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HOUSE BILL 1359

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State of Washington

58th Legislature

2003 Regular Session

By Representatives Simpson, Hankins, Ericksen, Wood, Armstrong,  
Lovick and Woods

Read first time 01/23/2003. Referred to Committee on Transportation.

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

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 (a) The business of operating as a household goods carrier for  
7 compensation along the highways of this state is declared to be a  
8 business affected with the public interest; and

9 (b) The unlawful advertisement, use of telecommunications services,  
10 and provision of household goods moving services by unlicensed  
11 household goods carriers constitutes an unfair trade practice and  
12 unfair competitive advantage over properly licensed and regulated  
13 household goods carriers and exposes unsuspecting consumers to the risk  
14 of theft, fraud, deception, and other forms of dishonesty.

15 (2) The legislature declares that the termination, alteration, or  
16 refusal of telecommunications services utilized by unlicensed household  
17 goods carriers is essential to ensure the public safety and welfare.

18 (3) The legislature intends that the utilities and transportation  
19 commission take enforcement action in compliance with this act to

1 refuse or discontinue telecommunications services, including the use of  
2 specific telephone numbers, of unlicensed household goods carriers when  
3 other available enforcement remedies of the commission have failed to  
4 terminate unlawful activities detrimental to the public safety and  
5 welfare.

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

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

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

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

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

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

34 NEW SECTION. **Sec. 4.** Any entity providing telecommunications  
35 services that has been ordered to refuse or terminate

1 telecommunications services, or to change or terminate a telephone  
2 number, shall notify the subscriber in writing within five business  
3 days that such action was implemented and shall provide a copy of the  
4 court's order to the subscriber.

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

12 The commission hearing must be held in accordance with its rules of  
13 practice and procedure and is subject to judicial appeal consistent  
14 with other general matters that come before the commission for  
15 adjudication.

16 NEW SECTION. **Sec. 6.** No action at law or in equity may accrue  
17 against any entity providing telecommunications services in this state  
18 because of, or as a result of, any lawful act related to action under  
19 sections 2 through 6 of this act.

20 NEW SECTION. **Sec. 7.** Sections 2 through 6 of this act are each  
21 added to chapter 81.80 RCW.

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