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6/8/2016

REFERENCE TITLE: household goods; unlawful moving practices

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

HB 2145

Introduced by
Representative Weninger

AN ACT

AMENDING TITLE 44, CHAPTER 11, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; RELATING TO CONSUMER HOUSEHOLD GOODS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, chapter 11, Arizona Revised Statutes, is
3 amended by adding article 2, to read:

4 ARTICLE 2. HOUSEHOLD GOODS MOVERS

5 44-1611. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "ADVERTISEMENT" HAS THE SAME MEANING PRESCRIBED IN SECTION
8 44-1521.

9 2. "CARRIER'S LIEN" MEANS A LIEN THAT IS ESTABLISHED UNDER SECTION
10 47-7307.

11 3. "CONSUMER" MEANS AN INDIVIDUAL WHO USES OR INTENDS TO USE THE
12 SERVICES OF A HOUSEHOLD GOODS MOVER TO PROVIDE HOUSEHOLD GOODS MOVING
13 SERVICES.

14 4. "HOUSEHOLD GOODS" MEANS GOODS THAT ARE USED PRIMARILY FOR
15 PERSONAL, FAMILY OR HOUSEHOLD PURPOSES.

16 5. "HOUSEHOLD GOODS MOVER" MEANS A PERSON THAT PROVIDES HOUSEHOLD
17 GOODS MOVING SERVICES.

18 6. "HOUSEHOLD GOODS MOVING SERVICES":

19 (a) MEANS THE LOADING, PACKING, MOVING, TRANSPORTING, STORING WHILE
20 IN TRANSIT, UNLOADING OR OTHERWISE TAKING POSSESSION OR CONTROL OF
21 HOUSEHOLD GOODS FROM A CONSUMER FOR THE PURPOSE OF MOVING HOUSEHOLD GOODS
22 TO ANOTHER LOCATION AT THE DIRECTION OF THE CONSUMER FOR A FEE.

23 (b) DOES NOT INCLUDE MOVING HOUSEHOLD GOODS FOR DISPOSAL OR
24 DESTRUCTION OR MOVING HOUSEHOLD GOODS FROM A FACTORY OR STORE, UNLESS A
25 CONSUMER HAS PURCHASED THE PROPERTY TO BE MOVED FROM A FACTORY OR STORE
26 WITH THE INTENT TO USE THAT PROPERTY FOR PERSONAL, FAMILY OR HOUSEHOLD
27 PURPOSES.

28 7. "PERSON" HAS THE SAME MEANING PRESCRIBED IN SECTION 44-1521.

29 44-1612. Unlawful moving practices

30 A. AFTER TAKING POSSESSION OF A CONSUMER'S HOUSEHOLD GOODS, A
31 HOUSEHOLD GOODS MOVER MAY NOT REFUSE TO DELIVER A CONSUMER'S HOUSEHOLD
32 GOODS OR ENFORCE, OR THREATEN TO ENFORCE, A CARRIER'S LIEN AGAINST A
33 CONSUMER'S HOUSEHOLD GOODS WHEN PROVIDING HOUSEHOLD GOODS MOVING SERVICES
34 FOR AN INTRASTATE MOVE.

35 B. ANY ADVERTISEMENT OR REPRESENTATION BY A HOUSEHOLD GOODS MOVER
36 RELATING TO:

37 1. INSURANCE MUST ACCURATELY DISCLOSE THE EXTENT TO WHICH THAT
38 INSURANCE WILL COVER LOSS OR DAMAGE TO ANY HOUSEHOLD GOODS BEING MOVED.

39 2. FEES, CHARGES AND RATES MUST ACCURATELY DISCLOSE ALL FEES,
40 CHARGES AND RATES.

41 C. AN ACT OR PRACTICE IN VIOLATION OF THIS ARTICLE CONSTITUTES AN
42 UNLAWFUL PRACTICE UNDER SECTION 44-1522. THE ATTORNEY GENERAL MAY
43 INVESTIGATE AND TAKE APPROPRIATE ACTION AS PRESCRIBED BY CHAPTER 10,
44 ARTICLE 7 OF THIS TITLE. IN ADDITION TO BEING SUBJECT TO THE ENFORCEMENT
45 AND PENALTY PROVISIONS IN CHAPTER 10, ARTICLE 7 OF THIS TITLE, A HOUSEHOLD
46 GOODS MOVER THAT VIOLATES THIS ARTICLE IS SUBJECT TO ANY OTHER CIVIL OR
47 CRIMINAL ACTION, REMEDY AND PENALTY PROVIDED BY LAW.