

CHAPTER 44D**PUBLIC MOVERS AND WAREHOUSEMEN****Authority**

N.J.S.A. 45:14D-6.

Source and Effective Date

R.2010 d.135, effective June 3, 2010.
See: 41 N.J.R. 3376(a), 42 N.J.R. 1398(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 44D, Public Movers and Warehousemen, expires on June 3, 2017. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 44D, Public Movers and Warehousemen, was originally codified in Title 14, as Chapter 2, Public Movers. Chapter 2 was filed and became effective prior to September 1, 1969.

Chapter 2, Public Movers, was repealed and Chapter 44D, Public Movers and Warehousemen, was adopted as R.1989 d.400, effective August 7, 1989. See: 20 N.J.R. 2364(a), 21 N.J.R. 2386(b), 21 N.J.R. 3020(a).

Pursuant to Executive Order No. 66(1978), Chapter 44D, Public Movers and Warehousemen, was readopted as R.1994 d.395, effective June 30, 1994. See: 26 N.J.R. 1758(a), 26 N.J.R. 3182(a).

Pursuant to Executive Order No. 66(1978), Chapter 44D, Public Movers and Warehousemen, was readopted as R.1999 d.237, effective June 28, 1999. See: 31 N.J.R. 1288(a), 31 N.J.R. 2223(b).

Chapter 44D, Public Movers and Warehousemen, was readopted as R.2005 d.41, effective December 20, 2004. See: 36 N.J.R. 3502(a), 37 N.J.R. 319(a).

Subchapter 2, General License Requirements, was renamed General License Requirements by R.2008 d.110, effective May 5, 2008. See: 39 N.J.R. 5055(a), 40 N.J.R. 2283(a).

Chapter 44D, Public Movers and Warehousemen, was readopted as R.2010 d.135, effective June 3, 2010. See: Source and Effective Date. See, also, section annotations.

Subchapter 5, Forms, and Appendices B through H were repealed; and Appendix A was recodified as N.J.A.C. 13:44D Appendix by R.2012 d.069, effective April 2, 2012. See: 43 N.J.R. 1579(a), 44 N.J.R. 1113(a).

CHAPTER TABLE OF CONTENTS**SUBCHAPTER 1. DEFINITIONS**

13:44D-1.1 Words and phrases defined

SUBCHAPTER 2. GENERAL LICENSE REQUIREMENTS

13:44D-2.1 License to engage in the business of public moving and/or storage
13:44D-2.2 Change of address, business name, or telephone number
13:44D-2.3 Designation of agent
13:44D-2.4 Fees
13:44D-2.5 Advertising
13:44D-2.6 Place of business
13:44D-2.7 Names used to offer moving and/or warehousing
13:44D-2.8 Disconnection of unlicensed mover's telephone

SUBCHAPTER 3. TARIFFS

13:44D-3.1 Tariffs

SUBCHAPTER 4. GENERAL PROVISIONS

13:44D-4.1 Forms
13:44D-4.2 Moving contract: non-binding estimate
13:44D-4.3 Moving contract: binding estimate
13:44D-4.3A (Reserved)
13:44D-4.4 Warehousemen entering into a contract to provide services
13:44D-4.5 Combination of Order for Service and estimate forms
13:44D-4.5A (Reserved)
13:44D-4.6 Legal liability
13:44D-4.7 Insurance
13:44D-4.8 Withholding a shipment
13:44D-4.9 Subcontracting
13:44D-4.10 Use of an owner-operator
13:44D-4.11 Occupational misconduct
13:44D-4.12 Labor and equipment
13:44D-4.13 Warehousing
13:44D-4.14 Collection of tariff charges where the shipment has been destroyed
13:44D-4.15 Liability for damage to consumer's goods
13:44D-4.16 Claims procedures
13:44D-4.17 Short-notice move or warehousing

SUBCHAPTER 5. (RESERVED)**APPENDIX****APPENDIX B THROUGH APPENDIX H. (RESERVED)****SUBCHAPTER 1. DEFINITIONS****13:44D-1.1 Words and phrases defined**

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Advertising” means any attempt directly or indirectly by publication, dissemination, solicitation, endorsement or circulation or in any other way to induce directly or indirectly any person or entity to purchase or enter into an agreement to purchase services or goods from a licensee.

“Agent” means the appointee of the public mover or warehouseman who shall be a party upon whom notice may be served along with the principal public mover or warehouseman.

“Bill of lading” means a document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods, and includes an airbill.

“Binding estimate” means a contract which contains a calculation of the cost of a move made after the mover has made a physical survey which clearly describes the goods to be moved and the accessorial services to be performed and which binds the mover to the charges shown on the binding estimate form.

“Brochure” means a printed, informational booklet to be provided to each prospective consumer by the public mover and/or warehouseman.

“Consumer” means the person, partnership, corporation, company, trust, business entity or association contracting with a public mover and/or warehouseman for moving and/or storage services.

“Contracting public mover” means a licensed public mover who contracts with an owner-operator to provide any mover’s service of the licensed public mover.

“Director” means the Director of the Division of Consumer Affairs.

“Estimate” means an approximation made by the public mover and/or warehouseman of the cost of the shipment and/or storage.

“Gross weight” means the weight of a moving vehicle once it has been loaded with a consumer’s goods.

“Long-term lease” means a lease entered into for at least one year.

“Moving vehicle” means any vehicle, machine, tractor, truck or semitrailer, or any combination thereof, propelled, driven or drawn by mechanical power and used upon the public highways in the transportation of household goods, office goods and special commodities in intrastate commerce. For purposes of this section, “moving vehicle” shall not include a passenger vehicle; that is, a station wagon.

“Net weight” means the weight of a consumer’s goods. The net weight is arrived at by subtracting the tare weight from the gross weight.

“Order for Service” means the contract which the consumer receives from a public mover and/or warehouseman at least 24 hours prior to the move.

“Owner-operator” means a person who owns, leases or rents one or more motor vehicles and who uses the vehicles to provide mover’s services for a contracting public mover.

“Power unit” means that component of a moving vehicle that has the mechanical workings of a truck and the cabin where the driver operates the vehicle or the entire truck if it is comprised of only one piece, such as a van. “Power unit” does not mean a detachable trailer.

“Public mover” means any person who engages in or holds him or herself out to the general public as engaging in the transportation of household goods, as defined by N.J.S.A. 45:14D-2(e); office goods, as defined by N.J.S.A. 45:14D-2(k); or special commodities, as defined by N.J.S.A. 45:14D-2(q) by motor vehicle for compensation in intrastate commerce between points in this State, including the moving of household goods, office goods or special commodities from one location to another at a single address, and any person

who engages in the performance of accessorial services as defined by N.J.S.A. 45:14D-2(a). “Public mover” does not include an owner-operator.

“Shipment” means property tendered by a consumer, and accepted by the carrier, at one place of origin and at one time, for one consignee at one destination, and covered by one bill of lading.

“Short-notice moving or warehousing” means performing a move, or warehousing property, on the same day that a consumer requests services from a public mover and/or warehouseman.

“Subcontracting” means the transfer by a public mover, with the prior approval of the consumer, of any bill of lading to another licensed public mover to perform services initially contracted by the original public mover.

“Tare weight” means the weight of an empty moving vehicle prior to the loading of a consumer’s goods.

“Tariff” means a schedule of rates and charges for the storage or transportation of property in intrastate commerce on file with the Board, which shall be used, except in the use of binding estimates by movers, in computing all charges on the storage or transportation of property as of the date of the time in storage or transportation.

“Warehouse receipt” means a receipt given to a consumer by a warehouseman for all of the consumer’s goods stored in the warehouseman’s facility.

Amended by R.1992 d.199, effective May 4, 1992.

See: 24 N.J.R. 341(a), 24 N.J.R. 1800(a).

Revised definition “agent”; added definitions, “long-term lease” and “moving vehicle.”

Amended by R.1994 d.395, effective August 1, 1994.

See: 26 N.J.R. 1758(a), 26 N.J.R. 3182(a).

Amended by R.1999 d.237, effective August 2, 1999.

See: 31 N.J.R. 1288(a), 31 N.J.R. 2223(b).

Inserted “Director”.

Amended by R.2004 d.203, effective June 7, 2004.

See: 35 N.J.R. 1764(a), 35 N.J.R. 2836(a), 35 N.J.R. 4044(a), 36 N.J.R. 2762(c).

Rewrote the section.

Amended by R.2009 d.43, effective January 20, 2009.

See: 40 N.J.R. 2412(a), 41 N.J.R. 621(a).

Rewrote definition “Bill of lading”; added definition “Contracting public mover”; substituted definition “Owner-operator” for definition “Owner/operator”; and in definition “Public mover”, inserted the last sentence.

SUBCHAPTER 2. GENERAL LICENSE REQUIREMENTS

13:44D-2.1 License to engage in the business of public moving and/or storage

(a) No license to engage in the business of public moving and/or storage shall be issued or remain in effect unless the applicant owns or leases pursuant to a long-term lease at least one moving vehicle.

Amended by R.2012 d.069, effective April 2, 2012.

See: 43 N.J.R. 1579(a), 44 N.J.R. 1113(a).

In (c)1, deleted a comma following the second occurrence of "tariff" and substituted "issuing" for "using"; in (c)5iii, substituted a semicolon for a period at the end; in (c)6, inserted "and" at the end; and in (e), substituted "licensed public mover and/or warehouseman" for "licensee" and updated the N.J.A.C. reference.

SUBCHAPTER 4. GENERAL PROVISIONS

13:44D-4.1 Forms

(a) The brochure set forth in N.J.A.C. 13:44D Appendix shall not be altered in any way, except that a licensed public mover and/or warehouseman may add information, such as a business name and logo to indicate the identity of the business that provided the brochure to a consumer. If a public mover and/or warehouseman places the name of his or her company on the brochure, the information required by N.J.A.C. 13:44D-2.5(a) must also appear on the brochure.

(b) When providing one of the documents required by N.J.A.C. 13:44D-4.2, 4.3 or 4.4, a public mover and/or warehouseman may use any form that contains both the information required by these rules and any format required by these rules. A public mover and/or warehouseman may add any information to a form consistent with the information required by N.J.A.C. 13:44D-4.2, 4.3 or 4.4 that appears on the form.

(c) Notwithstanding anything contained in this subchapter, the documents required by N.J.A.C. 13:44D-4.2, 4.3 and 4.4 need not include information about a service that a public mover and/or warehouseman does not offer and which is not included in his or her tariff.

(d) Notwithstanding anything contained in this subchapter, a licensed public mover and/or warehouseman may use forms that complied with the requirements of this chapter prior to April 2, 2012 until April 2, 2013.

New Rule, R.2012 d.069, effective April 2, 2012.

See: 43 N.J.R. 1579(a), 44 N.J.R. 1113(a).

Former N.J.A.C. 13:44D-4.1, Moving contract: non-binding estimate, recodified to N.J.A.C. 13:44D-4.2.

13:44D-4.2 Moving contract: non-binding estimate

(a) Prior to entering into a contract to render services based on a non-binding estimate, every public mover shall issue the following to each consumer at least 24 hours prior to the date of the move:

1. A brochure entitled "Important Notice to Consumers Using Public Movers and Warehousemen," which is found at N.J.A.C. 13:44D Appendix and is incorporated herein by reference; and

2. A fully completed written estimate, entitled "Estimated Cost of Service for Moving or Warehousing – Non-Binding," which meets the requirements of (b) below,

rendered after a physical inspection of the premises and the goods to be moved by the public mover. A public mover and/or warehouseman may employ an estimator to perform the physical inspection; however, no public mover and/or warehouseman shall employ an estimator who also represents any other public mover and/or warehouseman.

(b) The written estimate required by (a) above shall include:

1. The following statement, in boldface and at least 10 point font size: "Important notice: The charges indicated herein are estimated charges only.";

2. The following statement in bold and at least 10 point font size: "The charge for any services listed on this form shall not exceed the rate set forth in the public mover's tariff filed with the Division of Consumer Affairs.";

3. A statement as to what forms of payment (cash, money order, certified check, credit card, etc.) the public mover will accept;

4. The public mover's license number;

5. Date of the physical survey;

6. Name, address and telephone number of the public mover;

7. Name and phone number of the consumer;

8. The address at which the consumer's goods will be loaded and the address to which the consumer's goods will be moved. If a consumer's current address or the address to which the consumer's goods will be moved is other than a single family home, the form shall indicate the floor and whether there is elevator access to that floor;

9. Whether the move will entail carrying a consumer's goods for an unusually long distance and any fee for carrying the goods over this distance;

10. Date, or dates, of the move;

11. If the public mover is charging for the move based on an hourly rate:

- i. The number of trucks and the per hour cost of each truck;

- ii. The number of men and the per hour cost of each man;

- iii. The estimated number of hours to complete the move;

- iv. The total charge for trucks and men;

- v. Travel time, in addition to actual time spent moving including any travel time from the public mover's offices to the address at which the consumer's goods will be loaded and from the address to which a consumer's goods are moved to the public mover's office, and any charge for travel time;

- vi. Any packing and unpacking of containers, as indicated by (b)15 below, to be performed;
 - vii. Any accessorial, special or third-party services to be provided and the charge for those services;
 - viii. If insurance or increased valuation is included, the valuation amount, any deductible amount and the charge; and
 - ix. The estimated total charge for the move;
12. If the public mover is charging for the move based on the weight of the consumer's goods:
- i. The estimated weight of the consumer's goods based upon the inventory of the consumer's items required by (b)17 below;
 - ii. If the public mover is estimating the weight of a shipment based upon the cubic footage of a consumer's goods, the calculation of the weight based upon cubic footage;
 - iii. The estimated miles from the address at which consumer's goods will be loaded to the location to which the consumer's goods will be moved;
 - iv. The rate charged per hundredweight (cwt.);
 - v. Any packing and unpacking of containers, as indicated by (b)15 below, to be performed and the charge for packing and unpacking;
 - vi. Any accessorial, special or third-party services to be provided and the charge for those services;
 - vii. If insurance or increased valuation is included, the valuation amount, any deductible amount and the charge; and
 - viii. The estimated total charge for the move;
13. If the public mover is charging for the move based on the cubic footage of the consumer's goods:
- i. The estimated cubic footage of the consumer's goods based upon the inventory of the consumer's items required by (b)17 below;
 - ii. The estimated miles from the address at which the consumer's goods will be loaded to the location that the consumer's goods will be moved;
 - iii. The transportation rate charged per cubic foot;
 - iv. Any packing and unpacking of containers, as indicated by (b)15 below, to be performed and the charge for packing and unpacking;
 - v. Any accessorial, special or third-party services to be provided and the charge for those services;
 - vi. If insurance or increased valuation is included, the valuation amount, any deductible amount and the charge; and
- vii. The estimated total charge for the move;
14. If the public mover will store the consumer's goods:
- i. The estimated weight or cubic footage of consumer's goods that will be stored based upon the inventory of the consumer's items required by (b)17 below;
 - ii. The rates for, and method of, storage;
 - iii. The monthly storage cost and the applicable monthly sales tax charge;
 - iv. Any fee for warehouse handling-in and warehouse handling-out of consumer's goods;
 - v. A clear and conspicuous indication of any access fees;
 - vi. If insurance or increased valuation is included, the valuation amount, any deductible amount and the charge;
 - vii. Any fees for delivering goods to a final destination, or an indication that there is no fee for such delivery; and
 - viii. The address of the storage facility;
15. A description of any containers to be provided by the public mover, including the following, as applicable:
- i. The cubic footage of the containers to be used and the number of containers of each size;
 - ii. The charge per container;
 - iii. Fees for any materials used for packing, including any taxes; and
 - iv. The estimated total charge for containers and packing/unpacking;
16. The type, amount and cost of shipment coverage for loss or damage to consumer's goods, which shall be one of the following:
- i. Standard valuation of \$.60 per pound;
 - ii. Increased valuation; or
 - iii. Insurance purchased by consumer;
17. An inventory of each room in the consumer's house and a list with descriptions of the items in each room that will be moved, including a list of any items that must be disassembled and reassembled as part of the move; and
18. The signature of the public mover or estimator performing the physical survey.
- (c) The public mover and the consumer shall enter into a contract at least 24 hours prior to the move by completing an order for service form. The order for service form, entitled "Order for Service with Non-Binding Estimate," shall include: