

General Notice
FMCSA Enforcement Policy
for
Household Goods Consumer Protection Regulations Published
June 11, 2003

The Federal Motor Carrier Safety Administration (FMCSA) published the Household Goods (HHG) Consumer Protection Regulations as an interim final rule (IFR) on June 11, 2003. Subsequent decisions were issued on March 5, 2004, and April 2, 2004, as a result of industry petitions.

The interim final rule consumer protection regulations became effective on September 9, 2003, and at the request of the American Moving and Storage Association (AMSA), FMCSA granted a petition to stay the March 1, 2004, compliance date, until the industry petitions could be addressed. On March 5, 2004, we published a technical amendment that resolved many of the issues contained in the industry petitions, and announced a compliance date of April 5. On March 12, AMSA petitioned for another stay of the compliance date until December 31, 2004, to correct technical amendments in the March 5 publication. This was bolstered by AMSA's petition for stay and review of the rules in the U.S. Court of Appeals, which was withdrawn after FMCSA published a clarifying decision on April 2 and extended the compliance date until May 5, 2004.

FMCSA has decided to make every reasonable effort to assist the industry in complying with the new consumer protection regulations. To address AMSA's concerns, FMCSA will implement an enforcement policy to reflect the following:

1. For all HHG shipments contracted before May 5, 2004, we will not enforce the IFR regulations. All shipments contracted for on or after May 5 will be subject to the new requirements.
2. FMCSA will delay enforcement of regulatory provisions requiring changes to forms (e.g. bills of lading) until July 1, 2004. This will provide the industry an opportunity to produce new forms and train employees in their use.
3. Distribution of the revised Your Rights and Responsibilities When You Move pamphlet must take place beginning on May 5, 2004.
4. The shipper notification requirement for an arbitration program must be complied with by May 5, 2004.
5. Compliance with all other provisions, including the collection of transportation charges and additional services charges, is required beginning May 5, 2004.

If you have any questions regarding the applicability of the HHG regulations, please contact Joy Dunlap or Dorothea Grymes at (202) 385-2400.