

Full Report on the Uniform Shipment Law Proposal

National Council on Weights and Measures (NCWM)

Prepared by:

The Uniform Shipment Law Task Group

Mission Statement:

To ensure transparent, equitable, and accountable shipment practices.

Uniform Shipment Law Task Group

Uniform Shipment Law Task Group

Office	Name	Affiliation
Chair:	Miland Kofford	Utah
NIST Technical Advisor:	Michael Nelson	NIST, Office of Weights and Measures
Canadian Technical Advisor:	Nathalie Campeau	Measurement Canada
Public Sector Members:	Cheryl Ayer	New Hampshire
	John Dillabaugh	Pennsylvania
	Steven Harrington	Oregon
	Rowan Hemsing	Canada
	Robert Meadows	Kansas
	John R. Mauck	Cuyahoga County, Ohio
	Laurentiu Paunescu	Canada
	Doug Rathbun	Illinois
	Erik Stanton	New Hampshire
	Ken Vehrken	New Jersey
Private Sector Members:	Karen Clausen	Heatlines, LLC
	Jeff Cooper	NMFTA
	James Hannum	Subject Matter Specialist
	Victor Mata	NMFTA
	Kris McLennan	A Duie Pyle, Inc.
	Marty Netzel	ABF Freight

Date:

July 2025

Full Report on the Uniform Shipment Law Proposal – NCWM

Executive Summary

The Uniform Shipment Law Task Group, under the National Council on Weights and Measures (NCWM), aims to harmonize oversight of the weighing and measuring practices within the shipping industry across states to address substantiated consumer complaints and inconsistencies in the weighing, measuring, and classification of shipments. Since its first meeting on May 1, 2024, the Task Group has worked diligently to develop a comprehensive proposal that outlines the framework for a unified approach to shipping practices as it relates to weights and measures. This report delves into the background and purpose of the law, analyzes key components, highlights challenges and considerations, and provides a detailed implementation plan. The proposed law seeks to create a transparent, equitable, and accountable shipping environment, ensuring impartiality and fostering trust within the industry.

Index

1. Introduction
2. Historical Context
3. Background and Purpose
4. Challenges and Considerations
5. Suggestions for Improvement
6. Stakeholder Engagement
7. Key Points from the Updated Proposal
8. Detailed Implementation Plan
 - Phase 1: Planning and Stakeholder Engagement
 - Phase 2: Development of Uniform Shipment Law Regulation
 - Phase 3: Regulatory Framework and Compliance Mechanisms
 - Phase 4: Guideline Development
 - Phase 5: Training and Education
 - Phase 6: Pilot Implementation and Feedback
 - Phase 7: Full Implementation
 - Phase 8: Implementation Process Review
9. Definitions Section
10. Legal Framework
11. Budget and Resource Allocation

- 12. Metrics for Success
- 13. Technological Integration
- 14. Conclusion
- 15. Appendices
- 16. References

Introduction

The Uniform Shipment Law Task Group, convened by the NCWM, is committed to establishing a unified approach to shipping practices as it relates to weights and measures across the United States. This initiative is a response to the increasing number of consumer complaints regarding inconsistencies in the weighing, measuring, and classification practices. The Task Group's first meeting on May 1, 2024, marked the official start of this critical project, aiming to create a cohesive framework that ensures fairness and accountability in the shipping industry.

Historical Context

Shipping practices in the United States have evolved significantly over the past century, with various state and federal laws attempting to address the complexities of interstate and international trade. Historically, the lack of uniformity has led to confusion, inefficiencies, and, in some cases, exploitation of entities within the shipping industry. The formation of the NCWM and its role in standardizing weights and measures across states was imperative in creating consistency. However, the modern shipping industry, with its advanced technologies, logistics and global reach, has impacted the shipping industry which necessitates a more unified approach. The Uniform Shipment Law is an attempt to address gaps left by existing practices and to create a framework that reflects the realities of today's shipping environment.

Background and Purpose

The proposal stems from substantiated consumer complaints in New Hampshire regarding incorrect reweighs, remeasures, and reclassification of goods, particularly in the Less-Than-Truckload (LTL) industry. These issues were exacerbated since current weights and measures practices do not require the necessary documentation to ensure a thorough and complete investigation. The primary goal of the Uniform Shipment Law is to ensure the accurate measurement and equitable practices in the shipment of goods. By creating a uniform set of standards, the law aims to eliminate the discrepancies that currently disrupt the industry and allows for the provision of a clear, enforceable framework for all stakeholders.

Challenges and Considerations

For the implementation of the Uniform Shipment Law, the task group would like to consider the following challenges:

- **Determination of Freight Classes:** One of the primary issues identified by shippers is how to determine freight class and how to understand why reclassification may be applied.
- **Inaccuracies in Reweighing, Remeasuring, and Reclassifying:** An example is the use of inaccurate reweighing practices when using forklift scales that are not zeroed or are out of tolerance prior to a transaction which may affect the weight and subsequent reclassification of said handling unit.
- **Complexity of Managing Multiple Standards:** The current patchwork of state regulations makes it difficult for logistics service providers and shippers to navigate the legal landscape, leading to inconsistencies and confusion. The Uniform Shipment Law seeks to simplify this by creating a single set of standards that may be adopted nationwide. Implementation and enforcement of these standards will require careful coordination with various stakeholders; including industry and state and local authorities.
- **Enforcement of Standards:** Ensuring that the law is effectively enforced will be critical to its success. This will involve training enforcement officials, developing clear procedures for inspections and audits, and establishing a system for handling complaints and disputes. The proposal outlines a comprehensive enforcement strategy, but its effectiveness will depend on the resources and commitment of state and local authorities.

Suggestions for Improvement

1. **Standardize Procedures:** The proposal includes a comprehensive set of standardized procedures for reweighing and remeasuring shipments. These procedures are designed to eliminate inconsistencies and ensure that all measurements are accurate and consistent with NCWM standards. However, ongoing feedback from stakeholders will be essential to refining these procedures and addressing any unforeseen challenges.
2. **Strengthen Compliance:** Regular audits and inspections are critical to ensuring compliance with the law. Additional resources may be needed to ensure that audits and inspections are carried out effectively. Strengthening the enforcement mechanisms and providing adequate training for inspectors will be crucial to the success of the law.
3. **Improve Equity:** The proposal includes several provisions designed to protect all parties involved, including requirements for detailed shipment documentation and transparency which will help when resolving disputes and enhance equity in the shipping industry.
4. **Incorporate Stakeholder Feedback:** The proposal has been developed with input from a wide range of stakeholders, including industry representatives, consumer advocacy groups, and regulatory bodies. However, ongoing engagement with these stakeholders will be essential to ensuring that the law remains relevant and effective as the shipping industry evolves. Regular consultations and feedback mechanisms should be established to allow stakeholders to voice their concerns and suggest improvements.

Stakeholder Engagement

Stakeholder engagement is a critical component of the Uniform Shipment Law, ensuring that the perspectives and concerns of all relevant parties are considered throughout the development and implementation process. The task group is composed of representatives from various sectors of

the shipping industry, consumer advocates, as well as weights and measures officials, Measurement Canada, and a NIST OWM representative. Ongoing engagement with stakeholders is critical to refining the proposal and ensuring its successful implementation. The feedback loop will also include regular updates and consultations to address any emerging challenges during the implementation phase.

Stakeholder Perspectives

- **Small Businesses:** Small businesses have been among the most vocal proponents of the Uniform Shipment Law, citing numerous instances where there has been inconsistent reweighing, remeasurement, and classification practices. Unclear shipping documentation has resulted in unexpected costs for shippers and challenges in conducting effective weights and measures investigations. Their feedback has been instrumental in shaping the provisions of the Uniform Shipment Law proposal.
- **Regulatory Bodies:** State and federal regulatory bodies have expressed support for the law, noting that it will provide much-needed clarity and consistency in the shipment of goods. They have also highlighted the importance of adequate training and resources to ensure effective oversight.
- **Consumer Advocates:** Consumer advocates welcome the law as a significant step forward in protecting consumers from unfair shipping practices. However, they have also emphasized the need for mechanisms to handle consumer complaints, conduct audits, and resolve disputes quickly and fairly.
- **Industry Representatives:** While industry representatives have expressed concerns about the potential costs and administrative burden of complying with the Uniform Shipment Law, they have also acknowledged the benefits of having a clear and consistent set of standards. Their input has been crucial in ensuring that the law is practical and workable for businesses of all sizes.

Key Points from the Updated Proposal

The updated proposal includes several key components designed to create a transparent, equitable, and accountable shipping environment. These components are outlined below:

- **Purpose:** The law aims to ensure transparent, equitable, and accountable shipment practices across the United States.
- **Scope:** The law establishes an enforcement program, empowers states to promulgate necessary oversight, and provides for both civil and criminal penalties to ensure compliance.
- **Definitions:** The proposal includes detailed definitions for critical terms. These definitions are crucial for ensuring a common understanding and consistent application for all stakeholders.
- **Enforcing Official:** The Director is authorized to enforce the provisions of the law and adopt rules necessary for its implementation.

- **Weighing and Measuring Guidelines:** The proposal requires the use of measuring systems that have been approved for use in accordance with NCWM adopted standards. Additionally, it requires specific documentation on inspection certificates, ensuring that all information is available to follow-up on investigations.
- **Prohibited Acts:** The law outlines specific unlawful practices, including providing false shipment data, use of incorrect measuring systems, and obstructing enforcement officials.
- **Penalties:** The proposal details both civil and criminal penalties for violations, providing a clear framework for enforcement. The penalties are structured to deter non-compliance.

Detailed Implementation Plan

The implementation plan for the Uniform Shipment Law, which began in April of 2024 is designed to be phased in over a period of 5 years, with each phase building on the previous one. These phases are crucial for laying the groundwork for the law and involve the following steps:

1. **Phase 1: Planning and Stakeholder Engagement (Months 1-12)**
 - Identify and engage key stakeholders to be part of the Uniform Shipment Law Task Group, including industry representatives, consumer advocacy groups, and regulatory bodies.
 - Conduct stakeholder meetings and consultations to gather input and build consensus on the proposal.
 - Draft the regulatory framework for the uniform law, including specific provisions for enforcement and penalties.
 - Submit updated Uniform Shipment Law proposal to both the NCWM L&R Chair and the NCWM Executive Director.
2. **Phase 2: Development of Uniform Shipment Law Regulation (Months 12-24)**
 - Address detailed standardized procedures for audits, testing multi-dimensional units, and software used in the reweighing, remeasuring, and reclassifying of shipments.
3. **Phase 3: Regulatory Framework and Compliance Mechanisms (Months 24-32)**
 - Create templates and documentation that will assist weights and measures officials with audits and inspection protocols, to ensure that the law is effectively enforced.

Subsequent phases will focus on policy, training, pilot implementation, and full rollout:

4. **Phase 4: Guideline Development for Shippers and Logistics Service Providers (Months 24-32)**
 - Create a set of clear guidelines for shippers and logistics service providers on legal requirements, including documentation, packaging, labeling, and reporting obligations, in preparation for compliance with the Uniform Shipment Law.
5. **Phase 5: Training and Education (Months 24-36)**
 - Develop training materials and programs for weights and measures officials and other stakeholders.
6. **Phase 6: Pilot Implementation and Feedback (Months 36-48)**

- Implement the new regulations in a pilot phase with selected states, allowing for real-world testing and feedback.
 - Gather feedback from stakeholders and weights and measures officials to identify any issues or challenges that arise during the pilot phase, and make necessary adjustments.
7. **Phase 7: Full Implementation (Months 36-60)**
- Roll out the Uniform Shipment Law across all states who have adopted the latest version of NIST Handbook 130 or affiliated section of the Uniform Shipment Law, ensuring that all stakeholders are aware of and comply with the new regulations.
 - Launch awareness campaigns to educate consumers about the new regulations and their rights under the law.
8. **Phase 8: Implementation Process Review (Months 60+)**
- Monitor the implementation process, providing ongoing support and training as needed, and making adjustments as necessary based on feedback and emerging trends.

Definitions Section

The following definitions are included in the proposal to ensure clarity and consistency in the application of the law:

- **Bill of Lading (BOL) / Waybill:** A legal instrument used in the transportation and shipment industries which lists the freight being shipped and the terms under which they will be delivered.
- **Carrier:** A person, company, or entity engaged in handling, transporting, or delivering freight as part of a commercial transaction.
- **Freight:** Goods or cargo transported by truck, train, ship, or aircraft for commercial purposes.
- **Freight Class:** A system that groups freight into categories based on four factors: density, handling, stowability, and liability.
- **Freight Quote:** Documentation provided by a logistics service provider that outlines the cost of transporting goods from one location to another, based on factors such as weight, dimensions, distance, and shipping method.
- **Handling Unit:** A single item or group of items that are packaged together and handled as a single unit throughout the shipping process. Handling units refer to packages or containers. These units are designed to facilitate the efficient and safe transportation, storage, and management of goods. They can vary in size and form.
- **Inspection Certificate:** A document used to signify that shipped freight has been inspected pertaining to classification, density, weight, volume, quantity, or measure.
- **Logistics Service Provider (LSP):** An entity that offers logistics-related services such as transportation, warehousing, freight forwarding, or supply chain coordination on behalf of another party. This includes, but is not limited to, carrier, third party logistics provider, freight forwarder, and consignee (receiver of goods).

- **Measuring System:** device or combination of devices, including equipment and software, used to measure and record the density, weight, volume, quantity, or measurement of freight, as approved by the jurisdiction where the system is used.
- **National Motor Freight Classification (NMFC) Code:** A numeric code used in the U.S. freight industry to classify goods for shipping.
- **Progressive Number (Pro / Tracking Number):** A unique numeric identifier issued by a carrier for identification and tracking of a shipper's specific order.
- **Shipment:** A quantity of goods shipped with a logistics service provider.
- **Shipper:** Individuals or businesses that send or request goods using a logistics service provider.
- **Terminal or Service Center:** A facility designated for managing and coordinating the movement of trucks and goods, and may facilitate the assessment of goods for weight, measure, and freight classification.
- **Unique Identifier:** A distinct code or number assigned by a logistics service provider to identify an individual, entity, document, or item within a specific operational or shipment tracking system.
- **Director:** The _____ of the Department of _____.

Legal Framework

The proposal includes provisions for clear definitions, uniform standards for weighing and measuring shipments, transparency requirements, compliance mechanisms, and penalties for violations. It also addresses coordination with international shipping regulations to facilitate cross-border trade. The legal framework is designed to be adaptable, allowing for updates and modifications as needed to address new challenges or changes in the industry.

Key Legal Provisions

- **Enforcing Official:** The Director is authorized to enforce the provisions of the law, issue regulations, and adopt rules necessary for its implementation. This includes the power to conduct audits and inspections, impose penalties, and take legal action against non-compliant entities.
- **Weighing and Measuring Practices:** Logistics service providers and shippers are required to use weighing and measuring devices that are approved by the jurisdiction's Weights and Measures Officials. This ensures that all measurements are accurate and consistent.
- **Prohibited Acts:** The law outlines specific prohibited acts, including providing false commodity descriptions, classifications, weights, or measurements, and using unapproved or fraudulent devices. Violations of these provisions can result in both civil and criminal penalties.
- **Penalties:** The proposal includes a structured system of penalties for non-compliance, depending on the severity of the violation. The law also provides for administrative hearings and appeals, ensuring that entities have the opportunity to contest penalties before they are enforced.

- **Consumer Rights and Protections:** The law includes provisions to protect consumer rights, including the right to accurate information about shipments, the right to dispute incorrect charges, and the right to compensation for losses resulting from fraudulent practices.
- **International Coordination:** To facilitate cross-border trade, the law is designed to be compatible with international shipping regulations. This includes provisions for coordinating with international bodies. and aligning U.S. standards with those of other countries where appropriate.

Necessary Resource Evaluation

Efficient resource allocation will be key to the successful implementation and enforcement of the law, ensuring that all relevant parties are adequately supported.

Considerations

- **Training and Education:** Expenses related to developing training materials and programs for inspectors, shippers, logistics service providers, and other stakeholders, as well as conducting awareness campaigns for consumers.
- **Enforcement:** Staffing resources associated with conducting audits and inspections, investigating complaints, and taking legal action against non-compliant entities.
- **Technology:** Allowances for future advancements in determining accurate weights and measures.
- **Ongoing Support and Maintenance:** Infrastructure development and maintenance of stakeholders' systems and processes necessary to comply with the requirements of the Uniform Shipment Law.

Metrics for Success

Success metrics include reductions in consumer complaints, improved compliance rates, and increased transparency in shipment processes. Regular reporting and assessment will ensure continuous monitoring and adaptation based on feedback. These metrics will be used to gauge the effectiveness of the law and guide any necessary adjustments.

Key Metrics

- **Reduction in Consumer Complaints:** A measurable decrease in the number of complaints related to inaccurate reweighs, remeasures, and reclassification issues.
- **Compliance Rates:** The percentage of shippers and logistics service providers that comply with the requirements of the law, as determined through audits and inspections.
- **Transparency in Shipment Processes:** Improvements in the transparency of shipment processes, including the availability of accurate documentation. Logistics service providers must adhere to debits and credits when reweighs and remeasures are determined. Proper and correct documentation ensures that all parties are informed of

any changes, leading to more efficient operations, reduced disputes, and adherence to regulatory standards.

- **Stakeholder Satisfaction:** Increased satisfaction with the shipment process, as measured through surveys and feedback mechanisms.
- **Enforcement Outcomes:** The number of enforcement actions taken, including fines and penalties are reduced.

Technological Integration

Technology is crucial in implementing the uniform law, including the use of devices and software that are approved by the jurisdiction's Weights and Measures Officials for tracking shipments and ensuring accurate measurements, ultimately benefiting all parties involved.

Emerging Technologies

- **Automated Weighing Systems:** The use of automated systems to weigh and measure shipments accurately, reducing the potential for human error and fraud.
- **Artificial Intelligence (AI):** AI-powered tools for analyzing shipment data, identifying patterns and anomalies, and predicting potential compliance issues before they occur.
- **Data Analytics:** The use of data analytics to monitor compliance, track trends, and generate insights that can be used to improve the implementation and enforcement of the law.

Conclusion

The Uniform Shipment Law represents a significant step forward in improving the transparency, fairness, and efficiency of the shipping industry. By addressing inconsistencies and enhancing equitable trade practices, the law will foster greater trust in the shipment of goods and help ensure that all stakeholders are treated fairly. The implementation plan outlines a structured approach to achieving these goals, with active stakeholder engagement and a focus on education and training. As the law is rolled out, ongoing monitoring and adaptation will be essential to its success, ensuring that it remains relevant and effective in the face of changing industry dynamics.

Guidance and Considered Documents

1. **Airline Deregulation Act of 1978**
2. **Forklift Scale Inspections** conducted by Central PA Weights and Measures officials: July 29, 2024.
3. **National Motor Freight Traffic Association, Inc.** (2016). *Petition for Suspension and Investigation: Opening Comments of National Motor Freight Traffic Association, Inc.* Docket No. ISM 35008, Surface Transportation Board. Filed September 12, 2016.
4. **National Motor Freight Traffic Association, Inc.** (2016). *Petition for Suspension and Investigation: Reply Comments of National Motor Freight Traffic Association, Inc.* Docket No. ISM 35008, Surface Transportation Board. Filed October 3, 2016.
5. **National Motor Freight Traffic Association, Inc. v. General Services Administration.** (2014). *Memorandum Opinion.* United States District Court, District of Columbia, No. 1:2013cv00429, Document 33. Signed by Judge Amy Berman Jackson. Filed September 22, 2014.
6. **NMFC Code**
7. **NMFTA Classification Guidelines and Standards**
8. **Pipeline and Hazardous Materials Safety Administration.** (2009). *Hazardous Materials Regulations (HMR) Interpretation Letter.* Ref. No. 08-0137. Issued February 6, 2009.
9. **Terms and Conditions of Service** from various carriers.
10. **United States v. Roadway Express, Inc.** (1:08-cv-00811)
11. **White House.** (2024). *Fact Sheet: President Biden Announces New Actions to Lower Costs for Americans by Fighting Corporate Rip-Offs.* Washington, D.C. Released March 5, 2024.
12. **49 U.S. Code § 14101 - Providing transportation and service.** (2021). *U.S. Code*, Title 49, Chapter 135.

13. **49 U.S. Code § 80113 - Liability for nonreceipt, misdescription, and improper loading.** (2002). *U.S. Code*, Title 49, Chapter 801.
14. **49 U.S. Code § 80116 - Criminal Penalty.** (2011). *U.S. Code*, Title 49, Chapter 801.