

Adopt Saf-C 9100, to read as follows:

CHAPTER Saf-C 9100 CARRIAGE OF HOUSEHOLD GOODS BY MOTOR VEHICLES

Statutory Authority: RSA 21-P:14,II(w); RSA 359-T:3; RSA 359-T:4; RSA 359-T:5, IV and V; RSA 359-T:13, II; and RSA 359-T:14, II

PART Saf-C 9101 DEFINITIONS

Saf-C 9101.01 "Able" in the context of "willing and able" means the applicant possesses financial resources, equipment whether leased or owned, personnel, and a lawful place of business, that support the authority for which application is made.

Saf-C 9101.02 "Bureau" means the New Hampshire department of safety, division of administration, bureau of road toll.

Saf-C 9101.03 "Certificate" means "certificate" as described in RSA 359-T:2.

Saf-C 9101.04 "Commissioner" shall mean the commissioner of the department of safety as defined in RSA 359-T:1, IV or the commissioner's designee.

Saf-C 9101.05 "Compensation" means a return in money, property, or anything of value for services rendered in transporting household goods by motor vehicle over public highways, whether paid, received, or realized directly or indirectly, and specifically includes any profit in money, goods, or things realized on the delivered price of household goods.

Saf-C 9101.06 "Household goods carrier" means "household goods carrier" as defined in RSA 359-T:1, II and III.

Saf-C 9101.07 "Permit" means "permit" as described in RSA 359-T:4.

Saf-C 9101.08 "Willing" in the context of "willing and able" means an applicant intends to comply with the applicable statutes, rules, and federal regulations, for the duration of the certificate or permit.

PART Saf-C 9102 REQUIREMENTS FOR CERTIFICATE OR PERMIT HOLDERS

Saf-C 9102.01 Use of Trade Names. Household goods carriers governed by these rules shall not conduct business under any trade name until a copy of the certificate of registration by the secretary of state pursuant to the provisions of RSA 349 has been filed with the bureau.

Saf-C 9102.02 Certificate of Insurance.

(a) Pursuant to RSA 359-T:8, a prerequisite to operation by household goods carriers shall be the filing of insurance issued by an insurance company licensed to do business in New Hampshire, indicating a cargo insurance policy or indemnity bond is in force.

(b) The insurance policy or indemnity bond required in (a) above shall have an amount of coverage not less than \$.60 per pound of registered load carrying capacity of any vehicle used in the applicant's business.

Saf-C 9102.03 Change of Address. Household goods carriers governed by these rules shall notify the bureau in writing of any change of address within 10 days of such change.

Saf-C 9102.04 Leasing Equipment.

(a) Any household goods carrier who holds a certificate or permit issued by the bureau may lease equipment from another carrier by executing a written lease agreement signed by the parties involved.

(b) All leased equipment shall have placards with the name of the lessee as provided in Saf-C 9102.05(a).

(c) Each lease described in (a) above shall:

(1) Describe the type of vehicle, its registration number, and the company vehicle number assigned;

(2) Provide for the exclusive possession, control, and use of the equipment and provide for the complete assumption of responsibility by the lessee for the duration of the lease;

(3) Provide that the drivers of leased equipment shall not be employees under the control of the lessor, except to the extent necessary to deliver or pick up a leased vehicle;

(4) Specify the date the lease begins and ends;

(5) Not permit a lessee to operate under the lessor's certificate(s) or permit(s);

(6) Be carried in the vehicle at all times; and

(7) Be produced on demand for inspection by an authorized representative of the bureau.

Saf-C 9102.05 Name of Carrier.

(a) Any vehicle registered with the bureau as a household goods carrier shall display in a conspicuous place on both sides of each vehicle the name of the carrier that appears on the certificate or permit.

(b) The identifying letters on the vehicle shall be large enough to be legible at a distance of 50 feet.

Saf-C 9102.06 Transfer or Assignment of Certificates or Permits.

(a) A carrier wishing to sell, assign, or transfer its certificate or permit shall notify the bureau in writing of the proposed transaction and the name of the prospective transferee.

(b) Within 30 days of receipt of the written notice, as specified in (a) above, the bureau shall request a transfer application Form DSASD 5-HT, "Transfer or Assignment of Household Goods Carrier Operations", (rev. 04/23), from the prospective transferee in order to evaluate the proposed transfer or assignment.

(c) The scope of the evaluation shall be limited to the following issues:

(1) Whether the transferee is willing, and able; and

(2) Whether the transferee has complied with relevant statutes and these rules.

Saf-C 9102.07 Access to Records. Pursuant to RSA 359-T:13, III, all records, accounts, and documents shall be accessible for inspection by the bureau, or any authorized representative of the bureau, during business hours.

PART Saf-C 9103 ESTIMATES AND BILLING

Saf-C 9103.01 Written Estimate of Costs.

(a) Upon the request of any shipper, a household goods carrier shall provide a written estimate of costs in advance of performing any service for the shipper.

(b) A written estimate of costs shall contain the following:

(1) For shipments transported at hourly rates:

- a. The name and address of the carrier to perform the services;
- b. The name and title of the person preparing the estimate;
- c. The origin and destination of the proposed transport, and the mileage between such points;
- d. The rate to be applied;
- e. An itemized statement of all accessorial services to be performed and the applicable charges; and
- f. An estimate of the total of all charges;

(2) For shipments transported on weight and mileage rates:

- a. The information required (1)a.-f. above;
- b. A list of the articles upon which the estimate is based and the applicable estimated cubic footage for each article listed; and
- c. The estimated total weight of the shipment, based upon a conversion formula of no less than 7 pounds per cubic foot; and

(3) A statement that the carrier shall not charge the customer any amount which exceeds the written estimate by 10 percent without the customer's written consent.

Saf-C 9103.02 Rates.

(a) Rates shall be stated in dollars and cents, whether calculated per pound, per mile, per package, or per hour.

(b) Rates and commodity descriptions shall be clear so the applicable rate is easily determined.

(c) Whenever conflicting provisions exist relative to the application of rates, the provision or rate that results in a lower total charge shall be assessed.

Saf-C 9103.03 Bills.

(a) Bills submitted for services rendered shall contain the following:

- (1) The name and address of the carrier;
- (2) The name and address of the shipper;
- (3) The date the service was performed;
- (4) The points between which the service was rendered; and
- (5) Each item for which a rate is applied in accordance with the corresponding rate applied.

PART Saf-C 9104 COMPLAINTS AND HEARINGS

Saf-C 9104.01 Complaints.

(a) Pursuant to RSA 359-T:15, complaints regarding carriers of household goods shall be filed with the bureau in writing.

(b) The complainant shall state:

- (1) The nature of the complaint; and
- (2) All information available to support the complaint.

(c) All complaints shall be processed pursuant to Saf-C 203.01.

Saf-C 9104.02 Conduct of Hearings. All hearings shall be conducted pursuant to Saf-C 200.

Saf-C 9104.03 Revocation. After notice, hearing, and a finding of failure to comply with RSA 359-T or these rules, a certificate or permit shall be revoked.

Saf-C 9104.04 Voluntary Suspensions.

(a) A carrier may request, in writing, to the bureau, that its certificate or permit be suspended.

(b) The written request shall contain:

- (1) The reason for the request;
- (2) The effective date of the suspension; and
- (3) The duration of the suspension.

(c) The duration of the suspension requested in (b) above shall not exceed one year.

(d) No later than 30 days after the end of the suspension period, the carrier shall request the bureau, in writing, to either reinstate or revoke the authority.

PART Saf-C 9105 FORMS

Saf-C 9105.01 Application Form.

(a) Each applicant for a permit or certificate pursuant to RSA 359-T shall furnish the following on form DSAD 5-H, "New Household Goods Carrier Operations", (rev 04/23):

- (1) Name, address, and telephone number;
- (2) Whether the applicant is a natural person, partnership, or corporation;
- (3) If a partnership, the names of all partners;
- (4) If owned in part or controlled by out-of-state interests, the name, address, and type of business of each;
- (5) If a corporation, the date, and state of incorporation;
- (6) A copy of the certificate of registration filed with the secretary of state pursuant to the provisions of RSA 349:1;

- (7) Whether authority is sought as a common or contract carrier;
- (8) A full description of any commodities to be handled;
- (9) A statement of assets and liabilities as of the date of the application, unless the applicant is a certificate or permit holder;
- (10) A statement of the experience of the applicant or officers of the applicant company, and any other facts relevant to the ability of the applicant to properly perform the service covered by the application, including, but not limited to:
 - a. A list of each vehicle to be used in the carriage of household goods;
 - b. Any special licenses held; and
 - c. Any special equipment to be employed;
- (11) A certificate of insurance; and
- (12) The signature of applicant under the penalty of unsworn falsification pursuant to RSA 641:3.

Saf-C 9105.02 Application for Transfer or Assignment Form.

(a) Each applicant for a transfer or assignment of permit or certificate pursuant to RSA 359-T shall furnish the following on form DSAD 5-HT, "Transfer or Assignment of Household Goods Carrier Operations", (rev. 04/23):

- (1) Name, address, and telephone number;
- (2) Whether the applicant is a natural person, partnership, or corporation;
- (3) If a partnership, the names of all partners;
- (4) If owned in part or controlled by out-of-state interests, the name, address, and type of business of each;
- (5) If a corporation, the date and state of incorporation;
- (6) Name of the household goods carrier transferring or assigning certificate or permit and their corresponding certificate number;
- (7) A copy of the certificate of registration filed with the secretary of state pursuant to the provisions of RSA 349:1;
- (8) Whether authority is sought as a common or contract carrier;
- (9) A full description of any commodities to be handled;
- (10) A statement of assets and liabilities as of the date of the application, unless the applicant is a certificate or permit holder;
- (11) A statement of the experience of the applicant or officers of the applicant company, and any other facts relevant to the ability of the applicant to properly perform the service covered by the application, including, but not limited to:

- a. A list of each vehicle to be used in the carriage of household goods;
 - b. Any special licenses held; and
 - c. Any special equipment to be employed;
- (12) A certificate of insurance; and
- (13) The signature of applicant under the penalty of unsworn falsification pursuant to RSA 641:3.

Saf-C 9105.03 Annual Report Form.

(a) Each household goods carrier with an active permit or certificate pursuant to RSA 359-T shall furnish the following on form DSAD 5-HAR, "Household Goods Carrier Annual Report", (rev 04/23), annually by July first:

- (1) Name, address, and telephone number;
- (2) A list of each vehicle to be used in the carriage of household goods;
- (3) A certificate of insurance;
- (4) The name, title, and signature of the person completing the annual report form and the date the form was signed under the penalty of unsworn falsification pursuant to RSA 641:3.

PART Saf-C 9106 ORDER OF PRECEDENCE

Saf-C 9106.01 Order of Precedence. If a conflict arises between Saf-C 4600 and Saf-C 9100, then Saf-C 9100 shall take precedent.

APPENDIX

Rule	Statute
Saf-C 9101.01	RSA 21-P:14, II(w); RSA 359-T:3; RSA 359-T:4; RSA 359-T:5, IV and V; RSA 359-T:13, II; RSA 359-T:14, II; RSA 541-A:7
Saf-C 9101.02	RSA 541-A:7
Saf-C 9101.03	RSA 359-T:2
Saf-C 9101.04	RSA 21-P:6, IX; RSA 541-A:7
Saf-C 9101.05	RSA 541-A:7
Saf-C 9101.06	RSA 359-T:1, II, III
Saf-C 9101.07	RSA 359-T:4
Saf-C 9101.08	RSA 359-T:3; RSA 359-T:4; RSA 541-A:7
Saf-C 9102.01	RSA 359-T:2
Saf-C 9102.02	RSA 359-T:8
Saf-C 9102.03-9102.05	RSA 359-T:4
Saf-C 9102.06	RSA 359-T:4; RSA 359-T:7
Saf-C 9102.07	RSA 359-T:13, III

Saf-C 9103.01-9103.03	RSA 359-T:9; RSA 359-T:11
Saf-C 9104.01-9104.04	RSA 359-T:6; RSA 359-T:15
Saf-C 9105.01-9105.03	RSA 359-T:5; RSA 359-T:4; RSA 359-T:7; RSA 359-T:8; RSA 359-T:13, I(a)
Saf-C 9106.01	RSA 359-T:14, II(d)