPART A: APPLICATIONS

Section 1457.10 Application for Temporary Household Goods Authority

- a) Application for temporary household goods authority shall be filed on forms provided by the Commission.
- b) Public notice of application for temporary household goods authority shall be published in the official State newspaper ~~and the Certificate of Publication must be received by the Commission no more than 30 days after the application has been filed.~~ The published notice must include the docket number assigned to the application by the Commission.
- c) Each applicant shall obtain from the official State newspaper a certificate of publication certifying that the notice has been published and showing the contents of the notice and the date of publication. The applicant shall file the certificate with the Commission. A hearing on the application shall not commence until the certificate of publication has been filed.
- d) An application for temporary authority cannot be filed unless an application for

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permanent authority has been filed or is filed concurrently with the application for temporary authority.

- ~~e~~) The applicant shall have 60 days from the issuance of the order granting a temporary authority to file the following with the Commission, unless an extension is requested by the applicant and is granted by the Commission:

 - 1) Rates applicable to the full extent of the grant of temporary authority;
 - 2) If applicable, proof of insurance as required in compliance with the Workers' Compensation Act [820 -ILCS 305];
 - 3) Proof of liability insurance, and any cargo and C.O.D. affidavits or bonds/insurance required; and
 - 4) Payment of franchise fees for each truck to be operated under the temporary authority.
- ~~f~~) Failure to submit the above within the specified 60-day period will result in the order granting the temporary authority being vacated and the application being dismissed, unless an extension is requested by the applicant and is granted by the Commission.
- ~~g~~) Temporary authority shall not be granted unless the application and the evidence presented at hearing demonstrate that a public need exists for the requested service and that the applicant is fit, willing, and able to provide the service requested.
- ~~h~~) Fitness shall be determined in accordance with the provisions of Subpart B of this Part. Evidence that applicant has conducted household goods moves without Commission authority, been assessed civil penalties, or received administrative citations shall be considered by the Commission in determining the applicant's fitness to operate.
- ~~i~~) In determining whether a public need exists for the requested service the Commission shall consider demographic statistics and, supporting shipper testimony, or any other evidence presented that is material and relevant.

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j) An applicant may operate as a household goods carrier under a temporary authority for up to one year after ~~issuance of the temporary authority~~~~the service date of the order granting temporary authority~~. During that year of operation, the temporary authority holder shall be subject to:

- 1) A compliance audit conducted by the Commission;
- 2) A review of any and all consumer complaints against the temporary authority holder.

k) The compliance audit shall include, but not be limited to, a review of:

- 1) proof of proper insurance
- 2) claims/complaints filed by shippers
- 3) business organization records
- 4) proper documentation of moves including estimates, bills of lading, inventories and claims
- 5) liability provisions on estimates and -bills of lading
- 6) operation within scope of authority
- 7) compliance with rate and tariff provisions
- 8) distribution of the Commission's consumer brochure
- 9) advertising
- 10) equipment leases
- 11) documentation in vehicles
- 12) carrier identification on vehicles and documents

l) If substantial violations of the rules and regulations of the Commission are found

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in either the Staff compliance audit or the consumer complaint review conducted under subsection (i) of this Section, Staff shall recommend that the Motor Carrier Employee Board deny permanent authority, and notice of Staff's recommendation of denial of permanent authority shall be sent to the temporary authority holder, together with a copy of the audit report and a list of documents referred to in the audit report.

- 1) The temporary authority holder shall have 30 days from the service date of the notice of Staff's recommendation of denial of permanent authority to submit a written request to the Commission for either or both of the following:
 - A) A ~~six-month~~six month extension of its temporary authority to allow opportunity to come into compliance -with the rules and regulations of the Commission;
 - B) A formal hearing regarding the allegations of violations.
- 2) The hearing on denial of permanent authority shall be held no later than 45 days after the request is received by the Commission.
- 3) Failure of the Commission to enter a final order within 120 days after the request for a hearing on denial of permanent authority shall constitute denial of permanent authority by operation of law.
- 4) The Motor Carrier Employee Board shall act on requests for extensions of temporary authorities. A temporary authority holder shall be allowed only one six-month extension of its temporary operating authority.
 - A) During the six-month extension, the Commission will conduct a compliance audit of the temporary authority holder and a review of consumer complaints against the temporary authority holder.
 - B) The six-month extension shall terminate six months after the date ~~the extension is granted.~~granting the extension.
 - C) If during the six-month extension period the temporary authority holder is found to be in substantial non-compliance with the

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Commission's rules and regulations, notice of Staff's recommendation of denial of permanent authority shall be sent to the temporary authority holder, together with a copy of the audit report and a list of documents referred to in the audit report.~~the applicant shall cease operating immediately, notwithstanding whether a hearing has been requested pursuant to subsection (k)(1)(B) of this Section.~~

D) The temporary authority holder shall have 30 days from the service date of the notice of Staff's recommendation of denial of permanent authority to submit a written request to the Commission for a formal hearing regarding the allegations of violations.

5) The expiration of the temporary authority shall be stayed:

A) During the pendency of a request for extension before the Motor Carrier Employee Board; and,

B) Pending a final order by the Commission or Administrative Law Judge pursuant to a request for formal hearing.

65) The Motor Carrier Employee Board shall act on applications for permanent authority following receipt of Staff recommendations.

m) A temporary authority shall be converted to a permanent authority upon expiration if the authority holder is found to have operated in substantial compliance with the rules and regulations of the Commission.

(Source: Amended at 31 Ill. Reg. 3156, effective March 1, 2007)

Section 1457.20 Notice of Application for Permanent Household Goods Authority

a) When public notice of an application is required by the Illinois Commercial Transportation Law (Law) [625 ILCS 5/Ch. 18c], notice shall be given by publication in the "official newspaper" designated by the Department of Central Management Services. The notice must state the docket number assigned by the Commission and must be on the publication of notice form provided by the Commission.

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- b) An applicant shall be directed to republish notice of an application when the original publication failed to give notice to the public of the nature and extent of the proposed operations or when the publication was not in compliance with the Section.
- c) Each applicant shall obtain from the official newspaper a certificate of publication certifying that the notice has been published and showing the contents of the notice and the date of publication. The applicant shall file the certificate with the Commission. A hearing on the application shall not commence until the certificate of publication has been filed.

Section 1457.30 Petitions for Leave to Intervene

- a) Petitions for leave to intervene in opposition to applications under the Law must be filed within 15 days after the publication of the notice of application.
- b) The petition must allege facts that show that:
 - 1) The petition is filed within 15 days after the publication of the notice of application.
 - 2) The petitioner has standing to intervene pursuant to Section 18c-2106 of the Law [625 ILCS 5/18c-2106].
- c) A petition to intervene shall be granted when the petition is filed within 15 days after the publication of notice of application and when the petitioner has standing to intervene pursuant to Section 18c-2106 of the Law.

Section 1457.40 Application For Permanent Household Goods Authority

- a) Application for permanent household goods authority shall be filed on forms provided by the Commission and must be accompanied by the following:
 - 1) The required fee specified in Subpart Q;
 - 2) If a partnership, a copy of the agreement creating the partnership;

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- 2) ~~The names and addresses of all shippers who intend to support the application;~~
- 3) If an Illinois corporation, a copy of the articles of incorporation if less than 1 year old; a certificate of good standing from the Illinois Secretary of State if more than 1 year old. Or, ~~or~~, if a foreign corporation, the certificate of authority to do business in Illinois, as recorded with the Illinois Secretary of State.
- 4) If an Illinois limited liability company, a copy of the articles of organization if less than 1 year old; a certificate of good standing from the Illinois Secretary of State if more than 1 year old. Or, if a foreign limited liability company, admission to transact business in Illinois as recorded with the Illinois Secretary of State.
- b) An application for authority shall be deemed to be an application for both temporary and permanent authority, unless the application states otherwise.
- ~~cb)~~ Permanent authority shall not be granted:
 - 1) Unless the applicant has met all of the requirements of Section 1457.10 of this Part; and
 - 2) Until the applicant has operated for one year in substantial compliance with the rules and regulations of the Commission under a temporary authority granted by the Commission under this Part.

Section 1457.50 Emergency Temporary Household Goods Authority Application

- a) Applications for emergency temporary household goods authority shall be filed on forms provided by the Commission and shall be accompanied by:
 - 1) The required fee specified in Subpart Q; and
 - 2) Evidence that an urgent and immediate public need exists for the requested service.
- b) Applications received that have not been completed or that are not accompanied

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by the items specified in subsections (a)(1) and (2) above shall be returned to the applicant.

- c) Applications for emergency temporary authority shall not be granted unless the application demonstrates that there is an urgent and immediate need for the authority requested. An urgent and immediate need shall exist if a natural disaster, or other circumstance, has created a need for transportation service that would not exist in the absence of the disaster or circumstance.

Section 1457.60 Transfer of Permanent Household Goods Authority

- a) Application for Transfer of Permanent Household Goods Authority Generally
 - 1) Except as otherwise provided in this Part, transfers are hereby provided for to the extent permitted under Section 18c-4306 of the Law.
 - 2) Every transfer application shall be on the Illinois Commerce Commission's (Commission) Transfer Application Form.
 - 3) In all transfers allowed under this Part, whether hearing or non-hearing, the authority transferred shall be converted from a permanent household goods authority to a temporary household goods authority subject to the requirements of Section 1457.10 and Subparts B and C of this Part.
- b) Transfers Involving Immediate Family
 - 1) Transfers to members of the transferor's "immediate family" shall be permitted without hearing only where the relationship between transferor and transferee is one of the following:
 - A) Spouse-Spouse;~~Husband-Wife;~~
 - B) Civil Union Partner-Civil Union Partner
 - ~~CB)~~ Parent-Child (natural or legally adopted child); or
 - DE) Sibling-Sibling.

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- 2) Other uses of the term "immediate family." When used in relation to a transaction other than a transfer to a member of the transferor's immediate family, the term "immediate family" includes the person's spouse, civil union partner, parents, children, and siblings.
- c) Transfers from One Corporation to a Related Corporation
 - 1) No transfer shall be approved under Section 18c-4306(g) of the Law if a shareholder of the transferee would acquire a majority or controlling interest unless the same shareholder possessed a majority or controlling interest in the transferor.
 - 2) No transfer shall be approved under Section 18c-4306(d) of the Law unless the transferor corporation is wholly owned by one person or members of one family.
- d) Expedited Household Goods Authority Transfers
 - 1) Except as otherwise provided in this Subpart, expedited transfers are hereby provided for to the extent permitted under Section 18c-4306 of the Law.
 - 2) Applications for expedited (non-hearing) transfers shall be granted or denied, based upon the information contained in this Part and without oral hearing.
 - 3) The application shall be set for hearing pursuant to 83 Ill. Adm. Code 200 if the application does not qualify for expedited transfer.
- e) Operations by Fiduciaries Pending Transfer
 - 1) Authority of Fiduciary to Continue Operations. The following fiduciaries shall have authority to continue operations under a license or registration issued by the Commission, pending completion of transfer proceedings, in lieu of the person to which the license or registration was issued:
 - A) Administrators and executors of the estates of deceased holders;

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- B) Conservators or guardians of incompetent holders;
 - C) Provisional directors or custodians of corporations appointed by a court pursuant to Section 12.55 of the Business Corporation Act of 1983 [805 ILCS 5/12.55]; and
 - D) Trustees, receivers, conservators, assignees, or other persons authorized by law to collect and preserve the property of financially disabled, bankrupt, deceased, or incapacitated holders.
- 2) Authority Does Not Extend to Transfer by Fiduciary. Authority under subsection (e)(1) does not extend to transfers from fiduciaries to other persons or to operations by such other persons pending transfer from the fiduciaries.
- 3) Required Filings by Fiduciary
- A) Notice. Within 30 days after assuming control, the fiduciary must give notice to the Commission:
 - i) Identifying the person to whom the license or registration was issued by full legal name, trade name, and principal business address;
 - ii) Identifying the license or registration by number;
 - iii) Identifying the fiduciary by full legal name, trade name, and mailing address; and
 - iv) Stating the date on which the fiduciary assumed control.
 - B) Proof of Fiduciary Capacity. If control was assumed pursuant to a court order, a certified copy of the order must be attached. If control was assumed other than by court order, an affidavit of fiduciary capacity must be submitted.
 - C) Transfer Application. The fiduciary shall file an application seeking Commission approval of a transfer of the license or

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registration, either to the fiduciary or to a transferee designated by the fiduciary. If the fiduciary does not file a transfer application within 180 days after assuming control, the fiduciary must file a report with the Commission, not later than the first day of each succeeding month, explaining the failure to file and must prosecute a transfer application. Such factors as court delays, progress in an estate settlement, and legal action against the estate will be considered as justification for failure to file and process a transfer application.

D) Proof of Insurance. No operations may be conducted until the fiduciary has obtained and filed with the Commission proof of insurance coverage for those operations in compliance with Section 18c-4901 or Section 18c-6503 of the Law.

f) Transfers Not Subject to Commission Approval

- 1) If a merger, acquisition of control, or other transaction that is authorized pursuant to 49 USC 11343 involves one or more motor carriers of property licensed by the Commission, such transaction shall be recognized by the Commission subject to the provisions of subsection (b) of this Section.
- 2) No license transferred by operation of 49 USC 11343 shall be effective for any purpose unless and until the person to whom the license is being transferred notifies the Commission of the transfer. Notification shall be accomplished by completing and filing the forms obtained from the Commission for this purpose, along with the required fee set forth in Section 1457.1300 of this Part.

SUBPART B: ~~FITNESS~~ STANDARDS

Section 1457.80 Requirements to Show Fitness

The applicant shall present clear and convincing evidence that fitness has been established for the issuance of the requested authority.

- a) In determining whether the applicant is fit to operate as a household goods carrier, the Illinois Commerce Commission shall require proof of the following factors:

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- 1) The applicant has attended a seminar regarding this Part conducted or approved by the Commission's Compliance Advisory Service;
 - 2) The applicant has obtained a 75% or better passing grade on a written test administered by the Commission that tests the applicant's knowledge of this Part related to the requested authority.
 - A) The applicant may not take this test more than once in any seven-day period;
 - B) An applicant may not have more than one partner or controlling stockholder take this test in any seven-day period;
 - 3) The applicant possesses, or can acquire, equipment and facilities of a type required for the transport of household goods as evidenced by a description, submitted with the application, of the equipment to be used by the applicant in the conduct of intrastate transportation (which shall include equipment that is currently owned by the applicant, leased by the applicant, or is to be otherwise acquired by the applicant);
 - 4) The applicant has established a safety, training, and maintenance program, including any policies regarding traffic citations issued against drivers and any refresher/remedial training courses required of drivers;
 - 5) The financial condition of the applicant as represented by the completed financial statement (~~Supporting Document FIS~~, consisting of balance sheet and projected income statement) included with the application. Evidence will be required at hearing to corroborate the information provided in the financial statement with the information in the shipper support statements;
 - 6) Required insurance coverage on file with the Commission including, where applicable, insurance in compliance with the Workers' Compensation Act [820 ILCS 305].
- b) In determining whether the applicant is fit to operate as a household goods carrier, the Commission shall consider the following:

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- 1) The applicant's safety record as evidenced by a certification or record from the Federal Motor Carrier Safety Administration of the United States Department of Transportation, the Illinois Department of Transportation, or the appropriate regulatory body of another state, setting forth:
 - A) Any motor carrier safety citations issued against the applicant during the three years preceding application; and
 - B) Whether the file contains any record of any disciplinary action, taken or pending, during the three years preceding application.
- 2) Any citations or disciplinary actions against the applicant to determine whether a pattern of violations exists and will consider the severity of the violations.
- 3) The conviction of the applicant of a crime punishable by death or imprisonment in excess of one year under the law under which he/she was convicted, or a crime involving dishonesty or false statement regardless of the punishment. The Commission will consider the type of crime, when the crime occurred, and the age of the applicant at the time of the incident.
- 4) Whether the applicant is currently, or has been, the subject of civil penalty action by the Commission. In determining whether to grant authority to an applicant who is currently, or has been, the subject of prior civil penalty action, the Commission shall consider:
 - A) Whether the violations were committed knowingly and willfully;
 - B) Whether the violations caused economic harm to authorized carriers;
 - C) Whether a pattern of violations exists;
 - D) The applicant's cooperation in resolving previous violations; and
 - E) Whether the applicant is delinquent in paying a monetary settlement or civil penalty assessed by the Commission.

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- 5) Other facts that may bear on the applicant's fitness to hold the license applied for.
- c) For purposes of subsections (a)(1) and (2) and (b)(4) of this Section, "applicant" shall mean proprietors, partners, a member or manager of a limited liability company, or, in the case of a corporation, an officer or anyone holding a controlling interest in the corporation.

(Source: Amended at 28 Ill. Reg. 3840, effective March 1, 2004)

Section 1457.90 Continued Fitness, Service, and Advertising Standards

- a) Personnel Standards
 - 1) No household goods carrier shall permit any driver, helper, and/or packer to be used in the transportation of any household goods shipment or in the performance of accessorial services unless that person is trained in the movement of household goods. Carriers are permitted to use interns or trainees for which the shipper is not charged. Interns and trainees shall be included and specified as such on the estimate of charges.
 - 2) No household goods carrier shall knowingly permit drivers, interns, trainees, helpers and/or packers to go on duty who are under the influence of alcoholic beverages or liquors of any kind, or narcotics, or habit-forming drugs not prescribed by a physician. Nor shall the use of these substances be allowed while the employees are on duty. Knowledge by the carrier is deemed to exist if known to the foreman or other manager of the crew.
- b) Equipment Standards
 - 1) Equipment and facilities utilized by a household goods carrier for the transportation of household goods shall be ~~maintained~~ in a manner that is sufficient to protect the goods from damage or breakage. The interior of those vehicles used to transport household goods shipments shall be clean and free from vermin and debris.
 - 2) For shipments transported at ~~hourly~~ rates, the household goods carrier

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shall determine the number of men, excluding carrier interns and trainees for which the shipper is not charged, and the size and the number of motor vehicle equipment that is appropriate to provide safe and timely transportation services for the requested movement. If the carrier deviates from its initial determination as stated in the carrier's written estimate, the shipper shall not be charged for any resulting excess charges unless the shipper is informed and agrees in writing. A notation shall be placed on the bill of lading indicating the number of men and motor vehicles initially estimated and the number actually furnished and used for the move.

c) Advertising Standards

- 1) For purposes of this Section, the term "advertisement" means any advertisement, solicitation, or other communication with the ~~public~~ in relation to the offer or sale of Illinois intrastate ~~household goods~~ transportation service. The term shall include advertisement by radio, television, internet, computer media or any other medium. The term shall not include a simple listing of household goods carriers' names, addresses, and telephone numbers, as in a telephone directory.
- 2) Each household goods carrier shall include, and shall require each of its agents to include, in every advertisement the full name of the originating household goods carrier as it appears on the carrier's license from the Commission. The advertisement shall also identify the carrier by showing the characters "ILL.C.C.", "ILCC", "IIICC" -followed by the license number assigned to the household goods carrier by the Commission.
- 3) Household goods carriers who are duly authorized agents for other licensed carriers, including carriers operating under the jurisdiction of the Federal Motor Carrier Safety Administration, may advertise and represent themselves as such an agent.
- 4) The following advertising practices shall not be conducted by household goods carriers:
 - A) Household goods carriers shall not advertise rates unless the following caveats are included in the advertisement:

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- i) "Rates effective (date), subject to change"; and
 - ii) "Actual charges governed by applicable tariffs, this advertisement notwithstanding";
 - B) Household goods carriers shall not misrepresent the scope of services offered and made available to the public under authority of the license issued by the Commission;
 - C) Household goods carriers shall not advertise that their operations are conducted at addresses or locations where duly authorized employees are not on duty during all business hours. The location of a telephone answering service does not constitute -an address or location where duly authorized employees are on duty;
 - D) Household goods carriers shall not advertise or otherwise offer to provide insurance or storage of personal property for compensation unless the carrier is duly licensed to engage in the offered activity by the appropriate agency of the State of Illinois; and
 - E) No applicant for household goods authority shall advertise by any means until authority to operate has been issued by the Commission.
- 5) No person without authority to operate as a household goods carrier issued by the Commission shall advertise, solicit, or hold themselves out as offering or selling Illinois intrastate transportation of household goods service. Each day's continuance of a violation shall constitute a separate violation.
- d) Standards for Forms of Payment
 - 1) Household goods carriers shall -accept payment tendered in the following forms:
 - A) Cash;
 - B) Cashier's check; or

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- C) Money order.
- 2) A household goods carrier may accept payment in other forms, including personal checks and credit cards, if to do so does not result in a practice that circumvents the statutory requirement that a carrier charge no more or less than the rate in the applicable tariff. No household goods carrier shall accept barter as payment.
- 3) A household goods carrier shall not refuse to accept any ordinary form of payment unless, before rendition of the service, the carrier has advised the shipper, in writing, that it would not accept payment in the form tendered.
- e) Notification of any delay in pickup or delivery shall be given to the shipper by telephone, e-mail, fax, text, or other immediate electronic means, or in person, at the carrier's expense, as soon as it becomes apparent that the delay will occur, provided the shipper has given information sufficient for the communication.
- f) All household goods carriers shall hold themselves out to provide a guaranteed delivery service at the tariff charge. The term "guaranteed delivery" shall mean that a carrier providing service shall perform delivery on a specified date.
- g) No household goods carrier shall accept a shipment of household goods for transportation that is subject to the minimum weight, distance, or time provisions of the carrier's tariff without first having advised the shipper of the minimum weight, distance, or time provisions. Failure to advise the shipper, in writing, of the provisions shall void the minimum rate application.
- h) All household goods carriers shall maintain on file with the Commission all required insurance coverage including, where applicable, insurance in compliance with the Workers' Compensation Act [820 ILCS 305].

(Source: Amended at 31 Ill. Reg. 3156, effective March 1, 2007)

SUBPART C: INSURANCE OR BOND COVERAGE

Section 1457.100 Licenses Conditioned upon Compliance with Insurance Requirements

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A license or registration issued by the Illinois Commerce Commission to a household goods carrier has force and effect only while the carrier is in compliance with requirements for the filing of proof of insurance or bond coverage.

Section 1457.110 Proof of Insurance or Bond Coverage

- a) ~~Except as otherwise provided in this Part, the~~ The Illinois Commerce Commission incorporates by reference 49 CFR 387, Minimum Levels of Financial Responsibility of Motor Carriers, 1023.51 through 1023.65, 1023.71, 1023.72, and 1023.81 as of December 1, 1986, no later amendments or editions included, as its regulations governing the filing of proof of insurance or bond coverage of cancellation. Part 387 is incorporated as of October 1, 2023. No later amendments or editions are incorporated, ~~except as otherwise provided in this Part.~~
- b) The filing of proof of insurance or bond coverage shall constitute acceptance of the minimum terms required by this Part or by statute and shall bind the insurance company.
- c) Coverage shall remain in effect until a cancellation form is filed with the Commission or the coverage is cancelled by the filing of a subsequent form E or H certificate of insurance.
- d) ~~Regulated interstate motor carriers of property that use Illinois as their registration state shall file a copy of public liability and property damage insurance or bond coverage that is filed with the Federal Motor Carrier Safety Administration in accordance with the provisions of Section 11506 of the Interstate Commerce Act (49 USC 11506).~~
- de) For Illinois domiciled carriers, and for Illinois licensed intrastate carriers, regardless of domicile, coverage shall be executed by an admitted insurance company authorized under the laws of the State of Illinois to deliver commercial insurance contracts within the State.

Section 1457.120 Public Liability and Property Damage Coverage

The minimum amounts of public liability and property damage insurance coverage required of all household goods carriers shall be the amounts required by 49 CFR 387.303T1043.2, ~~November 13, 1990,~~ "Security for the protection of the public: Minimum limits", as that Part

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was in effect on October 1, 2023. No later amendments or editions are incorporated.~~included.~~

Section 1457.130 Cargo Damage Coverage

- a) Except as specified in subsection (b), the~~The~~ minimum amounts of cargo damage coverage required of all motor common carriers of property shall be as required by the provisions of 49 CFR 387.303T(c), Household goods motor carriers: Cargo liability, as that Part was in effect on October 1, 2023. No later amendments or editions are incorporated.~~1043.2(e), November 13, 1990, except as specified in subsection (b) below.~~
- b) Waiver of Requirement. A household goods carrier may be excused from the requirement of filing proof of cargo insurance if:
 - 1) The carrier has filed with the Commission a completed copy of the Commission's Cargo Insurance Waiver Affidavit form stating that the carrier will not, at any time, carry in any vehicle cargo with a value exceeding \$5,000; and
 - 2) The carrier advises each shipper in writing, prior to rendition of the service, that it does not carry the minimum level of cargo insurance. The burden of proving compliance with this latter requirement shall be on the carrier.

Section 1457.140 Collect On Delivery (C.O.D.) Bond Coverage

- a) The minimum amount of C.O.D. insurance or bond coverage required of a household goods carrier for each shipper or consignee for failure of the carrier to remit payment of C.O.D. monies is \$10,000.
- b) Waiver of requirement. A household goods carrier may be excused from the requirement of filing proof of C.O.D. insurance or bond coverage if:
 - 1) The carrier has filed with the Commission a completed copy of the Commission's C.O.D. Bond Waiver Affidavit form stating that the carrier will not, at any time, accept a C.O.D. shipment; and
 - 2) The carrier advises each shipper in writing, prior to rendition of the

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service, that it does not accept C.O.D. shipments. The burden of proving compliance with this latter requirement shall be on the carrier.

Section 1457.150 Shipper Valuation Coverage

- a) A household goods carrier's liability for loss or damage to a household goods shipment in the absence of a shipper's release, except as provided in subsection (b) is limited to the greater of:
 - 1) Sixty cents per pound per article; Two dollars per pound per shipment times the weight of the shipment in pounds; or
 - 2) The lump sum value declared in writing by the shipper.

- b) The shipper shall elect one of the options in subsection (a) by initialing or signing next to the option selected either on the bill of lading or on a separate attachment to the bill of lading. A shipper's election of a lump sum value shall be effective only if the shipper has paid applicable valuation charges. Otherwise, the shipper shall be deemed to have elected sixty cents per pound per article., by his or her own handwriting, may agree to have a shipment valued for loss or damage purposes at 30 cents per pound per article. To release the shipment at 30 cents per pound per article, the shipper must insert the words "30 cents per pound per article" and his or her signature on the bill of lading.

(Source: Amended at 31 Ill. Reg. 3156, effective March 1, 2007)

Section 1457.160 Shipper Insurance Coverage

- a) Advertisement of Shipper Insurance.
 - 1) Limited risk insurance. A household goods carrier, or its employee, agent, or representative, shall not advertise or represent to the public that insurance is provided against all risks, unless its insurance in fact affords protection to the shipper from every peril to which the shipment shall be exposed. When all except certain risks are insured against, this fact shall be indicated in any advertisement and in any representations to shippers regarding the insurance. Such advertising and representations shall not deceive or mislead the public or any shipper regarding the scope of the

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exceptions. Policies providing coverage against specific perils only shall be advertised, represented, and designated as "limited-risk" policies or by some other appropriate designation that indicates clearly to the shipper that not all risks are covered.

2) Prerequisites to advertising insurance. No household goods carrier or employee, agent or representative, shall sell, or offer to sell, or procure for any shipper, any kind of insurance covering the loss of or damage to household goods to be transported by the carrier unless the carrier is in full compliance with the requirements of Article XXXI of the Illinois Insurance Code and the rules implementing Article XXXI regarding licensing as a condition precedent to the sale of insurance (50 Ill. Adm. Code 3101 through 3150).

- b) Nothing in this Section shall prohibit a household goods carrier from enrolling its shippers under a master inland marine insurance policy issued to the carrier.
- c) No household goods carrier may charge a shipper for insurance unless the shipper agrees to the insurance, in writing, prior to the move.
- d) Every household goods carrier selling insurance to a shipper must furnish a copy of the insurance policy to the shipper prior to rendition of the service. The insurance policy must include the name, address and telephone number of the insurance company and/or the insurance company's agent that the shipper may use in the filing of a claim for loss and damaged goods.
- e) The household goods carrier must keep a copy of the insurance policy as part of its records for the move. An original copy of the insurance policy or certificate is to be filed with the issuing insurance company.

SUBPART D: SELF-INSURANCE

Section 1457.200 Effect of Qualification as Self-Insurer

A carrier that has been authorized by order of the Commission to act as a self-insurer is not required to file proof of insurance or bond coverage under this Part.

Section 1457.210 Minimum Requirements for Self-Insurers

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The minimum requirements for a carrier to qualify and continue to act as a self-insurer are:

- a) Net worth of:
 - 1) \$500,000, if the carrier operates less than 25 vehicles;
 - 2) \$750,000, if the carrier operates from 25 to 100 vehicles; and
 - 3) \$1,000,000, if the carrier operates more than 100 vehicles.
- b) Property with a value of \$500,000 or more located within the State of Illinois, free from all liens.

Section 1457.220 Reports to be Filed by Self-Insurers

Each household goods carrier authorized to be a self-insurer shall file a report with the Commission, not later than the 20th day of each calendar quarter, listing all accidents, injuries, and fatalities arising out of each carrier's operations within the State of Illinois and claims filed against the carrier of the type for which the carrier is a self-insurer, which have occurred or been filed during the reporting period. The quarterly reports shall also state whether the carrier continues to meet the qualifications for self-insurers listed in Section 1457.210.

Section 1457.230 Revocation of Authorization to be a Self-Insurer

- a) Whenever, after inspection of reports filed pursuant to Section 1457.220, the Commission finds that a carrier no longer meets the minimum requirements of Section 1457.210 for self-insurance, the Commission shall institute a proceeding pursuant to 83 Ill. Adm. Code 200 to suspend or revoke the carrier's authorization to be a self-insurer.
- b) If a carrier fails to file the reports required by Section 1457.220, the Commission shall institute a proceeding pursuant to 83 Ill. Adm. Code 200 to suspend or revoke the carrier's authorization to be a self-insurer.
- c) Based upon the accident information supplied in the reports filed pursuant to Section 1457.220, the Commission may institute a proceeding pursuant to 83 Ill. Adm. Code 200 to suspend or revoke a carrier's authorization to be a self-insurer.

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Section 1457.240 Reinstatement

A carrier that has had its authorization to be a self-insurer suspended or revoked may petition the Commission pursuant to 83 Ill. Adm. Code 200 for reinstatement of its status as a self-insurer. A carrier shall be reinstated if it has remedied the grounds for the suspension or revocation.

SUBPART E: RESOLUTION OF HOUSEHOLD GOODS DISPUTES

Section 1457.300 Introduction

This Subpart implements the Illinois General Assembly's charge to the Commission in P.A. 89-444 to specify procedures for resolving disputes between household goods carriers and shippers. The provisions of this Subpart are intended to establish a program that provides a fair, fast, and inexpensive means of resolving the disputes that inevitably arise between household goods carriers and their shippers, and they shall be interpreted and applied to that end.

Section 1457.310 Definitions

For the purpose of this Subpart:

"Arbitration" means the process by which a dispute, which has been voluntarily submitted by a shipper to the Commission for resolution, is decided.

"Carrier" or "household goods carrier" means a person or entity that engages in the for-hire intrastate transportation of household goods.

"Dispute" means a disagreement between a shipper and a carrier relating to the propriety of charges for the services rendered, or loss of or damage to lading from the loading, unloading, or transportation of the lading.

"Household goods" means the personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling.

"Mediation" means the informal process, voluntarily agreed to by the shipper, by which a carrier and shipper attempt to achieve a mutually satisfactory resolution of a dispute with the assistance of a Commission-appointed mediator acting as a neutral, impartial, third party.

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"Shipper" means a person who utilizes the services of a carrier for the collect-on-delivery transportation of household goods.

Section 1457.320 Shipper-Carrier Negotiation

Prior to involving the dispute resolution procedures established by this Subpart, the shipper and carrier must make a good faith attempt to resolve the underlying dispute. Disputes are subject to the claims provisions of Subparts F and G of this Part. Commission staff will, upon request, provide the parties with information necessary or helpful in negotiating a resolution to the dispute or in following established claim procedures.

Section 1457.330 Mediation

If a shipper and carrier are unable to resolve a dispute, either party may request the Commission staff's participation in the dispute resolution process as a mediator.

- a) Both shippers and carriers are required to participate in mediation in good faith. "Good faith participation" includes participation by a representative of the carrier who has authority to agree to settlement. However, the fact that a settlement is not achieved does not in itself constitute evidence of lack of good faith participation.
- b) Mediation may take any form or employ any process to which the parties and the mediator agree. Mediation will terminate when the parties reach an agreement about all issues in dispute, when the shipper withdraws as a participant, or when the staff mediator determines that there is no reasonable likelihood that the parties will reach an agreement on any issues remaining in dispute.
- c) At the conclusion of mediation, the staff mediator will prepare a memorandum for the parties reflecting the terms of their agreement. If any issues remain unresolved, the staff mediator will give the parties a written opinion as to the merits of the issues remaining in dispute, based on the information available to the staff mediator and the applicable law. The opinion expressed by the staff mediator shall not be binding on the Commission.

(Source: Amended at 31 Ill. Reg. 3156, effective March 1, 2007)

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Section 1457.340 Arbitration

If some or all of the issues in dispute between a shipper and a carrier remain unresolved after mediation, the shipper may request arbitration of the dispute by a Commission arbitrator, appointed by the Commission. Carriers are deemed to join in a request for arbitration submitted by a shipper.

- a) To commence arbitration, a shipper must sign and submit an Agreement to Arbitrate form obtained from the Commission, along with an arbitration fee of \$25. When a shipper submits a form, the carrier and shipper agree to abide by the terms of the arbitration award.
- b) The Agreement to Arbitrate will specify that the arbitration award will be based solely on written submissions, documents and exhibits, unless the arbitrator and both parties agree to an oral hearing. The Commission will serve a copy of any submissions from one party on the other party.
 - 1) Along with a signed Agreement to Arbitrate, the shipper shall submit 2 copies of a statement setting forth a brief description of the issues in dispute and its positions and arguments on the issues, accompanied by 2 copies of whatever documents, exhibits or other written submissions the shipper believes to be relevant to those issues.
 - 2) Within 10 business days after the Commission has ~~sentmailed~~ the Agreement to Arbitrate and shipper's submissions to the carrier, the carrier may submit 2 copies of a statement and other written submissions responding to the shipper's submissions and setting forth its own positions and arguments about the issues in dispute.
 - 3) Within 7 business days after the Commission has ~~sentmailed~~ the carrier's submissions to the shipper, the shipper may submit 2 copies of a reply to the carrier's submissions.
- c) Within 10 business days after the time for receiving the shipper's reply, the Commission arbitrator shall prepare, sign, and ~~sendmail~~ to the parties a written award disposing of all issues in dispute. The award shall include a brief statement of the findings of fact made by the arbitrator and the basis for the award.

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- d) Unless otherwise provided by this Section, proceedings under this Section shall be governed by the provisions of the Uniform Arbitration Act [710 ILCS 5].

SUBPART F: CLAIMS FOR OVERCHARGES OR DUPLICATE PAYMENT

Section 1457.400 Definitions

"Claimant" means any shipper, receiver, or authorized agent filing a request with a carrier for loss of or damage to the household goods shipment, or for the refund of an overcharge or duplicate payment.

"Duplicate payment" means 2 or more payments for transporting the same shipment. Where one or more payments is not in the exact amount of the applicable rates and charges, refunds shall be made on the basis of the excess amount over the applicable rates and charges.

"Overcharge" means charges and payments for transportation services in excess of those applicable under tariffs or schedules lawfully on file with the Commission. It also includes "duplicate payments" as defined in this Section when a dispute exists between parties concerning the charges. "Unidentified payment" means a payment that a carrier has received but that the carrier is unable to match with its own open accounts receivable or otherwise identify as being due for the performance of transportation services.

Section 1457.405 Filing of Claims

- a) A claim shall not be paid unless filed in writing with the household goods carrier that collected the transportation charges. The household goods carrier collecting the payment for the shipment shall be the carrier to process all claims. When a claim is filed with another carrier that participated in the transportation, that carrier shall transmit the claim to the collecting carrier within 15 days after receipt of the claim. If the collecting carrier is unable to dispose of the claim for any reason, the claim may be filed with or transferred to any participating carrier for final disposition.
- b) A single claim may include more than one shipment provided the claim on each shipment involves:

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- 1) The same rate publication issue or authority or circumstances;
- 2) Single-line service by the same carrier; or
- 3) Service by the same interline carriers.

Section 1457.410 Documentation of Claims

- a) Claims shall include the name of the claimant, the claims file number if any (see Section 1457.420), and the amount of the refund sought to be recovered. Claims for overcharge shall be accompanied by the original or a shipper-certified copy of the bills of lading and payment documents, unless the originals were not paper documents. Additional information may include, but is not limited to, the following:
 - 1) The rate, classification or commodity description or weight claimed to have been applicable;
 - 2) Complete tariff authority for the rate, classification or commodity description claimed; and
 - 3) Other documents or data the claimant believes substantiate the basis for its claim.
- b) Claims for duplicate payment shall be accompanied by the original or a shipper-certified copy of the bills of lading for which -charges were paid and payment documents, unless the originals were not paper documents.
- c) Notwithstanding subsections (a) and (b) of this Section, the failure to provide sufficient information and documentation to allow a carrier to conduct an investigation and pay or decline the claim within the allowable time limitation shall not constitute grounds for disallowance of the claim. Rather, the carrier shall comply with Section 1457.415(c) to obtain the additional -information required.

Section 1457.415 Investigation of Claims

- a) Upon receipt of a written claim, the processing carrier shall initiate an

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investigation and establish a file, as required by Section 1457.420.

- b) If a carrier discovers an overcharge or duplicate payment that has not been the subject of a claim, it shall, within 10 days, initiate an investigation and comply with the provisions of Section 1457.435.
- c) In the event the carrier processing the claim requires information or documentation in addition to that submitted with the claim, the carrier shall, within 10 days, notify the claimant and specify the additional information requested. This includes notifying the claimant that a written claim must be filed before the carrier becomes subject to the time limits for settling a claim under Section 1457.430.

Section 1457.420 Claim Records

At the time a claim is received, the carrier shall create a separate file and assign it a consecutive claim file number. The written claim shall be placed in this file. The carrier shall note the claim file number on all documents filed in support of the claim and on all records and correspondence with respect to the claim, including the written acknowledgment of receipt required by Section 1457.425. If pertinent to the disposition of the claim, the carrier shall also note that number on the shipping order and any delivery receipt covering the shipment involved.

Section 1457.425 Acknowledgment of Claims

Upon receipt of a written claim, the carrier shall acknowledge its receipt in writing to the claimant within 30 days after the date of receipt. The carrier shall include the date of receipt in its written acknowledgment and shall also enter this date on the face of the written claim.

Section 1457.430 Disposition of Claims

- a) Within 60 days after its receipt by the carrier, the processing carrier shall pay, decline to pay, or make a written firm offer to be held open for 30 days to settle, each written claim, except where both the claimant and the carrier agree in writing to extension of time for a definite period.
- b) If the carrier declines to pay a claim or makes a firm offer to settle in an amount different from that sought, the carrier shall give the claimant written notice of its action and reasons for its action, citing tariff authority or other pertinent

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information developed as a result of its investigation. The carrier shall give notice within the time period specified in subsection (a).

Section 1457.435 Disposition of Unidentified Payments, Overcharges, and Duplicate Payments Not Supported by Claims

- a) If a carrier does not have sufficient information with which to determine whether a payment is owed to the carrier or is in the proper amount, the carrier shall notify the payer of the unidentified payment within 60 days after receipt of the payment and request information that will enable the carrier to make the determination. If the carrier does not receive the information requested within 90 days from the date of notice, the carrier may treat the unidentified payment as a payment in fact of charges owing to it, except that following the 90-day period, the regular claims procedure under this Part shall be applicable.
- b) Notice of unidentified payment, overcharges, and duplicate payments not supported by claims.
 - 1) Notices shall be in writing and clearly indicate that it is a final notice and not a bill.
 - 2) Notice shall include:
 - A) The check number, amount, and date;
 - B) The payer's name; and
 - C) Any additional information the carrier is able to provide, such as copies of any materials, invoices, or letters sent with the unidentified payment.
 - 3) The final notice also must inform the payer that:
 - A) Applicable regulations allow the carrier to conditionally retain the payment as revenue in the absence of a timely response by the payer; and
 - B) Following the 90-day period the regular claims procedure shall be applicable.

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c) Multiple Carrier Claims

- 1) When a carrier that participated in a transportation movement, but did not collect the transportation charges, finds that an overpayment has been made, that carrier shall, within 10 days, notify the collecting carrier.
- 2) When the collecting carrier (whether single or joint-line) discovers or is notified by a participating carrier that an overcharge or duplicate payment exists for any transportation charge that has not been the subject of a claim, the carrier shall create a file as if a claim had been submitted and shall record in the file the date it discovered or was notified of the overpayment.
- 3) The carrier that collected the charges shall then refund the amount of the overpayment to the person who paid the transportation charges or to the person that made duplicate payment within 30 days from the date of the discovery or notification.

SUBPART G: CLAIMS FOR LOSS OR DAMAGE

Section 1457.440 Definitions

"Claimant" means any shipper, receiver, or authorized agent filing a request with a carrier for loss of or damage to the household goods shipment, or for the refund of an overcharge or duplicate payment.

Section 1457.450 Limitations for Filing a Claim

- a) Any limitation for the filing of claims for loss or damage to a shipment must allow at least 90 days after the shipment is delivered or scheduled to be delivered for the filing of a claim by the shipper with the carrier.
- b) Any limitations on the filing of suits by the shipper for loss or damage to a shipment must allow at least 2 years from the date of written notice by the carrier that it declined to pay the claim.

(Source: Amended at 31 Ill. Reg. 3156, effective March 1, 2007)

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Section 1457.455 Requirements for Form and Content of Claims

- a) A household goods carrier shall not voluntarily pay a claim for loss, damage, injury, or delay to cargo unless the claimant files a written claim with the carrier within the time limits required by Section 1457.450, the terms of the bill of lading or other contract of carriage, and all applicable tariff provisions.
- b) A written communication filed by a claimant with a carrier will be considered to comply with the provisions for filing claims in the bill of lading or other contract of carriage if it:
 - 1) Contains facts identifying the shipments or property involved;
 - 2) Asserts liability for alleged loss, damage, injury or delay; and
 - 3) Makes claim for the payment of a specified or determinable amount of money.

Section 1457.460 Documents Not Constituting Claims

- a) A household goods carrier shall not accept the following items as complying with the minimum claim filing requirements specified in Section 1457.455(b):
 - 1) Appraisal reports of damage or notations of shortage or damage that are entered on freight bills, delivery receipts, or other documents; or
 - 2) Inspection reports issued by a carrier or its inspection agencies.
- b) The items listed in subsection (a) do not by themselves comply with Section 1457.455(b) regardless of whether the extent of loss or damage is indicated as a monetary sum or otherwise.

Section 1457.465 Claims Filed for Uncertain Amounts

When a household goods carrier is presented with a claim for an uncertain amount, such as "\$100 more or less," the carrier will determine the condition of the shipment involved at the time it made delivery, if the shipment was delivered, and shall ascertain, as nearly as possible, any

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extent of the loss or damage for which it may be responsible. The carrier shall not, however, voluntarily pay a claim under such circumstances unless and until a written claim for a specified or determinable amount of money has been filed in accordance with the provisions of Section 1457.455(b).

Section 1457.470 Multiple Loss and Damage Claims for the Same Shipment

If a household goods carrier investigating a claim discovers that a similar claim on the same shipment has been presented to one or more other carriers or that more than one claimant has filed a claim with respect to the same shipment, the carrier will communicate with each other carrier and, prior to any agreement being entered into as to the proper disposition of the claim or claims, will notify all claimants of the receipt of conflicting or overlapping claims. The carriers will require each claimant to supply further substantiation of its title to the subject property or its right with respect to the claim.

Section 1457.475 Acknowledgement of Loss or Damage Claims

Upon receipt of a written claim, a household goods carrier will acknowledge the receipt of the claim in writing to the claimant within 30 days after the date of its receipt by the carrier. The carrier shall include the date of receipt on its written acknowledgment and shall also enter this date on the face of the written claim. The carrier will indicate in its acknowledgement to the claimant any additional documentary evidence required by Section 1457.485(b) or other pertinent information that it may require to process the claim as required by Section 1457.455.

Section 1457.480 Loss or Damage Claim Records

- a) At the time a claim is received, the household goods carrier shall create a separate file and assign a consecutive claim file number. The carrier shall note that number on all documents filed in support of the claim and all records and correspondence with respect to the claim, including the written acknowledgement of receipt.
- b) At the time a claim is received, the household goods carrier shall record the date of receipt on the face of the claim document. The date of receipt shall also appear in the carrier's written acknowledgement of receipt to the claimant.
- c) The household goods carrier shall note the claim file number on the bill of lading, shipping order, if in its possession, and any delivery receipt covering the

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shipment, unless:

- 1) All information contained in bills of lading, shipping orders, delivery receipts, tally sheets, and all other pertinent records made with respect to the transportation of the shipment on which claim is made is available for examination upon receipt of a claim;
- 2) All records and documents (or complete reproductions) are in fact examined in the course of the investigation of the claim and an appropriate record is made that the examination has in fact taken place; and
- 3) This procedure causes the duplicate or otherwise unlawful payment of claims.

Section 1457.485 Investigation of Loss or Damage Claims

- a) A household goods carrier shall investigate each claim filed against it in the manner prescribed in this Subpart if the carrier has not already investigated it prior to receipt of the claim.
- b) Supporting documents:
 - 1) Each claim must be supported by the original or a shipper-certified copy of the bill of lading, any evidence of the charges, and the invoice (or an extract of the invoice).
 - 2) The claim must also be supported by certification of prices or values, with any trade or other discounts, allowance, deductions of any nature and the terms thereof, or depreciation reflected in the certification.
 - 3) Before voluntarily paying a claim, the household goods carrier shall require the claimant to provide written certification of the destination value of a shipment where:
 - A) The property involved in a claim has not been invoiced to the consignee shown on the bill of lading;
 - B) An invoice does not show price or value;

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- C) The property involved has not been sold; or
 - D) The property has been transferred at bookkeeping values only.
- c) When, after investigation, a household goods carrier is unable to authenticate an asserted claim for loss of an entire package or an entire shipment, the carrier shall obtain from the consignee of the shipment involved written certification that the property for which the claim is filed has not been received from any other source.

Section 1457.490 Disposition of Loss or Damage Claims

- a) When a household goods carrier receives a written claim for loss, damage, injury, or delay to property transported, it shall pay, decline, or make a written firm offer to be held open for 30 days to settle to the claimant within 120 days after receipt of the claim by the carrier, except where the claimant and the carrier agree in writing to an extension of time for a definite period.
- b) If the carrier declines to pay a claim or makes a firm offer to settle in an amount different from that sought by the claimant, the carrier shall give the claimant written notice of its action and reasons for its action. The carrier shall give written notice within the time specified in subsection (a).
- c) If the carrier cannot process and dispose of the claim within 120 days after receipt, the carrier will, at that time and at the expiration of each succeeding 60 day period while the claim remains pending, provide the claimant with written notice of the status of the claim and the reason for the delay in making final disposition. The carrier shall retain a copy of the notice to the claimant in its claim file.
- d) If the carrier notifies the claimant that it cannot process and dispose of the claim within 120 days after receipt, the claimant may elect to extend the time as provided in subsection (a) or may treat the notice as notice that the carrier has declined to pay the claim. The claimant will be deemed to have elected to treat the notice as notice that the carrier has declined to pay the claim, unless it notifies the carrier otherwise within 15 days after receipt of the carrier's notice.

Section 1457.495 Processing of Salvage

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- a) Whenever a household goods carrier transports property that is not accepted by the owner, consignee, or other person entitled to receive the property after tender of the property, the carrier shall undertake to sell or dispose of the property. The carrier shall remit the net proceeds of the sale or other disposal of the property to the person entitled to receive the property within 15 days after sale or disposal.
- b) The household goods carrier shall give 15 days notice to the owner, consignee, or other person entitled to receive the property of its intent to dispose of the property before selling or otherwise disposing of the property. Unless the owner, consignee, or other person entitled to receive the property notifies the carrier in writing within 15 days that it will accept delivery of the property, the carrier will then be able to sell or otherwise dispose of the property. The carrier may promptly sell perishable goods to prevent deterioration or further deterioration.
- c) The household goods carrier shall make an itemized record of the sale or disposal of the property so that it can correlate the property to the shipment involved and any claim filed concerning the property. The carrier shall also assign to each lot of property a consecutive lot number and record that number on its record of the shipment.
- d) Upon receipt of a claim on a shipment for which salvage has been processed in compliance with this Section, the carrier will record in its claim file the lot number assigned, the amount of money recovered from the disposition of the property, the name and address of the person to whom the proceeds were paid, and the date of transmittal of the money to the person or persons entitled to receive the money. That information shall be included in the carrier's acknowledgment of the claim.
- e) Whenever a household goods carrier sells or otherwise disposes of property through or to a person in which the carrier or one or more of its owners, directors, officers, partners, managers, employees, or agents has any interest, the carrier shall indicate the details of the transaction and relationship in its salvage records. The carrier shall not sell or otherwise dispose of property to or through any person owned, controlled, or operated by or in common with the carrier.

SUBPART H: ACCOUNTING AND FINANCIAL RECORD REQUIREMENTS

PROPOSED AMENDMENTS FOR DISCUSSION ONLY

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Section 1457.500 Generally Accepted Accounting Principles

- a) All Illinois Commerce Commission licensed common or contract household goods carriers, and each receiver, trustee, executor, administrator, or assignee of any carrier shall comply with generally accepted accounting principles for use in the keeping and recording of their accounts and bookkeeping records.
- b) As generally accepted accounting principles, the Commission incorporates by reference "Accounting Standards" of the Financial Accounting Standards Board (June 2000, no later amendments or editions included).

Section 1457.510 Records

- a) Each carrier shall keep its general accounting books and all other books, records and memoranda that support in any way the entries to those accounting books and analyses of general ledger account balances so that it can furnish at any time full information as to any account. Moreover, it shall support each entry to each account with detailed information as will provide a ready analysis and verification of the facts recorded in those materials. All expenditures must be definitely supported by vouchers, payrolls, receipted bills, canceled checks, receipts for petty cash payments, or other evidence of the expenditures incurred. All revenues must be supported by bills of lading, freight bills or, in the case of income from a lessee, other documentation that evidences the revenue received.
- b) The books referred to in this Subpart include not only books of account in a limited technical sense but all other correspondence, memoranda, including but not limited to computer files, electronic memorandum and computer databases, written estimates, weight tickets, storage inventory sheets and storage contracts, insurance and valuation documentation, loss and damage claim documentation, claim register, etc., that will be useful in developing the history of or facts regarding any transaction.
- c) Every household goods carrier engaged directly or indirectly in any other than a transportation business shall keep separate and distinct records for the transportation operation.
- d) Each carrier shall keep its books on the basis of an accounting year of 12 months ending on the 31st day of December of each year.

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- e) Such books, accounts, records or memoranda shall be preserved for a period of at least 3 years.
- f) Unless otherwise authorized by the Commission in writing, each household goods carrier shall have an office in this State and shall keep in that office all books, accounts, papers, records, and memoranda listed in this Subpart.

Section 1457.520 Examination and Audit

Officers and employees of the Commission shall have the authority under the direction of the Commission to inspect, examine, copy and reproduce any and all books, accounts, papers, records and memoranda kept by a motor carrier, authorized personnel or motor carrier agent, with or without prior notice to the authority holder.

Section 1457.530 Annual Report Filing Requirement

Each household goods carrier shall complete and file with the Commission, not later than May 15 of each calendar year, an annual report for the preceding calendar year. The report shall be on the Commission's Household Goods Carrier Annual Report Form.

SUBPART I: BILLS OF LADING OR OTHER FORMS

Section 1457.600 Bills of Lading and Freight Bills

- a) Issuance of the bill of lading. At the time a shipment is picked up, all carriers shall issue a bill of lading indicating the commodities transported, the weight or other unit used to compute freight charges, the points of origin and destination, and the names of the consignor and consignee.
- b) Information required on the bill of lading. Whenever a bill of lading is issued in compliance with subsection (a) of this Section, the carrier shall show, in addition to the information specified in subsection (a), the following information:
 - 1) The names of the carriers participating in the transportation of the shipment;
 - 2) The name, physical address, and telephone number of the office of the

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carrier who should be contacted in relation to the shipment, should there be a need for contact;

- 3) The name, physical address, and telephone number of a person to whom notification provided for in Section 1457.90(e) shall be given, except when this cannot be obtained from the shipper;
- 4) With regard to pickup and delivery the:
 - A) Agreed pickup date;
 - B) Actual pickup date;
 - C) Agreed delivery date or the agreed period of time within which delivery of the shipment is expected at the final destination;
- 5) Where applicable, the estimated amount due to the carrier to obtain possession of a Collect on Delivery (C.O.D.) shipment;
- 6) Specifies, for hourly rated shipments, the number of pieces of equipment, personnel, and hourly rate used for the transportation of the shipment;
- 7) Specifies, for hourly rated shipments, loading and unloading start and end times to determine the number of hours including travel time for the transportation of the shipment;
- 8) Specifies, for weight rated shipments, the weight, distance, and the rate for the transportation of the shipment;
- 9) Includes the description and charges for any accessorial services, including packing, packing materials, valuation, storage, warehouse, handling, or other charges contained within the carrier's lawfully filed tariffs;
- 106) A statement that the carrier's maximum liability for loss or damage to shipment is limited to the lump sum value declared by the shipper on the bill of lading or an attachment thereto, provided the shipper has paid applicable valuation charges, or, unless the shipper expressly releases the

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~~shipment to a value of 6030 cents per pound per article, the carrier's maximum liability for loss of or damage to the shipment shall be an amount equal to \$2 for each pound of weight in the shipment or the lump sum value declared by the shipper on this form, whichever is greater.~~

- c) Issuance of a freight bill. After rendition of the service, all carriers shall issue to the person responsible for payment of freight charges a freight bill indicating the total charge for transportation service.
- d) The bill of lading and the freight bill may be combined in a single document.
- e) The bill of lading and freight bill shall each be consecutively numbered.
- f) Bill of lading contract terms. The contractual provisions governing shipments under this Part shall include, as implied terms, the provisions in the governing tariffs of each carrier.

(Source: Amended at 31 Ill. Reg. 3156, effective March 1, 2007)

Section 1457.610 Estimate of Charges

- a) Estimates of the charges in relation to the transportation of household goods shall be based upon an in-person or virtual inspection of the goods or upon a shipper's description of the goods, by telephone or other means, confirmed in writing prior to rendition of the service.
- b) Estimates of the charges in relation to the transportation of household goods shall be on a Commission approved household goods estimate form. The Commission shall approve any form that:
 - 1) Is identified at the top of the first page as an "Estimate of Charges";
 - 2) Identifies on the first page the name of the carrier as it appears on its Commission license, the address of the carrier at which employees of the carrier are on duty during business hours, and the telephone number of the carrier;
 - 3) Identifies on the first page the name of the shipper and receiver and the

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addresses at which the goods are to be picked up and delivered;

- 4) Specifies the number of pieces of equipment and personnel to be used for the transportation of the shipment (carrier, interns, or trainees for which the shipper is not charged shall be included and specified as such);
 - 5) Specifies, for hourly rated shipments, the number of hours, including travel time, estimated for the transportation of the shipment;
 - 6) Specifies, for weight rated shipments, the weight and distance estimated for the transportation of the shipment;
 - 7) Includes the description and estimated charges for any accessorial services, including packing, packing materials, valuation, storage, warehouse handling or other charges contained within the carrier's lawfully filed tariffs;
 - 8) Specifies the total estimated cost for the transportation of the shipment;
 - 9) Contains an area where the shipper can verify, by initial or other mark, verifying that a copy of the Commission's consumer guide to household goods moves was provided to the shipper; and
 - 10) Does not contain provisions contrary to this Part.
- c) A ~~signed~~ copy of the estimate, signed by the carrier, shall be delivered to the shipper before rendition of the service, and a copy shall be maintained by the carrier as part of its records.
 - d) If the total tariff charges for any shipment exceed the estimated charges plus 10%, the shipper shall become entitled to credit terms from the carrier tendering the shipment for delivery to cover that portion of the total charges that exceeds 110% of the estimated charges. The carrier, in such event, shall advise the shipper that he/she has up to 30 days to pay these additional charges amounting to the balance between the total on the bill of lading based on applicable tariff charges and the estimate for the move plus 10%.

(Source: Amended at 31 Ill. Reg. 3156, effective March 1, 2007)

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Section 1457.620 Inventory Forms

- a) Definitions. As used in this Section, the term "intercity" means transportation other than "short haul". As used in this Section, the term "short haul" means transportation from the point of origin to the final destination of not more than ~~5035~~ miles, except that moves which begin and end within the area covered by the counties of Cook, DuPage, Kane, Kendall, Lake, McHenry, and Will shall be considered "short haul".
- b) Each carrier shall, prior to loading at the point of origin, prepare a written photographic or videographic inventory of each intercity shipment and of each shipment for which any type of storage service is requested. A written photographic or videographic inventory shall also be prepared for short haul movements at the request of the shipper, provided the shipper agrees to pay the tariff rate for preparation of an inventory. The carrier, however, shall not require the preparation of an inventory at the shipper's expense for short haul movements.
- c) A ~~properly executed~~ copy of the inventory, properly executed~~signed~~ by both the carrier and the shipper, shall be ~~given~~ to the shipper at the point of origin, prior to loading. Another ~~properly executed~~ copy, properly executed~~signed~~ by the carrier and the shipper, and reflecting any ~~changes~~ in the number, nature, or condition of the lading, shall be given to the shipper at the final destination, subsequent to unloading. A written inventory shall also be prepared for short haul movements at the request of the shipper, provided the shipper agrees to pay the tariff rate for preparation of an inventory. The carrier, however, shall not require the preparation of an inventory at the shipper's expense for short haul movements.
- d) Information required on an inventory. Each inventory required under this Section shall:
 - 1) Show the name and current address of the carrier on file with the Commission where its employees can be reached;
 - 2) Show the shipper's name;
 - 3) Show the point of origin and the final destination of the shipment;

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- 4) Include the carrier's description of the goods contained within the shipment and the condition of those goods;
 - 5) Provide a column for the shipper to note exceptions to the inventory as prepared by the carrier;
 - 6) Note any goods held by the carrier pending payment of charges; and
 - 7) Identify spaces for both the shipper and carrier to sign at the point of origin and the final destination.
- e) The shipper shall be permitted to make notations upon delivery concerning the condition or absence of goods in the shipment, and shall be made aware by the carrier that notations regarding the inventory are permitted upon delivery.
 - f) The inventory shall be on a Commission-approved Household Goods Inventory Form. The Commission shall approve a carrier's inventory form if it meets the requirements of this Section and does not contain provisions contrary to the Illinois Commercial Transportation Law or any Commission rules.

(Source: Amended at 28 Ill. Reg. 3840, effective March 1, 2004)

Section 1457.630 Storage Charges

- a) Upon receiving a request for storage service, the carrier shall ascertain whether it is the intent of the shipper to have the shipment stored in excess of 180 days. The storage service shall be treated as permanent storage if the storage is in excess of 180 days or if the time period of intended storage is indefinite. Only storage incidental to transportation shall be deemed storage in transit.
- b) Charges for storage in transit shall be stated in an amount per 100 pounds per day or a fraction thereof.
- c) Storage in transit rates need not be established by a carrier that does not hold itself out to provide or arrange for storage in transit service. Such a carrier, however, must publish in its tariff a statement that it does not hold itself out to provide or arrange for storage services.

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Section 1457.640 Determination of Weights

- a) Each carrier shall determine the tare weight of each vehicle used in the transportation of household goods to be rated on a hundred-weight basis by having it weighed prior to the transportation of each shipment, at a public scale, without the crew on the vehicle. Scales used shall be certified by the Illinois Department of Agriculture. When weighed, the vehicle shall contain all pads, chains, dollies, hand trucks, and other equipment needed in the transportation of the shipment. After the vehicle has been loaded, it shall be weighed, without the crew, at the point of origin of the shipment. The net weight of the shipment shall be obtained by deducting the tare weight from the loaded weight. Where no certified scale is available at the point of origin, the loaded weight shall be obtained at the nearest public scale, either in the direction of the movement of the shipment, or in the direction of the next pickup or delivery in the case of part loads. Gross weight shall be obtained on the same scale as the tare weight with no addition of fuel between weighings.
- b) If no certified scale is available at the point of origin, at any point en route, or at the final destination, a constructive weight based upon 7 pounds per cubic -foot of properly loaded van space shall be used. That constructive weight also shall be used for a part load where the circumstances are such that its scale weight could not be obtained at the point of origin, en route, or at the final destination without first unloading it or other part loads being carried in the same vehicle.
- c) Whenever weights are required to be obtained pursuant to this Section, the carrier shall obtain a weight ticket, and this weight ticket shall be maintained by the carrier as part of its record of the shipment. A copy of the weight ticket shall be given to the shipper.

Section 1457.650 Information Pamphlets for Shippers

Each carrier shall provide to each non-commercial shipper, free of charge, and prior to rendition of service, a copy of the Commission's consumer guide to household goods moves.

(Source: Amended at 31 Ill. Reg. 3156, effective March 1, 2007)

Section 1457.655 Completion, Execution, and Delivery of Estimates, Bills of Lading, and Other Forms

PROPOSED AMENDMENTS FOR DISCUSSION ONLY

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- a) Estimates, Bills of Lading, Inventories, Leases, and all other forms associated with a household goods mover's operations may be completed and delivered in handwritten form, printed form, via email or text, telephonically, or by other electronic means, provided a printed paper copy is produced to the Commission on request, and a requirement that a document be in writing shall mean in handwritten form, printed form, telephonically, or by other electronic means.
- b) Estimates, Bills of Lading, Inventories, Leases, and all other forms associated with a household goods mover's operations may be properly executed in handwritten form, telephonically, or by other electronic means, provided a printed paper copy is produced to the Commission on request.

Section 1457.660 Retention of Bills and Other Forms

Bills of lading, written estimates, inventory sheets, storage contracts and warehouse receipts, weight tickets, insurance policies or other forms for each shipment transported under the authority of a license issued by the Illinois Commerce Commission must be kept as part of the records of the carrier for a minimum of 3 years.

SUBPART J: CAB CARDS AND IDENTIFIERS

Section 1457.700 Cab Card/Identifier Carrying Requirements

- a) Cab cards/identifiers shall be executed, carried, or presented in satisfaction of the requirements of the Illinois Commercial Transportation Law or this Part no earlier than December 1 preceding the calendar year for which fees were paid, and no later than February 1 of the calendar year for which the fees were paid.
- b) A vehicle operated in both intrastate and interstate commerce must carry both an intrastate and an interstate cab card/identifier.

Section 1457.710 Exemption of Vehicles from Cab Card Requirements

- a) Intrastate exchange of equipment between licensed carriers. Where a vehicle owned by a licensed intrastate household goods carrier is leased to another licensed intrastate household goods carrier, and the vehicle carries a valid intrastate cab card issued to the carrier that owns the vehicle, the vehicle need not

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carry a cab card/identifier issued to the carrier to which the vehicle is leased.

- b) Interstate compensated intercorporate hauling and single-source leasing. Vehicles used in compensated intercorporate hauling or that are leased, with driver, to private carriers for use in interstate commerce are exempt from cab card and identifier requirements under Section 18c-4601 of the Law.
- c) Temporary cards. An intrastate household goods carrier need not hold or carry an Illinois intrastate cab card/identifier if the carrier has been issued and carries a valid, current temporary cab card/identifier. An interstate household goods carrier need not hold or carry a permanent cab card with Illinois interstate identifier if the carrier has been issued and carries a valid, temporary Illinois registration. A temporary card will be issued upon request of the carrier and payment of the fee for the permanent cab card/identifier.

Section 1457.720 Transfer of Cab Card/Identifier

- a) If a household goods carrier discontinues the use of a vehicle for which a current interstate cab card/Illinois interstate identifier has been executed and provides a newly-acquired vehicle as a substitute, the carrier can transfer the cab card/identifier by following the procedure in this subsection.
 - 1) The carrier shall execute a new interstate cab card identifying itself and the substitute vehicle and shall enter the appropriate expiration date on the cab card;
 - 2) The carrier shall enter the date on which it terminates use of the discontinued vehicle in the space for the early expiration date on the cab card; and
 - 3) The carrier shall permanently attach the upper left-hand corner of the cab card for the substitute vehicle to the upper left-hand corner of the cab card for the discontinued vehicle so as to permit inspection of the contents of both cards. At this point, the Illinois interstate identifier on the cab card of the discontinued vehicle shall apply to the substitute vehicle.
- b) Unless the carrier transfers a cab card/identifier as provided in subsection (a), it shall destroy the cab card/identifier for a vehicle at the time it discontinues use of

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the vehicle.

- c) Transfer of an intrastate cab card/identifier is not permitted.

Section 1457.730 Expiration, Alteration, and Replacement of Cab Card/Identifier

- a) Each household goods carrier shall destroy a cab card/identifier immediately upon its expiration.
- b) Any erasure, alteration, or unauthorized use of a cab card/identifier shall render the cab card/identifier void.
- c) If a cab card/identifier is lost, destroyed, mutilated or becomes illegible, a new cab card/identifier shall be prepared and issued upon the household goods carrier's application and the payment of the same fee prescribed for the issuance of the original cab card/identifier (see Subpart Q).

Section 1457.740 Revocation of Exemptions under Section 18c-4601(2) of the Law

Exemptions granted under Section 18c-4601(2) of the Law shall be revoked only in accordance with procedures and standards applicable to fee adjustments under Section 18c-1501(2) of the Law.

SUBPART K: CARRIER IDENTIFICATION

Section 1457.800 Carrier Identification of Vehicles and Format

- a) Except as specified in subsection (b), letters and other characters used to comply with the carrier identification requirements of Section 18c-4701 of the Law must be at least 2 inches high and ½ inch wide. The characters must be in a color contrasting with the background color of the vehicle so as to be distinguishable during daylight at a distance of 50 feet while the vehicle is not in motion.
- b) Letters and other characters used to comply with the carrier identification requirements of Section 18c-4701(5) of the Law for vehicles under 9,000 pounds gross vehicle weight must be at least ½ inch high and ⅛ inch wide. The characters must be in a color contrasting with the background color of the vehicle so as to be distinguishable during daylight at a distance of 25 feet while the

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vehicle is not in motion.

- c) It is a violation of this Subpart to display more than one identifier on the power unit of a vehicle. Identifier is defined as the information used to comply with the carrier identification requirements set forth in the Law and this Subpart.
- d) The license number of the carrier, as it appears on the sides of the vehicle in compliance with Section 18c-4701 of the Law, must be preceded by ILL.C.C.

SUBPART L: EQUIPMENT LEASES

Section 1457.900 Applicability

- a) This Subpart applies to the following actions by household goods carriers:
 - 1) The leasing of equipment with which to perform transportation regulated by the Commission.
 - 2) The interchange of equipment between motor common carriers in the performance of transportation regulated by this Commission, except with regard to equipment used exclusively to provide transportation within counties having a population in excess of 1,000,000 persons.
- b) This Subpart does not apply to the following actions:
 - 1) The leasing of equipment by persons whose principal business is the leasing of equipment, without drivers, for hire, to the general public; and
 - 2) the leasing of equipment for use in interstate commerce.
- c) The leasing of equipment with drivers to other than a licensed household goods carrier is prohibited by Section 18c-4103(1) of the Law.

Section 1457.910 Definitions

"Addendum". A supplement to an existing lease.

"Authorized carrier". A person holding a household goods carrier license from

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the Commission.

"Equipment". A motor vehicle, straight truck or tractor.

"Lease". A written document vesting possession, use, control and responsibility in the lessee during the periods the vehicle is operated by or for the lessee.

"Lessee". In a lease, the party acquiring the use of equipment, with or without driver, from another.

"Lessor". In a lease, the party granting the use of equipment, with or without driver, to another.

"Owner". A person:

to whom title to equipment has been issued; or

who, without title, has the right to exclusive use of equipment for a period longer than 30 days; or

who has lawful possession of equipment, registered and licensed in any state in the name of that person.

"Permanent lease". A lease in which the authorized carrier acquires the use of equipment, with or without driver, from an owner for a period of 30 days or more.

"Shipper". A person who sends or receives property that is transported in intrastate commerce.

"Sublease". A written document in which the lessee grants the use of leased equipment, with or without driver.

"Trip lease". A lease in which the authorized carrier acquires the use of equipment, with or without driver, from an owner for a period of time less than 30 days.

Section 1457.920 General Leasing Requirements

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- a) Leasing permitted only in compliance with this Subpart. Authorized carriers may perform regulated transportation in equipment they do not own only in accordance with this Subpart.
- b) Written lease required. Each lease covered by this Subpart must be in writing.
- c) Parties and signatures. A lease subject to this Subpart must be between the owner of the equipment (the lessor) and the licensed carrier to which the equipment, with or without driver, is leased (the lessee). The lease must be properly executed~~signed~~ by each party or its authorized representative.
- d) Filing and review requirements.
 - 1) Filing requirement. Except as otherwise provided in this Paragraph, the original and 2 copies of each completed (properly executed~~signed~~ and dated) lease to which this Subpart applies must be filed with the Commission's Transportation Division at the following address:

Illinois Commerce Commission
Transportation Division
527 East Capitol Avenue
Springfield IL 62701

If the Commission's website permits electronic filing of leases, a copy of each completed (properly executed and dated) lease to which this Subpart applies must be filed with the Commission's Transportation Division in accordance with instructions thereon.
 - 2) Filing fee requirement. A filing fee as prescribed in Subpart Q shall be remitted with each lease.
 - 3) No operations shall be conducted under a lease to which this Subpart applies until a copy of the completed lease has been filed with or mailed to the Commission's Transportation Division.
 - 4) Operations may be conducted under the lease after filing or transmittal but before completion of review. A copy of the lease and an attached affidavit stating that the lease has been transmitted to the Commission, indicating

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the date of transmittal and stating that the lease is under review, are to be carried in the vehicle covered by the lease.

- e) Receipts for equipment. Receipts, specifically identifying the equipment to be leased and stating the date and time of day possession is transferred, shall be given as follows:
 - 1) When possession of the equipment is taken by the authorized carrier, it shall give the owner of the equipment a receipt.
 - 2) When possession of the equipment by the authorized carrier ends, it shall give the owner of the equipment a receipt.

- f) Identification of equipment. Authorized carriers shall identify the leased equipment as being in their service as follows:
 - 1) During the period of the lease, the carrier shall identify the equipment by attaching a placard with the identification of the lessee in compliance with Section 18c-4701 of the Law;
 - 2) During the entire period of the lease, a copy of the executed lease shall be carried in each motor vehicle covered by the lease. The lease must bear a Transportation Division stamp showing that the lease was approved or that no deficiency was found or have attached to it the affidavit prescribed in subsection (d)(4).

- g) Records of equipment use. Authorized carriers shall keep records of equipment use as follows:
 - 1) General equipment use records. Each authorized carrier shall prepare and keep documents covering each trip for which the equipment is used in the carrier's service. These 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. These documents shall be preserved as part of the carrier's records.
 - 2) Trip lease records. If the equipment is being leased for a period less than 30 days, the authorized carrier shall carry a copy of the lease records

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described in subsection (g)(1) in the leased equipment while it is operated under the lease. Records carried in the vehicle must also identify the lading.

- 3) Permanent lease records. If the equipment is being leased for periods of 30 days or more, the authorized carrier may keep the records identifying the lading at its terminals or principal office as part of its records, rather than in the leased equipment.
- h) A copy of the completed written lease shall be retained as part of the carrier/lessee's records.
- i) Cancellation. In the event that a carrier wishes to cancel a lease prior to the expiration date, it may file a notice of cancellation at the address for filing leases under Section 1457.920(d)(1). Otherwise, the lease shall remain in effect for purposes of the Law until the expiration date, or the date on which the lease expires by operation of Section 1457.940(a)(2), whichever occurs first. No fee is required for filing a notice of cancellation.

(Source: Amended at 31 Ill. Reg. 3156, effective March 1, 2007)

Section 1457.930 Actions Affecting Leases

- a) Revocation of carrier/lessee's license. In the event that the license held by the carrier/lessee is revoked pursuant to Section 18c-1704 of the Law, the lease shall remain in effect but all operations of equipment subject to the lease must cease unless and until the license is reinstated by order of the Commission.
- b) Transfer of carrier/lessee's license. In the event that a transfer as defined in Section 18c-1104 of the Law occurs:
 - 1) The lease shall remain in effect and shall bind the transferee if the name of the license holder is not changed by the transfer; or
 - 2) The lease shall be void from the date the transfer is granted if the name of the license holder is changed by the transfer, unless the transferee files an amendment to the lease showing the change and showing that it has assumed the obligations of the transferor under the lease. No filing fee

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will be required for the filing of the amendments.

- c) Carrier/lessee's name change. In the event that the carrier/lessee undergoes a name change not associated with a transfer as defined in Section 18c-1104 of the Law, the lease shall be void from the date of the name change unless the carrier/lessee files an amendment to the lease showing the changes and stating that the change is not associated with a transfer. No filing fee will be required for the filing of the amendments.

Section 1457.940 Lease Terms and Conditions

- a) Required terms and information. A lease subject to this Subpart must specify the information set forth in this subsection.
 - 1) Identifying information
 - A) Parties. The lease must show the full legal name of the carrier/lessee, as it appears on the carrier's Commission license; the full legal name of the equipment owner/lessor; and the mailing address of each, including street address, city, state, and zip code.
 - B) Vehicle. The lease must show the type, make, year, and vehicle identification number of the motor vehicle that is subject to the lease.
 - 2) Term of the lease. The lease must specify the dates or the circumstances that begin and end the term of the lease. The term of the lease shall coincide with the times for giving receipts for the equipment as required in [section 1457.920\(e\).subsection \(b\)](#). The term of the lease shall not exceed 3 years.
 - 3) Compensation to owner and drivers. The lease must specify both the amount and the method of computing the compensation to be paid by the carrier/lessee to the equipment owner. Compensation may be stated either jointly or separately for equipment and drivers. The lease must also specify any documents that must be presented by the lessor before he/she can receive payment.

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- 4) Responsibility for expenses. The lease must specify the responsibility of the lessee and the lessor for payment of expenses incurred in providing transportation service, either directly or through deductions (chargebacks) from compensation specified in subsection (b)(3). Expenses not expressly made the responsibility of the lessor shall be the responsibility of the lessee. The lease must also specify any documents to be submitted by either party in relation to payment or reimbursement of expenses. Expenses covered under this subsection (a)(4) include:
- A) Fuel costs;
 - B) Fuel and other taxes;
 - C) Empty mileage;
 - D) Licenses, permits plates, and decals of all types except permits issued by the Commission;
 - E) Tolls and other fees, except those fees paid to the Commission;
 - F) Insurance and surety coverage (including responsibility for primary insurance);
 - G) Rentals or other payments to the carrier; and
 - H) Any other expenses related to the transportation.
- 5) Supplemental insurance coverage. The lease must specify which party is responsible for securing and paying for, either directly or indirectly, any other insurance or surety coverage in addition to amounts required by the Law or Subpart C of this Part. If the lessor purchases any insurance from or through the lessee, the lessee shall provide the lessor, on request, a copy of the policy and a certificate of insurance showing the name of the insurance company, the policy number, amounts and types of coverage, effective dates of coverage, deductible amounts, and the cost of the coverage.
- 6) Loss or damages. The lease must specify the conditions under which the

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lessor may be required to indemnify the lessee for personal injury, property damage, or loss of or damage to cargo. If indemnification is made through deductions from compensation otherwise owed to the lessor, a written itemization and explanation of deductions must be provided to the lessor before any deductions are made.

- b) Implied terms. The following terms, if not stated in a lease, shall be implied. Any contrary provisions in the lease shall be void.
 - 1) Exclusive possession and control. The lessee shall have exclusive possession and control of leased equipment during all periods when the equipment is operated under the lease. Such exclusive possession and control shall extend also to the drivers of leased equipment.
 - 2) Insurance coverage. The lessee shall have the responsibility for securing insurance or surety coverage in compliance with the Law and Subpart C of this Part.
 - 3) Payment deadline. Payment of compensation due under a lease must be made within 15 days after submission of any documents specified under subsection (a)(3).
 - 4) Pre-conditions to lease. The lessor is not required to purchase, rent, or lease any goods (including equipment) or services from the lessee as a condition of the lease or of entering into or not canceling the lease.
 - 5) Other obligations of lessee.
 - A) Copy of lease. Prior to commencement of operations under a lease, the lessee shall provide the lessor a completed copy of the lease and proof of its transmittal to the Commission.
 - B) Copy of rated freight bill. If compensation is based on information shown on the bill, the lessee shall provide the lessor with a copy of the rated freight bill at the time compensation for the movement is paid to the lessor. The lessee may delete the names of shippers, consignors, and consignees from the bill.

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- C) Examination of tariff. If the lessor requests, the lessee shall allow an examination of its tariffs.
- 6) Any term of a lease that conflicts with the Illinois Commercial Transportation Law or Commission rules is void.

Section 1457.950 Lease Form

All leases covered by this Subpart shall include the Commission's Equipment Lease form.

Section 1457.960 Possession and Control of Leased Equipment

- a) General requirement. The lessee of equipment used under authority of a license issued by the Commission shall have exclusive possession and control of the equipment while it is so used. Failure to exercise supervision and control of the equipment constitutes an illegal transfer of authority as set forth in Section 18c-4307 of the Law, making both the lessor and lessee subject to sanctions provided by Section 18c-1704 of the Law.
- b) Exceptions. The requirement of exclusive possession and control does not apply to a lessee that, in turn, subleases the equipment to another carrier, since the latter carrier has the obligation to supervise and control the equipment. The requirement does, however, apply to the sublessee.

Section 1457.970 Additional Requirements for Trip Leases between Authorized Carriers

Authorized carriers are permitted to trip lease equipment to or from other authorized carriers only if:

- a) The lessor owns the equipment or has possession and control of the equipment under a lease of 30 days or more;
- b) The lessee exercises exclusive supervision and control of the equipment while it is operated under lessee's license; and
- c) All other requirements of this Subpart are complied with.

SUBPART M: RATES BASED ON VALUE (RELEASED VALUE RATES);

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LINE-HAUL RATES; AND ACCESSORIAL OR TERMINAL CHARGES

Section 1457.1000 Authority to Establish Released Value Rates

- a) Prior authority from the Commission is required to establish released value rates.
- b) Standards for granting or denying released value rate applications. The Commission shall grant an application for authority to establish rates based on value if the rate is agreed to by the shipper, based on value declared by the shipper in writing, and is in compliance with 92 Ill. Adm. Code 1225, except that the rate is based on value.
- c) Additional authority not required to change rate levels. Carriers authorized to establish rates based on value may change the level of the rates without additional authority, provided that the commodities to which the rates apply, the territory within which the rates apply, and other provisions regarding application of the rates are not changed.
- d) Limitation. A released value rate authorized by the Commission applies to the specific shippers for which it was authorized.

Section 1457.1010 Released Rate Application Form

Applications for authority to establish rates based on value shall be on the Commission's "Released Rate Application" form. Forms are available from the Commission at its offices in Springfield and Chicago.

Section 1457.1020 Establishment of Line-haul Rates

- a) “Line-haul” means transportation, not including pick-up, delivery, and accessorial services.
- ~~b~~a) All carriers under the Commission's rate jurisdiction are required to establish rates in cents per 100 pounds, except as provided in subsections (b) and (~~d~~e) of this Section.
- ~~c~~b) Rates may be established per unit of time:

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- 1) When the distance from the point of origin to the final destination of a shipment is not more than ~~5035~~ miles; or
 - 2) When both the point of origin and the final destination of a shipment are within the area covered by the counties of Cook, DuPage, Kane, Kendall, Lake, McHenry, and Will; or
 - 3) ~~When the transportation is exempt from Commission rate jurisdiction. Transportation is rate exempt when both the point of origin and the final destination of a shipment are within the terminal area of a municipality, unless both the origin and destination are within a county having a population of 1,000,000 or more.~~
- de) Shipments rated upon units of time shall, except as otherwise provided in this subsection, be transported singly and not commingled with any other freight. Where shipments rated upon units of time are commingled, the burden shall be on the carrier to demonstrate that the charges for each commingled shipment are not greater than the charges that would have applied if the shipments had been transported singly and not commingled.
- e) Rates need not be established in cents per 100 pounds, or per unit of time, where the transportation is exempt from Commission rate jurisdiction. Transportation is rate exempt when both the point of origin and point of destination of a shipment are within the terminal area of a municipality, unless both the origin and destination are within a county having a population of 1,000,000 or more.

(Source: Amended at 28 Ill. Reg. 3840, effective March 1, 2004)

Section 1457.1030 Accessorial or Terminal Service Charges

- a) Definitions. As used in this Section, the term "intercity" means transportation other than "short haul". As used in this Section, the term "short haul" means transportation from the point of origin to the final destination of not more than 35 miles, except that moves wholly within counties having a population of 1,000,000 or more are not considered "short haul".
- b) Each household goods carrier shall establish charges for each accessorial or

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terminal service rendered in connection with line-haul transportation. The tariffs containing such charges shall separately describe each service and -the charge therefor. Charges for packing and unpacking service shall be on a physical unit basis. Charges for miscellaneous labor performed at the request of the shipper shall be on an hourly basis.

- c) Whenever the shipper specifically requests notification of the actual weight and charges on an intercity shipment, the carrier shall comply with the request immediately upon determining the actual weight and charges, by telephone, fax, ~~or~~ e-mail, text or other immediate electronic means, if requested. The notification shall be made no later than 24 hours prior to the time the shipment is offered by the carrier to the shipper for delivery at the final destination, except where the shipment is in transit less than 24 hours.

SUBPART N: APPLICATIONS FOR APPROVAL OF TARIFF BUREAU AGREEMENTS

Section 1457.1100 Definition of Tariff Bureau

The term "tariff bureau", when used in Subpart N and Subpart O, shall mean any conference, association, committee, or other organization that engages in collective ratemaking activities.

Section 1457.1110 Contents of Application

Application for approval of a tariff bureau agreement shall be verified and shall show:

- a) The full and correct name, trade name, and business address (street and number, city, state, and zip code) of the applicant; whether applicant is a corporation, individual, or partnership; if a corporation, the state of incorporation, and if a partnership, the names of the partners and date of formation of the partnership.
- b) The full and correct name and trade name of each carrier participating in the agreement.
- c) A detailed description of the tariff bureau, including its organizational structure; the identities of its owners, officers and directors; the services it provides; the territory within which it provides services; and any relationship of a business nature between the tariff bureau and any other transportation organization other than its participating carriers.

PROPOSED AMENDMENTS FOR DISCUSSION ONLY

The following proposed amendments (Proposals) to 92 Ill. Admin. Code 1457 are provided for discussion purposes only and do not constitute binding commitments.

These Proposals are intended solely for the purpose of facilitating discussions and soliciting feedback from stakeholders and interested parties.

They do not represent final decisions or the opinions of the Illinois Commerce Commission. No party shall be entitled to rely on any Proposal as binding or enforceable.

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- d) The facts relied upon to establish that the agreement will be in the furtherance of the State transportation policy (see 625 ILCS 5/18c-1103).

Section 1457.1120 Required Exhibits

There shall be filed with each application the following exhibits:

- a) A copy of the collective ratemaking agreement.
- b) A copy of the constitution, bylaws, or other documents or writings, specifying the organization's powers, duties, and procedures, unless incorporated in the tariff bureau agreement itself.

Section 1457.1130 Independent Action

When independent action is announced by a carrier participating in a tariff bureau agreement, and the carrier requests that the tariff bureau publish the rates, the tariff bureau shall give notice of and publish the rates in the same manner that the tariff bureau gives notice of and publishes actions proposed under procedures for collective ratemaking. No joint or collective procedures under the agreement are thereby invoked.

SUBPART O: TARIFF BUREAU RECORDS AND REPORTS

Section 1457.1200 Accounts

Accounts shall be kept by each tariff bureau of all receipts and expenditures of moneys. All receipts and expenditures of moneys shall be supported by original records or copies of original records.

Section 1457.1210 Ratemaking Records

Each tariff bureau shall maintain, with regard to each rate proposal presented to or acted upon by the tariff bureau, either as an independent action or collective action, a complete file containing:

- a) A copy of the rate proposal as received by the tariff bureau;
- b) A copy of any response by the tariff bureau, participating carriers, or others to the

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rate proposal;

- c) An account of the processing and disposition of the rate proposal; and
- d) Any related documents in the possession of the tariff bureau.

Section 1457.1220 Reporting Requirements

Each tariff bureau shall complete and file with the Commission by May 15 of each year the Commission's Tariff Bureau Annual Report form.

Section 1457.1230 Prohibition Against Protests by Tariff Bureaus

- a) The Commission shall not approve any tariff bureau agreement unless the agreement provides that the tariff bureau shall not, in its own name, intervene in opposition to any action by a participating or non-participating carrier.
- b) A tariff bureau may act as the agent for a carrier in filing or prosecuting a petition for leave to intervene in opposition to the action of a carrier, provided that the tariff bureau does not engage in the unauthorized practice of law.
- c) A tariff bureau may defend a general rate change published by the bureau in an agency publication.

SUBPART P: CARRIER/AGENT RELATIONSHIPS

Section 1457.1300 Carrier/Agent Relationships

- a) Household goods carriers are absolutely responsible for all the acts or omissions of their agents that relate to the performance of Illinois intrastate transportation held out in the name of the principal carrier, or where the shipper is led to believe the transportation would be performed by the principal carrier.
- b) No household goods carrier shall act for any other carrier in the solicitation or transportation of shipments of household goods in Illinois intrastate commerce between points that both carriers are authorized to serve unless the rates established by the 2 carriers are identical.

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- c) Authority for Agents' Operations:
 - 1) When an agent of a carrier moves a shipment under its own operating authority, the estimate of charges, bill of lading, and other related documents shall be prepared and issued by the agent in its own name rather than in the name of the principal.
 - 2) When an agent of a household goods carrier moves a shipment under its principal's operating authority, the estimate of charges, bill of lading, and other related documents shall all be prepared and issued in the name of the principal rather than in the name of the agent. In this situation, the agent shall act in all respects as if it were the principal.
 - 3) To the extent that an agent operates beyond the scope of its certificate or license, by using the principal's operating authority, it shall do so pursuant to an equipment lease (see Subpart L of this Part) or a license transfer approved by the Commission. In this instance, the estimate of charges, bill of lading, and other related documents shall all be prepared and issued by the agent in the name of the principal rather than in its own name.
 - 4) Before operations are conducted by an agent on behalf of its principal, a copy of the agency agreement, duly executed by the parties, shall be filed with the Commission.

SUBPART Q: FEES

Section 1457.1400 Filing Fees

Filing fees for household goods carriers shall be as follows:

- a) Application for new license \$900
- 1) ~~Application for temporary authority~~ ~~\$450~~
- 2) ~~Application for emergency temporary authority~~ ~~\$450~~
- 3) ~~Application for permanent license~~ ~~\$900~~

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| b) | Application for extended license | |
| 1) | For temporary authority | \$450 |
| 2) | For emergency temporary authority | \$450 |
| 3) | Other application for extended license | \$900 |
| c) | Application to transfer license | |
| 1) | Transfer under Section 18c-4306 of the Law | \$450 |
| 2) | Other application to transfer license | \$900 |
| d) | Application to reinstate a suspended or revoked license or vacated order | \$900 |
| e) | Petition for interpretation of authority | \$375 |
| f) | Petition to amend authority | \$112.50 |
| g) | Petition for name change | \$112.50 |
| h) | Rate filings | |
| 1) | Application for authority to establish a released value rate | \$112.50 |
| 2) | Special permission application | \$112.50 |
| i) | Annual cab card and cab card renewal fee for each vehicle operated by or under authority of a household goods carrier | \$37.50 |
| j) | Each order for cab cards shall be accompanied by a \$15 order processing fee. | |

(Source: Amended at 28 Ill. Reg. 13003, effective October 1, 2004)