



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/04/04, by Kevin Joyce, James D. Brosnahan

SYNOPSIS AS INTRODUCED:

625 ILCS 5/18c-4104

from Ch. 95 1/2, par. 18c-4104

Amends the Illinois Commercial Transportation Law in the Illinois Vehicle Code. Provides that intrastate carriers of household goods may not demand payment before delivery in an amount that is greater than 100% percent of the amount of a binding estimate and may not demand at the time of delivery more than 110% of the amount of a non-binding estimate. Provides that, if one of these carriers has contracted with a consumer for the shipment of household goods, the carrier may not perform additional services, not contained in the contract, without informing the consumer that the additional services were determined to be necessary in transit, and without obtaining the consumer's written consent to any additional charges. Provides that the carrier must provide specified information to the consumer before the contract is executed. Provides that a violation of these requirements is punishable by a fine of not less than \$500 and not more than \$1,000.

LRB093 15703 DRH 41313 b

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 changing
5 Section 18c-4104 as follows:

6 (625 ILCS 5/18c-4104) (from Ch. 95 1/2, par. 18c-4104)
7 Sec. 18c-4104. Unlawful Operations.

8 (1) Prohibition. Except as provided in Article I of this
9 Sub-chapter, and subject to the provisions stated herein, it
10 shall be unlawful for any person to:

11 (a) Operate as an intrastate motor carrier of property
12 without a license from the Commission; or as an interstate
13 motor carrier of property without a registration from the
14 Commission.

15 (b) Operate as an intrastate household goods carrier in
16 excess of the scope of a license issued to it by the
17 Commission in regard to any of the following:

- 18 1. hauling unauthorized commodities;
19 2. operating outside authorized territory; or
20 3. violating other restrictions.

21 (c) Operate, as an intrastate motor carrier of
22 property, any motor vehicle which does not carry a copy of
23 a valid, current license issued by the Commission to such
24 carrier; or operate, as an interstate motor carrier of
25 property, any motor vehicle which does not carry a copy of
26 a valid, current registration issued by the Commission to
27 such carrier; or fail to produce such copy on request;
28 provided that an authorized interstate motor carrier of
29 property shall be exempted from the requirement that a copy
30 of its registration be carried in each motor vehicle.

31 (d) Operate, as an intrastate household goods carrier,
32 any motor vehicle not owned by the carrier, or operate as

1 an intrastate public carrier, any motor vehicle not owned
2 by the carrier or another intrastate public carrier, for
3 which a valid lease is not on file in compliance with
4 Section 18c-4103 of this Chapter, Commission regulations
5 and orders.

6 (e) Operate, as an intrastate household goods carrier,
7 any motor vehicle not owned by the carrier, or operate as
8 an intrastate public carrier, any motor vehicle not owned
9 by the carrier or another intrastate public carrier, which
10 does not carry an executed copy of the lease required in
11 paragraph (d) of this subsection; or fail to produce such
12 copy on request.

13 (f) Operate, as an intrastate motor carrier of
14 property, any motor vehicle for which the carrier has not
15 executed a prescribed intrastate cab card, with current
16 Illinois intrastate identifier printed thereon; or, as an
17 interstate motor carrier of property, any motor vehicle for
18 which the carrier has not executed a prescribed interstate
19 cab card, with current Illinois interstate identifier
20 affixed or printed thereon.

21 (g) Operate, as an intrastate motor carrier of
22 property, any motor vehicle which does not carry the
23 properly executed intrastate cab card, with current
24 Illinois intrastate identifier printed thereon; or, as an
25 interstate motor carrier of property, any motor vehicle
26 which does not carry the properly executed interstate cab
27 card, with current Illinois interstate identifier affixed
28 or printed thereon.

29 (h) Operate, as an intrastate or interstate motor
30 carrier of property, any motor vehicle which is not
31 identified or is not properly identified in compliance with
32 Section 18c-4701 of this Chapter, Commission regulations
33 and orders.

34 (i) Operate, as an intrastate motor carrier of
35 property, in violation of transfer requirements in Section
36 18c-4307 of this Chapter.

1 (j) Provide, as an intrastate household goods carrier,
2 service at rates other than those contained in lawfully
3 applicable tariffs or schedules for such service.

4 (j-1) Demand, as an intrastate household goods
5 carrier, (i) payment before delivery in an amount that is
6 more than 100% of the amount of a binding estimate or (ii)
7 payment at the time of delivery in an amount that is more
8 than 110% of the amount of a non-binding estimate. A
9 violation of this subdivision (1)(j-1) is punishable by a
10 fine of not less than \$500 and not more than \$1,000.

11 (j-2) Perform, as an intrastate household goods
12 carrier, any services, not included in the original
13 contract but determined in transit to be necessary,
14 without: (i) informing the consumer that the additional
15 services were determined to be necessary during transit and
16 (ii) obtaining the consumer's consent to the additional
17 changes and having the consumer sign a written attachment
18 to the contract that indicates that the consumer agrees to
19 the additional charges. A violation of this subdivision
20 (1)(j-2) is punishable by a fine of not less than \$500 and
21 not more than \$1,000.

22 (j-3) Fail, as an intrastate household goods carrier,
23 to provide to a consumer, before the consumer executes a
24 contract for the shipment of household goods, the
25 following:

26 (1) a concise and accurate written estimate of
27 charges;

28 (2) the mover's customer complaint and inquiry
29 handling procedure; and

30 (3) the mover's rates, rules, regulations,
31 classifications, or other provisions, to allow the
32 consumer to determine the exact rates and services
33 applicable to his or her shipment.

34 A violation of this subdivision (1)(j-3) is punishable
35 by a fine of not less than \$500 and not more than \$1,000.

36 (k) Otherwise operate as a motor carrier of property in

1 violation of any provision of this Chapter, Commission
2 regulations and orders, or any other law of this State.

3 (1) Aid or abet any other person in a violation of this
4 Chapter, Commission regulations or orders, by soliciting,
5 receiving, or compensating service from a person not
6 authorized to provide such service, or at other than lawful
7 rates for such service, or otherwise.

8 (2) Provisos.

9 (a) Presentation of Documents at Hearing as Defense.
10 Presentation, at hearing, of a copy of a current license or
11 registration issued by the Commission to the carrier which
12 was valid on the date the violation occurred shall, if no
13 concurrent violations of this Chapter, Commission
14 regulations or orders are found, excuse the carrier from
15 any penalties under paragraph (c) of subsection (1) of this
16 Section. Presentation, at hearing, of an executed copy of
17 the current lease in the form prescribed by and on file
18 with the Commission shall, if no concurrent violations of
19 this Chapter, Commission regulations or orders are found,
20 excuse the carrier from penalties under paragraph (d) of
21 subsection (1) of this Section. Presentation, at hearing,
22 of the required intrastate or interstate cab card, with the
23 required Illinois intrastate or interstate identifier
24 affixed or printed thereon, if valid on the date the
25 violation occurred, and if no concurrent violations are
26 found, shall excuse the carrier from penalties under
27 paragraph (g) of subsection (1) of this Section.

28 (b) Lease Form Prescribed by the Commission. A lease
29 shall, for purposes of paragraph (d) of subsection (1) of
30 this Section, be deemed to be in the form prescribed by the
31 Commission if it contains all provisions called for in the
32 Commission-prescribed lease and does not contain any
33 provisions inconsistent therewith.

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