



April 25, 2008

What do your Ads Say?

From the *TxDOT Rule Book* § 18.52 (a) Print Advertising .. shall include: (1) name of HHG carrier as shown on their certificate; (2) the street address for place of business *in this state*, (3) TxDOT No. ____ (d) Internet websites: .. must provide TxDOT's toll-free number 1-800/299-1700 and the HHG carrier's certificate of registration number. (e) Vehicles: display on both sides of *either* the power unit or the trailer: (A) name of carrier; and (B) Carrier's number as shown on their certificate of registration, clearly legible and at least 2 inches in height (does not apply to vehicles operated under a short-term lease).

And last, but not least: "A household goods carrier and its household goods agents may not use any false, misleading, or deceptive advertising." This last provision, while its intention is obvious and necessary, opens up some unseen consequential side effects because of the Deceptive Trade Practices law. As an example: You may claim in your ads to be the best mover in Texas and get by with it, because that is a subjective claim. However, if you advertise that you use: professionally trained personnel; require alcohol and drug testing; do criminal background checks; have an active TxDOT license; guaranteed on-time pick-up and delivery; are a member of AMSA or SMA, or a Pinnacle Mover, *anything that reasonably can be documented* and you cannot produce that documentation in court, you may have opened yourself to a lawsuit under the Deceptive Trade Practices law. Review your advertising and make sure you have documentation for what you advertise that you offer.

Liability at 60 cents per pound per item. Don't assume you can ignore best practices and not train your employees. Your customers have at least 3 options that can result in your obligation to pay much more. (1) There is TxDOT mediation of which you must inform your customer by giving them the Rights and Responsibilities brochure, & TxDOT *requires* you to provide that. The mover *must* participate in TxDOT mediation if their customer files for it. The mediator may determine an amount more than the 60 cents/lb. (2) The customer also has the right to go to small claims court if the mediation amount is not satisfactory. (3) If the customer chooses, they may also go to regular court, filing for any damage amount, and then there is the option to also bring in allegations of deceptive advertising.

Mark Your Calendars – 2008

June 23 – Deadline for SMA Foundation Scholarships
July 13-15 – SMA summer meeting, Lake Tahoe, NV
Sept. 22-24 – SMA annual conference, Lake Charles, LA
Oct 22 – Austin Board of Realtors Trade Show

Mark Your Calendars - 2009

February 8-11 – AMSA Conference & Expo – Dallas, TX
February 16-17 – SMA Moving & Trucking Day at the Capitol

SMA SUMMER MEETING – JULY 13-15, MONTBLEU RESORT, LAKE TAHOE, NV

The code to receive the group rate of \$119 Sunday through Tuesday for the SMA summer board meeting being held at the Montbleu Resort, Lake Tahoe, NV is STSMA 8. Click on book a room at the top right corner of the website www.montbleuresort.com/. Hotel cut-off date is June 27 for the \$119 group rate.

SMA Foundation Scholarship Applications

The SMA Foundation received its first scholarship application yesterday. Please encourage your employees to file an application. Applications for the 2008 SMA Foundation Scholarships are available at www.mytexasmover.com. The deadline for applying is Monday, June 23.

Military Table of Weights & Depreciation

SMA has copies of the military chart or table of weights considered standard for individual pieces of household goods. The book also contains the depreciation schedule. Price is \$20, plus postage, and tax of 8.25%. Members may email info@southwestmovers.org, fax 512/476-0940, or call 800/759-2305 to order.

SMA Mover and Loader Certification Classes With Emphasis on Safety - May 21-22 –

Register for the Mover and Loader Certification Class, May 21-22; deadline for registration is May 19.

Cancellations will be honored upon notice of one day and will be re-scheduled for the next class that has openings available.

Day one only – New hire/new mover training - \$195.

Day two only: Loader Training - \$195.

Both: Day 1 & 2 - (consecutive days only) - \$295.

What is your Claims Policy?

From the *TxDOT Rule Book* § 18.61 The mover must act on all claims filed. The shipper has 90 days to file a claim. The mover must *contact* the shipper within 20 days of receiving a written (or electronic) claim. The mover must pay, deny claim or make firm settlement offer within 90 days of receiving the claim. These rules are specific; don't ignore action or offer a different claims filing time.

CLASSIFIED CORNER

Roadrunner has 300 like-new storage vaults to sale for \$75.00 to \$90.00/each, with a minimum purchase of 25. Contact Robert at 713/582-1555 for information.