

Is charging by cubic feet legal?

Yes, charging a customer for an interstate move based on cubic feet is legal if the mover has a provision for cubic feet charges in its tariff and follows the general provisions of the law. Charges based on cubic feet, or other volume based charges, are allowed if the written estimate is BINDING.

Note: A mover may also offer options to a customer to charge based on weight OR cubic feet if the mover has a TARIFF that allows for both options.

Requirements for charging by cubic feet:

Federal law under 49 USC Section 14104(b)(1)(C) requires that “**non-binding**” estimates must be based on weight only. This section does not prohibit charges based on cubic feet; however it limits cubic feet charges to “**binding**” estimates. Moreover, a mover must generally follow certain requirements to legally charge a customer based on cubic feet. The following are general requirements for correctly/legally charging a customer based on cubic feet:

- (1) Estimates based on cubic feet must be BINDING.
- (2) Estimate or rescission must indicate that charges are based on cubic feet.
- (3) A mover must have a TARIFF which permits cubic feet charges.
- (4) The cubic feet charges must be based on accurate measurements.
- (5) A mover may charge a fee for providing a written BINDING estimate.

Note: In addition to the above general requirements, a mover must continue to follow all provisions of federal law governing interstate moves.

ABOUT THIS DOCUMENT: This document was created to help protect consumers by educating moving companies as to the regulations they must follow. Federal laws regulating moving companies are designed to help protect consumers and create an even playing field for moving companies. By following the law, moving companies can avoid government fines, lawsuits, and provide better service to their customers. This document is provided for general informational purposes only. This document is not intended to and does not provide legal advice or counsel. The author of this document is offering general information about the law cited and is not offering specific legal advice. Laws and procedures change frequently, and they can be interpreted differently by different people. For legal advice and answers to specific questions regarding your situation please call the Law Offices of Michael Garcia at 408-730-5683. www.michaelgarcialaw.com