



FOR-HIRE PROPERTY CARRIERS _____ (JANUARY 2023)

The DPUC's Motor Carriers Section regulates all services that transport property for-hire from one point in Rhode Island to another in Rhode Island (intra-state), in accordance with Title 39, Chapter 12 of Rhode Island General Laws. The Division regulates carriers of all types of property, including bulk commodities (sand, gravel, mulch ...) transported in dump trucks; petroleum products, non-petroleum products, drinking water, and swimming pool water transported in tanker trucks; dry freight and parcels transported in vans or straight trucks; boats transported over the roadways; vehicles transported by tow trucks; and household goods transported from one residence to another.

Although federal deregulation (ICC Termination Act and Federal Aviation Act) preempted States from regulating rates, routes and service of most property carriers, the Division does retain extra authority to govern certain aspects of non-consensual towing and household goods moving.

NON-CONSENSUAL TOWING: Soon after deregulation occurred, Congress recognized that the non-consensual nature of police-ordered towing and private-property-trespass towing necessitated more regulatory oversight. Accordingly, States (or municipal jurisdictions in larger states) have the authority to set rates for non-consensual towing services and associated storage of vehicles. The Division handles this oversight through rules, approved tariffs, and adherence to the Rhode Island Towing and Storage Act (R.I.G.L. Title 39, Chapter 12.1).

Essentially, when a tow company is moving a vehicle from the roadway at the direction of a police officer, or from a parcel of private property at the direction of the owner of that parcel, the entire process falls under the Division's regulatory jurisdiction. The rates for the towing service (and ancillary services) and the storage of the vehicle are set (approved) by the Division. The towing and ultimate release of the vehicle must adhere to the provisions of the Towing and Storage Act and Division-approved tariffs.

HOUSEHOLD GOODS MOVING: Inasmuch as the transportation of household goods (HHG) from one dwelling to another often involves the shipping public's most valued possessions, Congress also allowed States to continue to regulate/oversee such intrastate activities. The Division licenses HHG moving companies and approves each company's tariff regarding rates, terms, and conditions of the provision of such services. The regulatory authority extends primarily to the transportation of goods from one dwelling in the state to another dwelling in the state.

OTHER UNREGULATED TRANSPORTATION SERVICES: There are certain seemingly "for hire" transportation activities for which the Division lacks jurisdiction, however. Essentially, the Division lacks authority over transportation that is conducted in furtherance of another primary business function. The best examples of these activities are: auto repair facilities towing vehicles into their business for the sole purpose of repairing that vehicle; moving companies hired to transport goods to a storage facility for the purpose of storing the goods for an extended period of time; companies hired to repossess property (such as vehicles) at the behest of a lending institution or leasing company. In short, the transportation in those examples is considered to be incidental to the primary business function.