



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/09/04, by Dave Winters

SYNOPSIS AS INTRODUCED:

625 ILCS 5/18c-4501

from Ch. 95 1/2, par. 18c-4501

Amends the Illinois Vehicle Code. Provides that the Illinois Commerce Commission shall require any household goods carrier engaged in the business of transporting used household goods and personal effects by motor vehicle in this State to provide each consumer with a completed copy of a notice 3 days in advance of the move setting forth the "Not to Exceed" contract amount.

LRB093 19228 RXD 44963 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning vehicles.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by adding
5 Section 18c-4501 as follows:

6 (625 ILCS 5/18c-4501) (from Ch. 95 1/2, par. 18c-4501)

7 Sec. 18c-4501. Jurisdiction and power of the Commission.

8 (1) Power to set rates. The Commission shall have
9 jurisdiction and power to set the maximum or minimum, or
10 maximum and minimum, lawful rates for intrastate service by
11 common carriers of household goods, to set the minimum lawful
12 rates for contract carriers of household goods, and to
13 prescribe the form and content of tariffs and schedules
14 containing such rates.

15 (1.5) Power to prescribe forms. The Commission shall
16 require that any household goods carrier engaged in the
17 business of transporting used household goods and personal
18 effects by motor vehicle in this State provide each consumer
19 with a completed copy of the notice set forth in this Section.
20 The notice shall be printed in at least 12-point type, except
21 the title and first 2 paragraphs, which shall be printed in
22 boldface type, and provided to each consumer at least 3 days
23 prior to the date scheduled for the transportation of household
24 goods or personal effects. If the consumer requests services on
25 a date that is less than 3 days before the scheduled date for
26 transportation of the household goods or personal effects, the
27 carrier shall provide the notice as soon as practicable, but in
28 no event may the carrier commence any services until the
29 consumer has signed and received a signed copy of the notice.
30 The carrier shall obtain sufficient information from the
31 consumer to fill out the form and shall include the correct
32 maximum amount and a sufficient description of services that

1 will be performed. The carrier shall retain a copy of the
2 notice, signed by the consignor, for at least 3 years from the
3 date the notice was signed by the consumer.

4 The "Not To Exceed" amount set forth in the notice and the
5 agreement between the household goods carrier and the consumer
6 shall be the maximum total dollar amount for which the consumer
7 may be liable for the transportation of household goods and
8 personal effects and any additional services ordered by the
9 consumer, including any bona fide change order permitted under
10 the Commission's rules and tariffs, and agreed to by the
11 consumer before any goods or personal effects are moved from
12 their location or any other services are performed.

13 A household goods carrier shall provide the notice set
14 forth in this Section as a separate document. The notice
15 provided to the consumer shall be in the following form:

16 "IMPORTANT NOTICE ABOUT YOUR MOVE"

17 IT IS VERY IMPORTANT THAT YOU ONLY AGREE TO A "NOT TO
18 EXCEED" AMOUNT THAT YOU THINK IS A PROPER AND REASONABLE FEE
19 FOR THE SERVICES YOU ARE REQUESTING. THE "NOT TO EXCEED" AMOUNT
20 THIS CARRIER IS REQUESTING IS (specific amount) to perform the
21 following services (specific services):

22 IF YOU DO NOT AGREE TO THE "NOT TO EXCEED" AMOUNT LISTED OR
23 THE DESCRIPTION OF SERVICES, YOU HAVE THE RIGHT TO REFUSE THE
24 CARRIER'S SERVICE AT NO CHARGE TO YOU.

25 If you request additional or different services at the time
26 of the move, you may be asked to complete a Change Order which
27 will set forth your agreement to pay for additional fees for
28 those newly requested services. If you agree to the additional
29 charges on that Change Order, those charges may be added to the
30 "NOT TO EXCEED" amount set forth above. If you do not agree to
31 the amounts listed in the Change Order, you should not sign it
32 and may refuse the carrier's services.

33 A carrier cannot refuse to release your goods once you have
34 paid the "NOT TO EXCEED" amount for the transportation of your
35 goods and personal effects and any additional services that you
36 have agreed to in writing. The "NOT TO EXCEED" amount must be

1 reasonable. A carrier cannot, under any circumstances,
2 withhold food, medicine, medical devices, items to treat or
3 assist a disabled person, or items used for care of a minor
4 child. An unlicensed carrier has no right to withhold your
5 goods for any reason including claims that you have not
6 adequately paid for services rendered. I have completed this
7 form and provided the consumer with a copy of this notice
8 (signature).

9 I have been provided with a copy of this form
10 (signature).".

11 (2) Power to Establish Ratemaking Procedures. The
12 Commission may establish procedures for the filing,
13 publication, investigation, suspension and prescription of
14 rates. The Commission may provide that rates for particular
15 services will go into effect unless suspended by the
16 Commission, or may require that rates for such services be
17 approved by the Commission before going into effect.

18 (Source: P.A. 89-444, eff. 1-25-96.)