

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

N.J.S.A. 45:14D-6 and 52:14B-5.1.

Source and Effective Date

R.2005 d.41, effective December 20, 2004.
See: 36 N.J.R. 3502(a), 37 N.J.R. 319(a).

Chapter Expiration Date

Chapter 44D, Public Movers and Warehousemen, expires on December 20, 2009.

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Chapter 2, Public Movers, was repealed and Chapter 44D, Public Movers and Warehousemen, was adopted by R.1989 d.400, effective August 7, 1989.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: Source and Effective Date.

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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 contract of carriage and a receipt given to a consumer by the public mover for all of the cargo picked up from the consumer by the public mover and moved to another point.

“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.

"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 his or her own vehicle and leases his or her services to a second person or company for compensation to perform moving services for and using the forms and bill of lading of the second person or company.

"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).

"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.

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.

(b) An applicant for licensure as a public mover and/or warehouseman shall submit to the Director:

1. A fully completed application for licensure accompanied by the required fee;

2. Certificates of insurance evidencing coverage of workers' compensation (when such coverage is required under N.J.S.A. 34:15-77 and 78), the operation of motor vehicle equipment, cargo, storage facilities and property being held in storage conditioned or providing for the payment of all judgments recovered against a public mover and/or warehouseman in the manner and amounts specified in N.J.A.C. 13:44D-4.5;

3. A designation of agent pursuant to N.J.A.C. 13:44D-2.3;

4. A fully executed, filed tariff as specified in N.J.A.C. 13:44D-3.1; and

5. A photocopy of all vehicle registration(s) issued to the applicant by the New Jersey Division of Motor Vehicles or, in the case of vehicles subject to a long-term lease, a photocopy of the signed lease agreement.

(c) The initial license shall be issued to a qualified applicant if it is found that the applicant is fit, willing and able to perform the service of a public mover and/or warehouseman, to conform to the provisions of the Public Movers and Warehousemen Licensing Act, N.J.S.A. 45:14D-1 et seq., and pays the required fee as specified in N.J.A.C. 13:44D-2.4.

(d) All licenses shall be valid for one year. Prior to the license expiration date the Director shall send out renewal forms to all licensees. Licensees shall submit a completed renewal form and the renewal fee as specified in N.J.A.C. 13:44D-2.4 to the Director prior to the expiration date of the license.

(e) The original license shall be prominently displayed by the public mover or warehouseman at his principal place of business with copies displayed at all other such offices, warehouses and/or facilities maintained by the licensee within this State.

(f) A duly certified copy of the license issued by the Director shall be carried on each truck, tractor, trailer or semitrailer or combination thereof at all times when the vehicle is being used in the performance of moving and/or storage services.

(g) A decal issued by the Director indicating that the public mover and/or warehouseman is licensed in this State shall be displayed on the driver's side door of each power unit registered and performing intrastate moving and/or storage services, including all vehicles used by an owner/operator on contract to a public mover.

(h) All commercial vehicles used in the practice of public moving shall be marked in conspicuous lettering, at least three inches in height, on the passenger and driver side of the truck cab, and the passenger and driver side of the truck's trailer, with the following information:

1. The name of the licensee;

2. The words "License number" or "Lic. #" followed by the letters and numbers as they appear on the license certificate; and

3. The name of the registered owner or lessee of the vehicle, if it is different than the name required under (h)1 above.

(i) A licensee may perform only those services for which licensure has been granted:

1. A licensee granted a license to engage only in the business of public moving shall not engage in the business of warehousing;

2. A licensee granted a license to engage only in the business of warehousing shall not engage in the business of public moving; and

3. A licensee granted a license to engage in the businesses of public moving and warehousing is entitled to render both services.

(j) Performing services for which licensure has not been granted is a violation of N.J.S.A. 45:14D-9(a) and is subject to the penalty provisions of N.J.S.A. 45:14D-7, 45:14D-16 and/or 45:14D-20.

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

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

Revised (a).

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.1997 d.319, effective August 4, 1997.

See: 29 N.J.R. 847(a), 29 N.J.R. 3456(b).

In (a)2, substituted "evidencing coverage of worker's compensation (when such coverage is required), the operation of" for "covering the" and inserted reference to N.J.A.C. 13:44D-4.2.

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

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

Substituted references to the Director for references to the Board throughout.

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.

13:44D-2.2 Change of address, business name, or telephone number

(a) A licensed public mover and/or warehouseman shall notify the Director in writing of any change of mailing address, permanent place of business address or business name from that currently registered with the Director and shown on the most recently issued license. Such notice shall be given not later than 30 days following the change of mailing address, permanent place of business address or business name.

(b) A licensed public mover and/or warehouseman shall notify the Director in writing of any change of business telephone number from that currently registered with the Director. Such notice shall be given not later than 30 days following the change of telephone number.

(c) In addition to the requirements of (a) and (b) above, all licensees who change their business name and/or permanent place of business shall, within 60 days of the change, update all vehicle signage as required by N.J.A.C. 13:44D-2.1(h) and notify the Director in writing that the signage has been changed.

(d) A licensee shall notify the Director within 30 days, in writing, if there is a change in ownership in his or her moving company.

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.1994 d.540, effective November 7, 1994.

See: 26 N.J.R. 2745(a), 26 N.J.R. 4419(a).

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

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

Substituted references to the Director for references to the Board throughout.

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).

Added (c) and (d).

13:44D-2.3 Designation of agent

(a) No public mover and/or warehouseman shall operate under a license unless and until there has been filed with the Director, on the "Designation of Agent" form, a designation of agent, street address and municipality upon whom service of process, notices and/or orders may be made pursuant to N.J.S.A. 45:14D-1 et seq.

(b) The designated agent shall be an individual, who is neither the owner, director or principal of the company and who is a resident of the State of New Jersey. Such designee may be changed by filing the specified form pursuant to (a) above and (c) below.

(c) The Director shall be notified immediately upon change of designated agent.

(d) Service of process to the designated agent shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1 and the commencement of any disciplinary proceedings.

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).

Substituted references to the Director for references to the Board throughout.

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).

In (a), substituted " , on the 'Designation of Agent' form" for " , on the specified form" following "filed with the Director".

13:44D-2.4 Fees

(a) Fees for initial licenses, renewal licenses and copies of licenses shall be as follows:

1. Initial license	\$400.00
2. Renewal license (one year)	\$400.00

3. Copy of license:	
i. First and second copy	\$ 50.00
ii. Third and each additional copy	\$ 20.00
4. Late renewal fee (0 to 30 days)	\$100.00
5. Reinstatement fee (31 to 60 days)	\$200.00

New Rule, R.1991 d.376, effective August 5, 1991.

See: 23 N.J.R. 1066(b), 23 N.J.R. 2316(a).

Amended by R.1992 d.127, effective March 16, 1992.

See: 23 N.J.R. 3638(a), 24 N.J.R. 968(a).

Revised (a)4.

Amended by R.1993 d.643, effective December 6, 1993.

See: 25 N.J.R. 3931(a), 25 N.J.R. 5489(a).

13:44D-2.5 Advertising

(a) All advertising by licensees shall include the licensee's:

1. Full licensed name;
2. License number; and
3. Permanent place of business in New Jersey and New Jersey telephone number.

(b) Advertising shall not be misleading as to the services that the licensee is authorized to render. If a licensee is authorized to perform only public moving or warehousing, the advertising shall not include language that states or implies that the licensee is authorized to render both public moving and warehousing services.

1. A licensee authorized only to provide public moving services shall not use advertising that includes the terms "warehouse," "warehousing," "storage," "storing," "depository," "repository" or other language which indicates that warehousing services may be rendered by that licensee.

2. A licensee authorized only to provide warehousing services shall not use advertising that includes the terms "mover," "moving," "cargo," "carrier," "shipper," "shipping," "lading," "relocation" or other language that indicates that the services of a public mover may be rendered by that licensee.

(c) A licensee who uses advertising that is misleading as to the services that the licensee is authorized to render shall be deemed to have engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense pursuant to N.J.S.A. 45:14D-7(b) and shall be subject to discipline by the Director pursuant to N.J.S.A. 45:14D-7, 45:14D-16 and 45:14D-20.

New Rule, R.1994 d.395, effective August 1, 1994.

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

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).

In (a), rewrote 3; added (b) and (c).

13:44D-2.6 Place of business

(a) A licensee shall maintain a permanent bona fide place of business in the State of New Jersey wherein: