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SENATE BILL 5376

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State of Washington

57th Legislature

2001 Regular Session

By Senators Gardner, Horn and Haugen

Read first time 01/22/2001. Referred to Committee on Transportation.

1 AN ACT Relating to household goods carriers operating without a  
2 permit; and adding new sections to chapter 81.80 RCW.

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

4 NEW SECTION. **Sec. 1.** The business of operating as a household  
5 goods carrier for compensation along the highways of this state is  
6 declared to be a business affected with the public interest. The  
7 unlawful advertisement, use of telecommunications services, and  
8 provision of household goods moving services by unlicensed household  
9 goods carriers constitutes an unfair trade practice and unfair  
10 competitive advantage over properly licensed and regulated household  
11 goods carriers and exposes unsuspecting consumers to the risk of theft,  
12 fraud, deception, and other forms of dishonesty. The legislature  
13 declares that the termination, alteration, or refusal of  
14 telecommunications services utilized by unlicensed household goods  
15 carriers is essential to ensure the public safety and welfare.

16 Therefore, the commission should take enforcement action in  
17 compliance with this act to refuse or discontinue telecommunications  
18 services, including the use of specific telephone numbers, of  
19 unlicensed household goods carriers when other available enforcement

1 remedies of the commission have failed to terminate unlawful activities  
2 detrimental to the public safety and welfare.

3 NEW SECTION. **Sec. 2.** The superior court of a county has the  
4 power, upon petition of the commission, to order any entity providing  
5 telecommunication services, including wireless telecommunications  
6 service, to refuse or terminate telecommunications services, or to  
7 change or terminate a telephone number with no call forwarding from the  
8 previous telephone number, of an entity advertising for or providing  
9 household goods moving services in violation of the laws requiring a  
10 household goods permit. The court shall issue such order, with or  
11 without hearing, if it finds that:

12 (1) The telecommunications subscriber is advertising or holding out  
13 to the public to perform, or is performing, household goods carrier  
14 services without having in force a permit issued by the commission;

15 (2) The telecommunications service, or telephone number, is being  
16 used or is to be used as an instrumentality, directly or indirectly, to  
17 violate or to assist in violation of the laws requiring a household  
18 goods carrier permit;

19 (3) The commission has made a good faith effort through other  
20 enforcement remedies to terminate unlawful household goods carrier  
21 services including, at a minimum, issuance of a cease and desist order;

22 (4) The order is necessary for public safety and welfare.

23 NEW SECTION. **Sec. 3.** In the event the court orders termination of  
24 the use of a telephone number by a subscriber or orders a changed  
25 telephone number, the original number may not be reused by any entity  
26 providing telecommunications services, including wireless  
27 telecommunications service, in this state for a period of one year  
28 unless a lesser period of time is specified by the court or if further  
29 order of the court releases the number for reuse.

30 NEW SECTION. **Sec. 4.** Any entity providing telecommunications  
31 services that has been ordered to refuse or terminate  
32 telecommunications services, or to change or terminate a telephone  
33 number, shall notify the subscriber in writing within five business  
34 days that such action was implemented and shall provide a copy of the  
35 court's order to the subscriber.

1        NEW SECTION.    **Sec. 5.** Any entity that believes that it has been  
2 negatively affected by court action taken under sections 1 through 6 of  
3 this act has the right to petition the court for reconsideration of its  
4 order or, alternatively, to file a complaint with the commission. If  
5 filed with the commission, the commission shall schedule a public  
6 hearing on the complaint to be held within twenty-one calendar days of  
7 the filing and assignment of a docket number to the complaint.

8        The commission hearing shall be held in accordance with its rules  
9 of practice and procedure and is subject to judicial appeal consistent  
10 with other general matters that come before the commission for  
11 adjudication.

12        NEW SECTION.    **Sec. 6.** No action at law or in equity shall accrue  
13 against any entity providing telecommunications services in this state  
14 because of, or as a result of, any lawful act related to action under  
15 sections 1 through 6 of this act.

16        NEW SECTION.    **Sec. 7.** Sections 1 through 6 of this act are each  
17 added to chapter 81.80 RCW.

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