

MARYLAND REGISTER

Proposed Action on Regulations

Date Filed with AELR Committee

October 22, 2024

Date Filed with Division of State Documents

Document Number

24-176-P

Date of Publication in MD Register

1. Desired date of publication in Maryland Register: December 2, 2024

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
09	30	01	01
09	30	01	02
09	30	01	03
09	30	01	04
09	30	01	05
09	30	01	06
09	30	01	07
09	30	01	08
09	30	01	09
09	30	01	10

3. Promulgating Authority

Maryland Department of Labor

4. Name of Regulations Coordinator

Sloane Kinstler

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5. Name of Person to Call About this Document

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6. Check applicable items:

<input checked="" type="checkbox"/>	New Regulations
<input type="checkbox"/>	Amendments to Existing Regulations
<input type="checkbox"/>	Repeal of Existing Regulations
<input type="checkbox"/>	Recodification
<input type="checkbox"/>	Incorporation by Reference of Documents Requiring DSD Approval

7. Is there Emergency text that is identical to this Proposal:

___ Yes X No

8. Incorporation by Reference

☐ Incorporation by Reference (IBR) approval form(s) attached and 16 copies of documents proposed for incorporation submitted to DSD. (Submit 16 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

☒ OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland

☐ OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting

10. Children's Environmental Health and Protection

☐ Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Sloane Fried Kinstler, Assistant Attorney General, telephone #410-230-6119, on October 22, 2024. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Portia Wu

Title

Secretary, Maryland Department of Labor

Telephone No.

410-230-6020

Date

October 22, 2024

Title 09

MARYLAND DEPARTMENT OF LABOR

Subtitle 30 HOUSEHOLD GOODS MOVERS

09.30.01 General Regulations

Authority: Business Regulation Article, §§8.5-103, 8.5-104, 8.5-106, and 8.5-107 Annotated Code of Maryland

Notice of Proposed Action

[24-176-P]

The Maryland Department of Labor proposes to:
adopt new Regulations .01-.10 under COMAR 09.30.01 General Regulations, pursuant to Business Regulation Article, Title 8.5, Maryland Annotated Code. This action was considered undefined

Statement of Purpose

The purpose of this action is to establish by regulation application requirements for a Household Goods Mover registration, the fee therefore, and generally relating to the administration of a Household Goods Mover Registration program.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Todd Blackistone, Executive Director, Maryland Department of Labor, As of approximately 11/4/2024:

Maryland Department of Labor
100 South Charles Street
Baltimore, MD 21201

Prior to approximately 11/10/2024:
1100 N. Eutaw Street, 5th Floor
Baltimore, MD 21201, or call 410-230-6165, or email to todd.blackistone@maryland.gov. Comments will be accepted through January 2, 2025. A public hearing has not been scheduled.

PORTIA WU
Secretary, Maryland Department of Labor

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: **FY 25**

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

undefined

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

No funds are necessary to implement this regulation.

E. If these regulations have no economic impact under Part A, indicate reason briefly:

The Maryland legislature established a statewide registration requirement for Household Goods Movers within the Department of Labor. The agency is authorized to adopt regulations for the administration of a Household Goods Mover registration program, processing of registration applications, and enforcement of the title.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

The Maryland legislature established a statewide registration requirement for Household Goods Movers within the Department of Labor. The agency is authorized to adopt regulations for the administration of a Household Goods Mover registration program, processing of registration applications, and enforcement of the title.

G. Small Business Worksheet:

Small Business Analysis Worksheet

This worksheet is designed to assist the agency in determining if and how the proposal impacts small businesses. Quantify the number of affected small businesses and estimates of costs and benefits to small businesses if possible. State Government Article, §2-1505.2, includes the following definitions which are relevant to the analysis:

“Economic impact analysis” means an estimate of the cost or the economic benefit to small businesses that may be affected by a regulation proposed by an agency pursuant to Title 10, Subtitle 1 of this article.

“Small business” means a corporation, partnership, sole proprietorship, or other business entity, including its affiliates, that: (i) is independently owned and operated; (ii) is not dominant in its field; and (iii) employs 50 or fewer full-time employees.

1a. Intended Beneficiaries. Who are the intended beneficiaries of the proposed regulation? Are these intended beneficiaries primarily households or businesses?

Consumers of Household Goods Mover services and Household Goods Movers may benefit from the amended regulation.

1b. Intended Beneficiaries: Households. If households are the primary intended beneficiaries, will the proposal affect their income or purchasing power such that the volume or patterns of their consumer spending will change? If so, what directions of change would you anticipate? Will these expected spending changes have a disproportionate impact on small businesses? Can you descriptively identify the industries or types of business activities that are impacted?

Homeowners will be affected to the extent that they rely on and will have qualified providers of household goods mover services.

1c. Intended Beneficiaries: Businesses. If businesses are the intended beneficiaries, identify the

businesses by industry or by types of business activities. How will businesses be impacted? Are these Maryland establishments disproportionately small businesses? If so, how will these Maryland small businesses be affected? Can you identify or estimate the present number of small businesses affected? Can you estimate the present total payroll or total employment of small businesses affected?

The providers and users of household goods mover services can have confidence that services are registered with the State to provide such services in compliance with requirements.

2a. Other Direct or Indirect Impacts: Adverse. Businesses may not be the intended beneficiaries of the proposal. Instead, the proposal may direct or otherwise cause businesses to incur additional expenses of doing business in Maryland. Does this proposal require Maryland businesses to respond in such a fashion that they will incur additional work-time costs or monetary costs in order to comply? Describe how Maryland establishments may be adversely affected. Will Maryland small businesses bear a disproportionate financial burden or suffer consequences that affect their ability to compete? Can you estimate the possible number of Maryland small businesses adversely affected? (Note that small business compliance costs in the area of regulation are the sum of out-of-pocket (cash) costs plus time costs — usually expressed as payroll, akin to calculations for legislative fiscal notes. Precise compliance costs may be difficult to estimate, but the general nature of procedures that businesses must accomplish to comply can be described.)

The electronic registration application process can be completed quickly and should not challenge household good movers' time or resources.

2b. Other Direct or Indirect Impacts: Positive. Maryland businesses may positively benefit by means other than or in addition to changed consumer spending patterns. How may Maryland businesses be positively impacted by this initiative? Will Maryland small businesses share proportionately or disproportionately in these gains? Can you estimate the possible number of Maryland small businesses positively affected?

Maryland consumers may be more likely to use household goods mover services with the implementation of a statewide credentialing program.

3. Long-Term Impacts. There are instances where the longer run economic impact effect from regulations differ significantly from immediate impact. For example, regulations may impose immediate burdens on Maryland small businesses to comply, but the overall restructuring of the industry as a consequence of monitoring and compliance may provide offsetting benefits to the affected small businesses in subsequent years. Can you identify any long run economic impact effects on Maryland small businesses that over time (a) may compound or further aggravate the initial economic impact described above, or (b) may mitigate or offset the initial economic impact described above?

None.

4. **Estimates of Economic Impact.** State Government Article, §2-1505.2 requires that an agency include estimates, as appropriate, directly relating to: (1) cost of providing goods and services; (2) effect on the work force; (3) effect on the cost of housing; (4) efficiency in production and marketing; (5) capital investment, taxation, competition, and economic development; and (6) consumer choice.

(1) There is no effect on the cost of providing goods and services; (2) There is no effect on the work force; (3) There may be a positive effect on the cost of housing by the provision of services by an electrician compliant with continuing professional competency requirements; (4) There may be a positive effect on efficiency and safety by the provision of services by an electrician compliant with continuing professional competency requirements; (5) There is no effect on capital investment, taxation, competition, and economic development; (6) There is no effect on consumer choice.

Title 09

DEPARTMENT OF LABOR

Subtitle 30 HOUSEHOLD GOODS MOVERS

.09.30.01 General Regulations

Authority: Business Regulation Article, §§8.5-103, 8.5-104, 8.5-106, and 8.5-107 Annotated Code of Maryland

.01 Purpose.

This chapter sets out the requirements and procedures for the registration of household goods movers.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Consumer" means the person who entered into a written contract with a household goods mover for loading, packing, moving, transporting or storing household goods.

(2) "Department" means the Maryland Department of Labor.

(3) "Household Goods" means personal property of the consumer used for personal, family, or household purposes.

(4) "Household goods movers" means a person who provides household goods moving services.

(5) "Household goods moving services" means the loading, packing, moving, transporting, storing while in transit, unloading, or otherwise taking possession or control from a consumer of household goods for the purpose of moving them to another location at the direction of the consumer for a fee. Household goods moving services do not include moving household goods for disposal or destruction.

(6) "Registration Fee" means the annual fee paid by an applicant or registrant, as applicable, in connection with the issuance or renewal of a registration.

(7) "Secretary" means the Secretary of the Department, or the Secretary's designee.

(8) "State" means the State of Maryland.

.03 Application.

A. A person who intends to provide household goods moving services shall submit an application for registration on the form approved by the Department.

B. The form shall include at least the following information:

(1) The applicant's name and all trade names under which the applicant intends to provide household goods moving services in the State;

(2) The applicant's physical address, telephone number, and e-mail address;

(3) (a) the name of all persons with at least 25% ownership in the applicant's business; and

(b) if a person identified under item (a) of this item has previously applied for registration for another entity, identification of that person and the disposition of the application for the other entity;
(4) The applicant's Federal Employee Identification Number;
(5) The name of the applicant's resident agent in the State, if any;
(6) The applicant's U.S. Department of Transportation or State Department of Transportation number, as applicable;
(7) Insurance carrier and policy number showing liability and cargo coverage with the minimum standards in 49 C.F.R. Part 387.303;

(8) Proof of workers' compensation coverage for all covered employees
(9) A certificate of status, issued by the Maryland Department of Assessment and Taxation, or its equivalent, indicating the business is in good standing and dated not earlier than 30 days before the date of the application; and
(10) Other information that may be required by the Department.

C. An application for registration shall be accompanied by an application fee in the amount provided in .06 of this Regulation.

.04 Registration.

A. The Department shall issue to each qualified applicant who submits a completed application form and the required fee the following:

- (1) A unique registration number; and
- (2) A registration certificate valid for one year.

B. A registrant is required to keep a copy of the registration in each of the trucks owned by the registrant when the vehicle is used to perform household goods moving services.

C. In the event a registrant changes the registrant's name or address, a registrant shall notify the Department in writing within 30 business days after the change has occurred.

.05 Renewal of Registration.

A. Unless a registration is renewed for a 1-year term as provided in this Regulation, the registration expires on the expiration date.

B. (1) At least 1 month before a registration, the Department shall mail or electronically transmit to the registrant the following:

- (a) a renewal application form; and*
- (b) a notice that states:*
 - (i) the date on which the current registration expires; and*
 - (ii) the amount of the renewal fee.*

(2) If an electronic transmission under paragraph (1) of this subsection is returned to the Department as undeliverable, the Department shall mail to the registrant, at the last known address of the registrant, the materials required under paragraph (1) of this subsection within 10 business days of the date the Department received the notice that the electronic transmission was undeliverable.

C. Before a registration expires, the registrant periodically may renew it for an additional 1-year term, if the registrant:

- (1) submits to the Department a renewal application on the form that the Department provides; signs the renewal application under oath;*
- (2) updates the information submitted in the original application and states that the information is current;*
- (3) complies with each requirement applicable to the original application; and*
- (4) pays the renewal fee.*

D. Failure of the Department to timely notify a registrant of registration renewal does not affect a registrant's obligation to file a renewal application prior to the expiration of the registration and payment of a renewal fee.

.06. Reinstatement

A. If a registrant fails to renew a license for any reason, no household goods mover services may be offered or provided until the registration is reinstated.

B. A request for reinstatement shall:

- (1) be in writing;*
- (2) on the form required by the Department; and*
- (3) include payment of the reinstatement fee.*

.07 Fees.

The following non-refundable fees shall be charged by the Department:

A. Original registration application review: \$250;

B. Original registration: \$325;

C. Registration renewal: \$325; and

D. Late Renewal: \$75, in addition to the fee set forth in §C of this regulation.

.08 Violations.

A person or registrant who violates any of the following provisions regarding the household goods movers registration requirements may be subject to a civil penalty of up to \$5,000:

A. Failure to register as a mover of household goods;

B. Providing false information on the registration application;

C. Providing false information as to the number of vehicles used for household moving services;

D. Failure to comply with requirements set forth in Title 8.5 of the Business Regulation Article, Annotated Code of Maryland; and

E. Failure to comply with requirements set forth in these regulations.

.09 Failure to Respond.

A. If an applicant or registrant receives from the Department a written communication requesting a response, the applicant or registrant shall respond in writing within 30 days of the date of such communication.

B. The Department shall send a written communication by first class mail or email to the last address or email address furnished to the Department by an applicant or registrant.

C. It is the responsibility of an applicant or registrant to notify the Department in writing if there has been a change in the applicant's or registrant's address.

D. Failure to respond as required by this regulation may be considered by the Secretary or the Secretary's designee to be a violation of Business Regulation Article, §8.5-106, Annotated Code of Maryland.

.10 Notice of Change of Licensing Information.

In addition to the requirements of Title 8.5 of the Business Regulation Article, Annotated Code of Maryland, an applicant or registrant shall notify the Secretary or the Secretary's designee, in writing, within 15 days of any change of the:

A. Business name the applicant or registrant;

B. Business address of the applicant or registrant; and

C. Address of the business through which an applicant or registrant will provide or provides licensee household goods mover services.

PORTIA WU

Secretary

Department of Labor