
HOUSE BILL 1907

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Wineberry, Jones and Lemmon

Read first time 02/15/93. Referred to Committee on Transportation.

1 AN ACT Relating to estimating charges for carrying household goods;
2 amending RCW 81.04.405; adding a new section to chapter 81.04 RCW; and
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 81.04 RCW
6 to read as follows:

7 When a common carrier gives an estimate of charges for services in
8 the carrying of household goods, the common carrier shall endeavor to
9 accurately reflect the actual tariff charges. The common carrier is
10 subject to monetary penalties under RCW 81.04.405 if: (1) For a long-
11 distance move, the actual total charges exceed the estimated charges by
12 at least fifteen percent; or (2) for a local move, the actual total
13 charges for the time required to complete the move exceed the estimated
14 time charges by at last twenty-five percent, or the actual total
15 charges for accessorial and other services not related to time charges
16 exceed the estimate for the services by at least fifteen percent.

17 **Sec. 2.** RCW 81.04.405 and 1973 c 115 s 2 are each amended to read
18 as follows:

1 (1) Except for subsection (2) of this section, in addition to all
2 other penalties provided by law, every public service company subject
3 to the provisions of this title and every officer, agent, or employee
4 of any such public service company who violates or who procures, aids,
5 or abets in the violation of any provision of this title or any order,
6 rule, regulation or decision of the commission, and every person or
7 corporation violating the provisions of any cease and desist order
8 issued pursuant to RCW 81.04.510, shall incur a penalty of one hundred
9 dollars for every such violation.

10 (2) A violation of section 1 of this act is subject to a penalty of
11 not more than one thousand dollars.

12 (3) Each and every such violation shall be a separate and distinct
13 offense and in case of a continuing violation every day's continuance
14 shall be and be deemed to be a separate and distinct violation. Every
15 act of commission or omission which procures, aids, or abets in the
16 violation shall be considered a violation under the provisions of this
17 section and subject to the penalty herein provided for.

18 The penalty herein provided for shall become due and payable when
19 the person incurring the same receives a notice in writing from the
20 commission describing such violation with reasonable particularity and
21 advising such person that the penalty is due. The commission may, upon
22 written application therefor, received within fifteen days, remit or
23 mitigate any penalty provided for in this section or discontinue any
24 prosecution to recover the same upon such terms as it in its discretion
25 shall deem proper and shall have authority to ascertain the facts upon
26 all such applications in such manner and under such regulations as it
27 may deem proper. If the amount of such penalty is not paid to the
28 commission within fifteen days after receipt of notice imposing the
29 same, or application for remission or mitigation has not been made
30 within fifteen days after violator has received notice of the
31 disposition of such application, the attorney general shall bring an
32 action in the name of the state of Washington in the superior court of
33 Thurston county, or of some other county in which such violator may do
34 business, to recover such penalty. In all such actions, the procedure
35 and rules of evidence shall be the same as an ordinary civil action,
36 except as otherwise herein provided. All penalties recovered under

1 this title shall be paid into the state treasury and credited to the
2 public service revolving fund.

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