

Bureau of Household Goods and Services - Industry Advisory - Moving Household Goods—Who Is Required to Hold A Permit?

The highest priority of the **Bureau of Household Goods and Services (Bureau)** in exercising its licensing, regulatory, and disciplinary functions under the Household Movers Act (Act) is protection of the public. To advance consumer protection, the Bureau can impose significant penalties for operating while unpermitted or contracting with an unpermitted household mover. This advisory provides information regarding who is, and is not, required to obtain a Bureau-issued household mover permit and the penalties for operating without a permit or contracting with an unpermitted mover.

Services of a household mover, regardless of permit status, are required to be provided in accordance with the Act. Specifically, Business and Professions Code (BPC) §

19235 states:

"A household mover shall not engage in the business of transportation of used household goods and personal effects for compensation by motor vehicle *over any public highway in this state, except in accordance with the provisions of this chapter,*

which is enacted under the power of the state to regulate the use of public highways." ¹ [emphasis added].

In addition, BPC § 19228, subdivision (c), mandates that household movers follow all rules, regulations, general orders, and the Tariff in effect as of July 1, 2018, and that failure to adhere to these requirements may serve as grounds for the Bureau taking disciplinary action against a household mover.

(HOUSEHOLD GOODS continued on page 6)



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CHAIRMAN'S CORNER

by Thomas McCarthy

I hope you all had a wonderful Thanksgiving with family and friends. The holiday season is a special time of year that forces us to get out of our business head and spend time with friends and family. You know the ones that we work so hard for throughout the year. Having the honor of representing the CMSA as your Chairman has made this year go by so fast.

In November, I went to Chicago again for the National Van Lines' 90th Anniversary & Convention; and while it was cold in Chicago, they put on a great show. It was a nice send off for Maureen Beal who is retiring.

Then upon my return to our great state, it was up to Mid-Valley, Monterey and the Central Coast Chapters. CMSA President Steve Weitekamp and I got to spend some quality time with agents we visited like former Chairmen father and son team, Jim and Jay Casey. Jay was nice enough to show us

around Modesto, and if you are up for some good tacos, Jay knows the spot.

In Monterey/Salinas, Senior Chairman Alan Freese showed us around his town and introduced us to some of the mover members in Salinas. We were also shown some of the areas in Salinas where the TV show LivePD is filmed.

After a great dinner at the Monterey Chapter, we started our journey home with a stop in San Luis Obispo to meet with Kasey Fox and his team at ASAP Movers, and then to visit Executive Board Member Megan Friend and former Chairman Mark Anderson in Santa Maria. Everyone was very welcoming, and we had a great tour. This was definitely one of those trips where it was all about the journey and not the destination.

In the military world, more and more changes come our way. Hopefully as an agent and/or as a TSP, you submitted comments back to the military who came out with plans for sweeping changes that they are just hoping to brush under the rug. One of the most unproductive change would be the delay claim. John Becker of AMSA cre-

(CHAIRMAN'S CORNER continued on page 4)





PRESIDENT'S COMMENTS

By Steve Weitekamp

As we close out 2019 and move into the new decade of the 2020's, we can only imagine what the next 10 years will bring. We reflect on the decade that is closing and appreciate all that

has changed in a short 10 years. While we have seen challenges and stresses at an ever-increasing pace, we also continue to see opportunities. There is no future in lamenting for days gone by, they have passed, and we must live today and make our plans for tomorrow. The opportunity to improve the position of ourselves, our family, company, community, nation, and world starts with us!

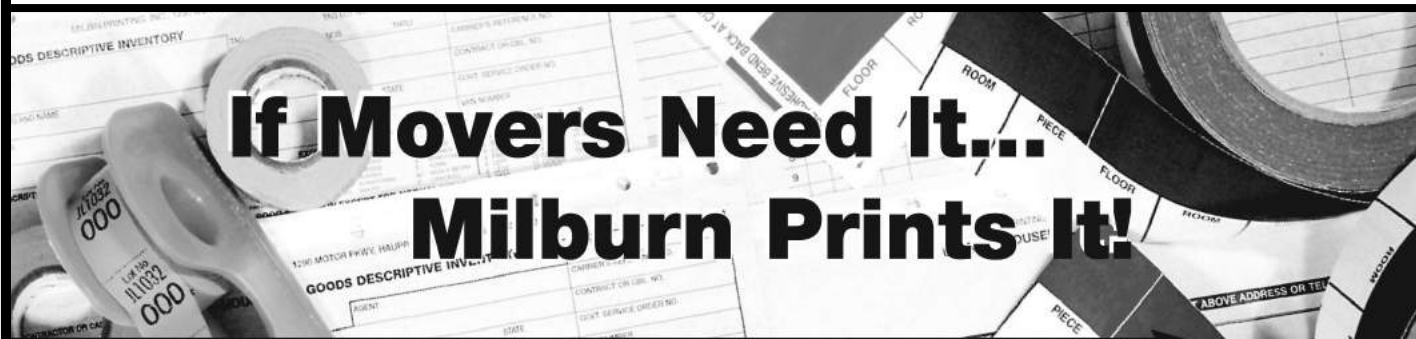
It continues to be my position that the California Moving and Storage Association (CMSA) has much to be thankful for and can take pride in our accomplishments. We are a generous and hard-working group that

continues to set a very high bar for our industry in both advocacy and charity. We know that we must continue to work hard to ensure that our steps continue forward down the pathway that leads to maintaining a successful Association. We are grateful for our leadership, past and present, and know that we have laid the foundation that will allow the next generation of CMSA leadership to successfully navigate whatever challenges arise.

On the list of CMSA charitable activities is our industry leading Scholarship program, the industry flagship program. Providing opportunities for both academic and vocational scholarships, our program has awarded over \$1,100,000 to young people from within the CMSA family. At our 2020 convention in Kauai, we are scheduled to award another \$51,000 and have awarded at least \$50,000 every year since 2003. The success of this program continues to rely on the significant volunteer effort of the presidents and membership of our Association's 12 chapters.

Special Olympics is a program that is

(PRESIDENT'S COMMENTS continued on page 5)



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(CHAIRMAN'S CORNER continued from page 2)

ated an example of a summer shipment going to VA, that was five days past its RDD for a family of four. Based on the new rules the government would like to implement, the per diem due the member for his delay would have been over \$5,000.00. Who is going to eat that? What if it was in your storage and you can't deliver within the 5 or 10 days required because you are over capacity? Will you get that charge? Or will you turn down shipments and tonnage in lieu of other work to make sure you do not put yourself in a position of jeopardy.

The military wants more capacity, but instead of finding ways to add to it, they find ways to push more people out. They had multiple opportunities to bring this up to industry through the PPF and the Executive Working Group but no, they just shot-gunned it out to see what sticks. The Associations, including CMSA, has been pushed to the back burner. The military says they want to hear from us, the movers, so it is up to you to make your voice heard. Steve and staff are working tirelessly on our behalf, but

now is the time for us to speak out as well.

Last month, another loved one was taken by pancreatic cancer. Many of us knew Al Sidor from CDS Moving Equipment, who passed away last month. I have talked about doing a GoFundMe account, but they charge service fees for hosting the fundraiser. Instead, CMSA has volunteered with the passing of Al to receive checks in his honor to go towards fighting pancreatic cancer. To help start things off, I am going to personally donate \$500.00 to this charity in honor of my mom and Al. I ask that if you have the ability during this time of giving, to donate what you can. Send checks into the CMSA and put for Al Sidor or Chairman's Charity so we can help fight this

PANCREATIC CANCER ACTION NETWORK



(CHAIRMAN'S CORNER continued on page 5)

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(CHAIRMAN'S CORNER continued from page 4)

disease. Frank Cross once said: "It's Christmas Eve. It's the one night of the year when we all act a little nicer, we smile a little easier, we cheer a little more. For a couple of hours out of the whole year, we are the people that we always hoped we would be."

This holiday season, I ask you to be the person you hope to be and enjoy your time with loved ones during this holiday season regardless of which holiday you celebrate. Merry Christmas to all, and to all a good-night.

(PRESIDENT'S COMMENTS from page 3)

near and dear to many in our Association. Hopefully you've been present at a convention awards luncheon and witnessed a Special Olympics Ambassador thanking our members for our continued support. As a result of member generosity, CMSA provides an annual financial contribution, currently \$5,000 to the program. Of even greater value, CMSA member companies provide

Special Olympics with storage of event materials and even moving when needed.

Our Chairman's Choice charity has become another successful charity opportunity for the Association. This year, Chairman Thomas McCarthy has selected the Pancreatic Cancer Action Network (PANCAN) as his charity in honor of his mother. CMSA will donate \$5,000 in support of the Chairman's Charity. Members, as in previous years, have started to send the Association additional contributions. The total amount will be awarded to a representative of the charity at the upcoming convention.

CMSA and its members also support Move for Hunger. As of December 1, 2019, CMSA member companies, currently 69 participating companies, have donated over \$17,000 and have facilitated food donations of 1,289,952 lbs providing 1,074,960 meals.

On behalf of the CMSA staff (Renee, Gale, and Debbie), my family and I, we wish you a joyous holiday season shared with those you hold dear and all the best in the year ahead!



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Penalties for Unpermitted Activity

BPC § 19283.1, subdivision (a), required the Bureau to ensure that the Act is enforced and obeyed, and that violations are promptly prosecuted. Failure to obtain a Bureau-issued permit may result in one or more penalties under the Act, such as:

Criminal/Administrative: A household mover who fails to obtain a permit may be in violation of BPC § 19279.1, which may result in an administrative fine. Additionally, BPC § 19277, subdivision (b), states any person operating as a household mover without a permit may be guilty of a misdemeanor, which is punishable by a fine of up to \$10,000, imprisonment in jail for up to one year, or both, for each violation.² For continued operations in violation of the Act, BPC § 19281 states every violation is a separate and distinct offense and each day's continuance is a separate and distinct of-

fense.

Civil: BPC § 19237, subdivision (b), prohibits an unpermitted household mover from enforcing any security interest to recover money owed for the transportation of household goods. Further, any person who utilizes the services of an unpermitted household mover may bring civil action to recover all money paid to that mover.

Contracting: Contracting with an unpermitted household mover is a violation of BPC § 19278, which is a misdemeanor and could subject the contracting party to a fine up to \$1,000, three months in jail, or both. Again, every violation is a separate and distinct offense and each day's continuance is a separate and distinct offense.

BPC § 19237 requires any person or entity who acts as a household mover in California to obtain a Bureau-issued permit and possess an operating authority issued by

(HOUSEHOLD GOODS continued on page 7)



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(HOUSEHOLD GOODS continued from page 6)

the Federal Motor Carrier Safety Administration (FMCSA) if transporting household goods from this state to another state or from another state to this state. A "household mover" is defined, in part, by BPC § 19225.5, subdivision (h), as:

"permitted or unpermitted transportation for compensation or hire as a business by means of a motor vehicle or motor vehicles being used in the transportation of used household goods and personal effects over any public highway

in this state..."

The information provided below is specific to several business models that commonly operate within the household mover scope: 1)

Restoration Companies, 2) Inter-State Household Movers, 3) Brokers, and 4) Storage Containers (Pods). The Act does not provide for a statutory exemption for these business models. Accordingly, each business model must obtain a

Bureau-issued household mover permit to perform the services of a household mover in California.



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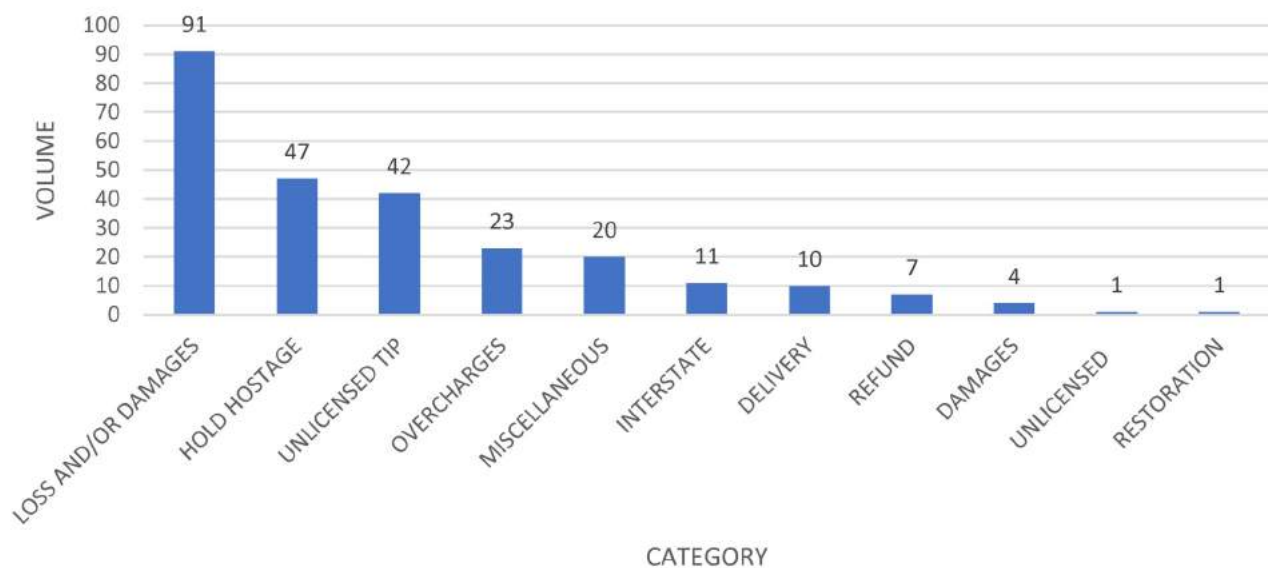
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CONSUMER COMPLAINT STATISTICS

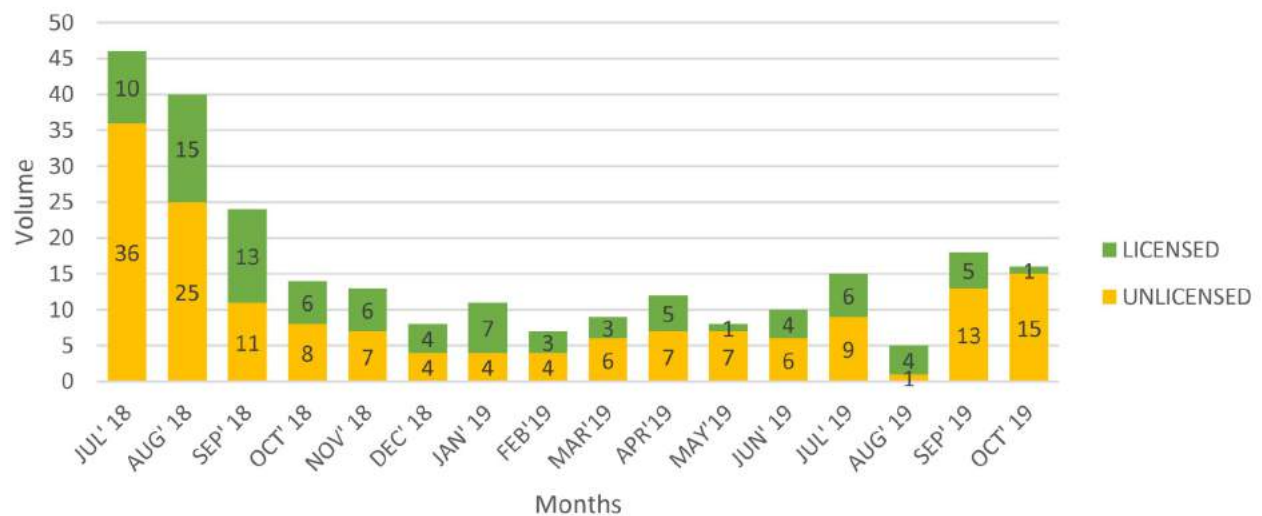
Household Movers

Household Movers Consumer Complaints		
Year	OPENED	CLOSED
2015-16		
2016-17		
2017-18		
2018-19	203	181
2019-20*	54	48

TOTAL COMPLAINTS BY CATEGORY



Complaints Received by Months (as of July 1, 2018)





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BUREAU OF HOUSEHOLD GOODS AND SERVICES (BHGS)

HOUSEHOLD MOVERS INVESTIGATIONS STATISTICS

July 1, 2019 – October 31, 2019

Household Mover Cases Under Investigation	
Hold Hostage	13
Unlicensed Activity	80
Other	2
Total	95

Hold Hostage Situations	
Resolved	9
Pending	4*
Forwarded to Other Agencies	1*
Total	13

* One case pending with city District Attorney

Cease and Desist Letters Issued	
(Failure of Movers to Cease and Desist will result in Administrative Citations)	24

LICENSING STATISTICS 1st Quarter

Household Movers Permits				
	2016-17	2017-18	2018-19	2019-20
Permits Issued			36	29
Exams Administered			36	34
Exam Pass Rate			64%	88%
Total Active HHM Permits			936	986

The Trump Administration and the California EPA

The federal actions apply only to California's light-duty vehicle greenhouse gas emissions and zero-emission vehicle standards for cars and light-duty trucks. Even in the unlikely event the federal action is finally upheld in litigation, all other CARB regulations for light-duty vehicles and all CARB regulations on trucks and off-road vehicles, including the Truck and Bus Regulation, remain unchanged.

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CANNABIS DISTRIBUTOR TRANSPORT ONLY (TYPE 13) FACT SHEET

DISTRIBUTOR TRANSPORT ONLY: Is responsible for transporting cannabis goods between licensees, but may not transport any cannabis goods, except for immature cannabis plants and/or seeds, to a licensed retailer or to the retailer portion of a licensed microbusiness.

DISTRIBUTOR

TRANSPORT ONLY

SELF-DISTRIBUTION: A distributor transport only licensee who selected “Self-Distribution” during the application process may only transport cannabis goods that the licensee has cultivated or manufactured. A distributor transport only self-distribution licensee is not permitted to transport cannabis goods cultivated or manufactured by other licensees.

A distributor transport only self-distribution licensee whose licensed premises will be on the same property as their licensed cultivation or licensed manufacturing premises is not required to have a video surveillance system or an alarm system at the distributor’s licensed premises.

DISTRIBUTOR TRANSPORT ONLY REQUIREMENTS (ALSO APPLICABLE TO SELF-DISTRIBUTION LICENSEES)

• Distribution Activities

- ♦ A distributor transport only licensee may only transport cannabis goods, cannabis accessories, and licensees’ branded merchandise or promotional materials.

• A distributor transport only licensee may NOT:

- ♦ Engage in wholesale, destruction, packaging, labeling, or storing of cannabis goods.
- ♦ Arrange for testing of cannabis goods.
- ♦ Deliver cannabis goods to a customer.



- ♦ Hold title to any cannabis goods unless they are authorized to do so under another state-issued license.

• Transportation

- ♦ Only a distributor transport only licensee, their employees, or security personnel may be in a vehicle transporting cannabis goods. All persons in a vehicle transporting cannabis goods shall be 21 years of age or older.
- ♦ All vehicles or trailers used for transportation shall be owned or leased by the licensee in accordance with the Vehicle Code.
- ♦ Other forms of transportation, such as aircraft, watercraft, drone, rail, human-powered vehicles, and unmanned vehicles are prohibited.
- ♦ Prior to transportation, the distributor transport only licensee must ensure that a shipping manifest has been generated and provided to the Bureau and the licensee receiving the cannabis goods, as well as verify that the cannabis goods are accurately reflected in the shipping manifest.
- ♦ A distributor transport only licensee who has not yet obtained access to the California Cannabis Track-and-Trace (CCTT) system

(CANNABIS continued on page 16)



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(CANNABIS continued from page 14)

shall transmit shipping manifests by email to the Bureau at **bcc@dca.ca.gov** and to the receiving licensee. (More information on shipping manifests may be found in the Shipping Manifest Fact Sheet available on the Bureau's website.)

- ♦ A distributor transport only licensee shall only travel between licensees' premises, except for necessary rest, fuel, or vehicle repair stops, while transporting cannabis goods.
- ♦ If transportation of cannabis goods in a vehicle or trailer is not operationally feasible because transportation would occur between licensed premises that are within the same building or parcel of land, a distributor transport only licensee may transport cannabis goods by foot, hand truck, fork lift, or other similar means, with the requisite shipping manifest.

• Other Requirements

- ♦ A licensed distributor transport only must carry and maintain the required coverage for insurance and provide the Bureau with a certificate of insurance and notify the Bureau of any changes.
- ♦ A licensed distributor transport only must be able to account for all inventory and be able to provide the Bureau with the status for each cannabis goods batch in the distributor transport only licensee's possession.
- ♦ A licensed distributor transport only must ensure all proper records are maintained for at least seven years.
- ♦ A distributor transport only licensee must comply with all of the requirements for a holder of a distributor license, as applicable.

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MEMORIAL BULLETIN

Salvatore Peter Cardinale 1932–2019



Salvatore Peter Cardinale passed away on November 28, 2019 at the age of 86.

Sal was born on December 8, 1932 in Monterey, California to Vincent and Rose Cardinale. He graduated from Monterey High in 1950 and was part of the 1948 MHS “Team of the Century” Football squad. He went on to play college football at the University of Redlands. While on Christmas break, he came back to marry his sweetheart, Angelina Marie Incaviglia, on December 26, 1953. After graduating college in 1954, Sal began his career in the moving business working for Dean Van Lines in Monterey. In 1962, he became the manager of Pierce-Rodolph Moving & Storage in Seaside. Sal bought the company in

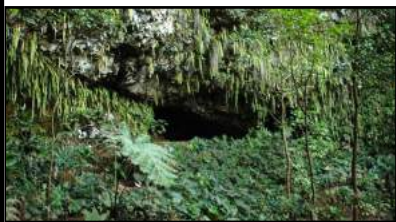
1972 and renamed it Cardinal Moving & Storage. In 1998, he relocated to Castroville and that is when it became Cardinale Moving & Storage. From an early age, Sal set about teaching his children the moving business and his three children now run the family business.

Sal is survived by his wife of 66 years Angelina; children, Vince (Dorey) Cardinale, Roseann (Bruce) Orlebeck and Sally (Holly) Cardinale; eight grandchildren and nine great grandchildren; and his siblings, Sam (Cindy) Cardinale and Vita Fata. He was preceded in death by daughter, Annamarie Sheriff in 2014; his brother, Anthony Cardinale and his sister, Grace Bradley.

A funeral mass is scheduled for 10:00 a.m. Saturday, Dec. 14th at San Carlos Church; a reception will follow. In lieu of flowers, the family requests that donations be made to the CMSA Scholarship fund in Sal’s name. Mail to: CMSA, 10900 E. 183rd St., Suite 300, Cerritos, CA 90703-5370.

Come share the Aloha Spirit on Kauai in April at the 102nd Annual CMSA Convention

Plan on joining us Friday night, as we venture out on the famous Smith’s Wailua



River Cruise to the Fern Grotto. During the two mile river journey, you’ll hear songs and stories of ancient Hawaii — like the

King’s Highway, sacred Mount Kapu, and the First Hau Tree. In addition, guests enjoy learning the hula during a lesson provided by one of the Smith cousins. Everyone gets into the act during the river cruise!

After the Fern Grotto tour we will head back to the boat and get ready for the “Best Luau on the Island”. Of course, the heart of any luau is the feast, and they will

make sure we don’t go home hungry. Kalua pig roasted in the earthen imu oven.

Cousin Gary’s secret recipe for teriyaki beef. Ono mahimahi and tasty chicken adobo.

Food may be the heart of a luau, but music is the soul. The Hawaiian ancestors preserved their history by passing down songs and chants called mele. At our luau, we will celebrate these traditions, as well as the songs and dances from other cultures that live in this tropical paradise. The lyrical sway of the Hawaiian hula, the colorful precision of the Tahitian drum dances and the fiery emotion of the Samoan fire knife dance all speak deeply of the people who have come to call Hawaii home. See you in Kauai in April 2020!



Association Leaderboard Report

Association		Enrolled Movers	Association	Total Lbs.
1	California (CMSA)	69	1 Illinois (IMAWA)	1,883,321
2	Southwest Movers (SMA)	50	2 Pennsylvania (PMSA)	1,352,902
3	Illinois (IMAWA)	41	3 California (CMSA)	1,288,129
CMSA Report Food Collected and Delivered			4 Southwest Movers (SMA)	1,248,677
Monthly	Year to Date	All Time	5 Florida (FMWA)	1,056,896
12,244 lbs.	274,165 lbs.	1,288,129 lbs.	Top Agents of the Month	
10,203 meals	228,471 meals	1,073,441 meals	1. Ace Relocation Systems	
			2. Ernie's Van & Storage	
			3. NMS Moving Systems Inc.	



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CALENDAR OF EVENTS

Tues., Jan. 14 Twin Counties Chapter Meeting

Wed., Jan. 15 San Diego Chapter Meeting

Thurs., Jan. 16 Central Valley Chapter Meeting/Poker Tournament

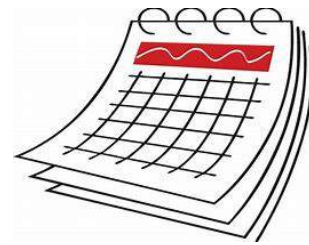
Wed., Feb. 26 Legislative Day Sacramento, CA

Wed., Mar. 4 San Diego Chapter Golf Tournament

Sat., Mar. 14 Ventura/Santa Barbara Chapter Spaghetti Dinner

Sun., Mar. 29 Greater LA Chapter "Day at the Races"

**April 14-19, 2020 102nd CMSA Convention
Kauai Marriott Resort
Lihue, HI**



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