

4901:2-19-08

Estimates by the carrier.

(A) Except as otherwise provided for in (E), (F), and (G) of this rule, all estimates shall be in writing in plain and understandable English.

(B) Estimates may be offered on a nonbinding, binding, or guaranteed-not-to-exceed basis.

(C) No provision contained in any tariff filed by the carrier or on the bill of lading accompanying a shipment of household goods shall be considered binding upon the consumer unless it is also disclosed to the consumer in the estimate for such shipment.

(D) All estimates shall include the following:

(1) The name, address and certificate number of the carrier that is to perform the transportation service.

(2) The name and signature of the person preparing the estimate and the date on which the estimate is made.

(3) The type of estimate being provided: nonbinding, binding, or guaranteed-not-to-exceed.

(4) The name and address of the consumer.

(5) A description of the shipment and any charges to be assessed for the shipment.

(6) A description of all services to be provided and all charges to be assessed for those services.

(7) The origin and the destination of the proposed shipment; if the estimate is made based upon the miles between the origin and the destination, the mileage must be listed.

(8) The estimated total weight of the shipment if the carrier's rate is based on the weight of the shipment.

(9) All costs related to storage time, if applicable.

(10) The planned pickup and delivery dates for the shipment; in the event that the pickup and delivery dates have not been determined by the consumer, the estimate must indicate "telephone notification" in the space provided for the pickup and delivery dates.

(11) The carrier's choice of reimbursement option(s) for the consumer as required in rule 4901:2-19-06 of the Administrative Code.

(12) If the carrier chooses the right to repair any damaged goods in lieu of reimbursement, a statement explaining this right.

(13) If the consumer and the carrier agree to a deductible amount against any reimbursement for lost or damaged goods, a statement identifying the amount of the deductible and a place for the consumer to initial the agreement to signify that the consumer elects such limitation.

(14) The total estimated cost for the shipment.

(15) A statement of the specific methods of payment that the carrier will accept on delivery.

(16) The following statement regarding consumers' rights and responsibilities in Ohio:

"You have a minimum of sixty days from the date of the move to file a claim for any damaged or missing goods. The carrier must acknowledge receipt of your claim within fifteen days after receiving it and must respond to you within thirty days. If your complaint is not resolved after you have called the carrier, you may contact the Public Utilities Commission of Ohio for assistance at 1-800-686-7826 (toll free) or for TTY at 1-800-686-1570 (toll free) from eight a.m. to five p.m. weekdays, or at www.puco.ohio.gov."

(17) A signature line for the consumer to sign to accept the estimate. The signature line must include the date on which the estimate was accepted. The following statement must be entered in boldface type or contrasting color above the signature line:

"I accept the above estimate by _____ (carrier). I understand that by accepting this estimate, I am entering into a contract with _____ (carrier) to perform the work described in the estimate."

(E) Nonbinding estimates

(1) A carrier may provide a nonbinding estimate of the approximate costs of transporting such goods.

(2) Nonbinding estimates shall be provided only after a visual inspection of the goods by the estimator.

(a) The carrier may charge a reasonable fee for performing the visual inspection, provided that this fee is disclosed to the consumer prior to the visual inspection and the amount of the fee shall be credited to the shipment's rates and charges if the consumer accepts the carrier's estimate.

- (b) A consumer may waive its right to a visual inspection by personally signing a waiver on the written estimate.
- (3) All nonbinding estimates shall be reasonably accurate and in accord with the carrier's tariff.
- (4) The final charges on shipments moved shall be determined by the carrier's tariff.
- (5) In addition to the requirements of paragraph (D) of rule 4901:2-19-08 of the Administrative Code, all nonbinding estimate forms shall include the following:
- (a) On its face, in boldface type or a contrasting color, the following statement: "This estimate is a nonbinding estimate. If this estimate is accepted, the cost may exceed, or be less than, the amount contained in this estimate."
- (b) The rates, charges, and provisions of the carrier's tariff applicable to the shipment. All rates and charges shall be clearly and explicitly stated per unit in U.S. dollars and cents. Rates may be stated in any measurable unit verifiable by the consumer.
- (c) A statement for a consumer to personally sign to waive a visual inspection;
- (d) The following statement above the signature of the person preparing the estimate: "This is an estimate only. Actual charges will be based upon services provided."
- (6) A carrier may provide a nonbinding oral estimate in lieu of a written estimate in the following situations:
- (a) When the consumer requests an estimate five days or less prior to the scheduled move.
- (b) When the total charges for the oral estimate equal five hundred dollars or less.
- (7) In the event that the carrier provides an oral estimate, the carrier must provide a bill of lading in accordance with the terms of rule 4901:2-19-09 of the Administrative Code.

(F) Binding estimate

- (1) A carrier may provide a binding estimate of the costs which the consumer will be required to pay for the services included in the estimate.

- (2) A consumer shall accept the binding estimate by signing on the signature line provided for in paragraph (D) (17) of this rule. The carrier shall retain at least one copy of the estimate and shall provide one copy of the estimate, signed by both parties, to the consumer.
- (3) Following acceptance of the binding estimate by the consumer, both the carrier and consumer shall be contractually bound by the estimate.
- (4) The carrier may require the consumer to provide a deposit upon acceptance of the estimate by the consumer.
- (5) In addition to the requirements of paragraph (D) of rule 4901:2-19-08 of the Administrative Code, a binding estimate shall clearly indicate on its face, in boldface type or a contrasting color, that the estimate is binding on the carrier for the household goods and services identified on the estimate and that the charges shown are the charges that will be assessed for the services identified in the estimate.
- (6) A carrier may provide a binding oral estimate in lieu of a written estimate when the total charges for the oral estimate equal five hundred dollars or less.
- (7) In the event that the carrier provides an oral estimate, the carrier must provide a bill of lading in accordance with the terms of rule 4901:2-19-09 of the Administrative Code.

(G) Guaranteed-not-to-exceed estimates

- (1) A carrier may provide for an estimate on a guaranteed-not-to-exceed basis. The carrier shall specify the maximum charge which the consumer will be charged for the shipment. The consumer shall be liable for the maximum charge specified in the estimate or the charges determined by applying the carrier's tariff, whichever is less.
- (2) A consumer shall accept the guaranteed-not-to-exceed estimate by signing on the signature line provided for in paragraph (D) (17) of this rule. The carrier shall retain at least one copy of the estimate and shall provide one copy of the estimate, signed by both parties, to the consumer.
- (3) Following acceptance of the guaranteed-not-to-exceed estimate by the consumer, both the carrier and consumer shall be contractually bound by the estimate.
- (4) The carrier may require the consumer to provide a deposit upon acceptance of the estimate by the consumer.
- (5) In addition to the requirements of paragraph (D) of rule 4901:2-19-08 of the

Administrative Code, a guaranteed-not-to-exceed estimate:

- (a) Shall clearly indicate on its face, in boldface type or a contrasting color, that the consumer shall be liable for the lesser of the maximum charge specified in the guaranteed-not-to-exceed estimate for the household goods and services identified on the estimate or the charges determined by applying the carrier's tariff.
- (b) Must contain the rates, charges and provisions of the carrier's tariff which are applicable to the shipment. All rates and charges shall be clearly and explicitly stated per unit in U.S. dollars and cents. Rates may be stated in any measurable unit verifiable by the consumer.
- (6) A carrier may provide a guaranteed-not-to-exceed oral estimate in lieu of a written estimate when the total charges for the oral estimate equal five hundred dollars or less.
- (7) In the event that the carrier provides an oral estimate, the carrier must provide a bill of lading in accordance with the terms of rule 4901:2-19-09 of the Administrative Code.

(H) Addendum to Original Estimate

- (1) If, at the time the shipment is picked up or delivered, a consumer adds household goods or requests services which were not identified in the original estimate, then prior to loading or unloading the additional household goods or providing the additional services, the carrier may either reaffirm the original estimate or provide to the consumer an addendum estimating the charges for the additional household goods or services.
 - (2) Any such addendum to the estimate must conform to all of the provisions of this rule.
 - (3) Once a shipment is loaded, failure to execute a new binding estimate or a nonbinding estimate signifies that the carrier and consumer have reaffirmed the original estimate.
 - (4) In the event that the consumer or its representative is not available to sign the addendum, the carrier must advise the consumer or its representative by telephone of the terms of the addendum and enter "telephone authorization received" in the space for the consumer's signature.
- (I) Estimates for shipment of household goods provided by interstate household goods carriers shall be determined by 49 C.F.R. 375, 401 to 409 as effective on the date referenced in paragraph (E) of rule 4901:2-19-02 of the Administrative Code.

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Certification

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Date

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