

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

N.J.S.A. 45:14D-1 et seq., specifically 45:14D-6.

Source and Effective Date

R.1994 d.395, effective June 30, 1994.
See: 26 N.J.R. 1758(a), 26 N.J.R. 3182(a).

Executive Order No. 66(1978) Expiration Date

Chapter 44D, Public Movers and Warehousemen, expires on June 30, 1999.

Chapter Historical Note

Rules regarding Public Movers were originally filed and became effective prior to September 1, 1969 by the authority granted the Board of Public Utilities under the Public Movers Act, N.J.S.A. 48:22-1 et seq., and codified as N.J.A.C. 14:2. The Public Movers Act was repealed and replaced by the Public Movers and Warehousemen Licensing Act, N.J.S.A. 45:14D-1 et seq., which granted rulemaking authority to the Division of Consumer Affairs, Department of Law and Public Safety. N.J.A.C. 14:2 was superseded by Chapter 44D, Public Movers and Warehousemen, adopted as R.1989 d.400, effective August 7, 1989.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 was re-adopted as R.1994 d.395, effective June 30, 1994. See: Source and Effective Date. See, also, section annotations.

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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.

“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 the shipper by the public mover for all of the cargo picked up from the shipper by the public mover and moved to another point.

“Brochure” means a printed, pamphlet-type informational bulletin to be provided to each prospective shipper by the public mover and/or warehouseman.

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

“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.

“Order for service” means a form which a public mover and/or warehouseman shall give to the shipper at the time of the initial contact.

“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.

"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, office goods or special commodities 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.

"Shipment" means property tendered by one shipper, 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.

"Shipper" means the person or company contracting with a public mover and/or warehouseman for moving and/or storage services.

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

"Tariff" means a statement of the rates, charges, classification ratings and regulations of the public mover and/or warehouseman.

"Warehouse receipt" means a receipt given to the shipper by a warehouseman for all of the shipper'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).

SUBCHAPTER 2. LICENSE GENERALLY

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** and unless there shall be on file with the Board:

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

2. Certificates of insurance evidencing coverage of worker's compensation (when such coverage is required), 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-4.2;

3. A designation of agent; and

4. A properly executed, filed tariff.

(b) 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. Requests for the renewal of a license shall be on such forms as may be specified by the Board and accompanied by the required renewal fee.

(c) All licenses issued by the Board shall expire on September 30 of each year or such other date as may from time to time be designated.

(d) 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.

(e) A duly certified copy of the license issued by the Board 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.

(f) A decal issued by the Board 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.

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.

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

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

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).

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 Board, on the specified 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, resident of the State of New Jersey, and such designee may, from time to time, be changed by filing the specified form.

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

Amended by R.1994 d.395, effective August 1, 1994.
See: 26 N.J.R. 1758(a), 26 N.J.R. 3182(a).

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. New Jersey business address and phone number.

New Rule, R.1994 d.395, effective August 1, 1994.
See: 26 N.J.R. 1758(a), 26 N.J.R. 3182(a).

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:

1. All original business records and forms related to a licensee's business dealings shall be kept; and
2. A representative shall be present and authorized to act on behalf of the licensee and to accept or process necessary documents. The representative shall be present and available for a minimum of 20 hours per week between the hours of 7:00 A.M. to 7:00 P.M.

(b) A licensee shall conspicuously post a notice on the premises of his or her permanent place of business that includes:

1. The telephone number of a representative available to handle consumer inquiries for a minimum of 35 hours per week; and
2. The schedule of a minimum of 20 hours per week when a representative will be present and available at the place of business.

(c) A permanent place of business shall not include either a post office box or a maildrop location.

(d) For the purpose of this section, "conspicuously posted" shall mean a placement location that will permit the average consumer to readily read the notice required herein without having to enter the premises of the licensee's place of business.

New Rule, R.1994 d.540, effective November 7, 1994.
See: 26 N.J.R. 2745(a), 26 N.J.R. 4419(a).

SUBCHAPTER 3. TARIFFS

13:44D-3.1 Tariffs

(a) Every public mover and/or warehouseman shall file with the Board a tariff or tariffs indicating the rates, charges, classification ratings, and terms and conditions of the public mover and/or warehouseman. A copy of the tariff filed with the Board shall be kept open for public inspection in all offices and facilities of Board licensees where a request for moving and/or storage services may be made. The tariff shall be readily accessible to the public at all times during normal business hours and whenever requested by any person the tariff shall be produced for immediate inspection. No regulated services shall be rendered unless specifically provided for in the tariff.

(b) The tariff shall be filed with the Board no more often than on a semiannual basis, with the first filing to be received by the Board no later than April 1 and the second no later than October 1. Filings made promptly and accepted by the Board will become effective as of May 1 and November 1 respectively. If a mover chooses not to change his or her tariff at any given filing period, the previously filed tariff shall remain in effect. All tariffs shall conform to the following requirements:

1. Tariffs shall be printed on sheets of hard finish durable paper and eight and one-half inches wide and eleven inches long with the left side pre-punched in the normal loose-leaf positions;
2. There shall be a one and one-half inch margin on the left-hand side;

3. The tariff shall be of a loose-leaf style;
4. The printing shall be of a legible size not less than eight points and must be of a permanent quality;
5. The printing shall be ink, typewritten or reproduced by a photographic process;
6. No officially filed sheets or other sheets to be submitted to the Board or used by the licensee shall contain any corrections or erasures;
7. The name of the company shall appear on the top of each page officially filed or submitted to the Board as well as any page to be used by the licensee. Page numbers shall appear in the upper right-hand corner and the issue date and effective date shall appear in the upper left-hand corner of the page;
8. No exception to these requirements shall be permitted without prior written approval of the Board.

(c) Each tariff shall consist of the following minimums:

1. A standard title page showing the complete name and address of the company, the type of service for which the tariff is being submitted (that is, public moving and warehousing, public moving only, warehousing only), the issue date and the effective date of the tariff, and the officer or publishing agent using the tariff;
2. Each tariff shall have an index giving the page number, item number, and any other identifying reference for each subject found in the tariff. If any specific commodities for which special rates are indicated are contained in the tariff, they shall also be properly indexed, giving the page number and item numbers for each;
3. Each tariff shall contain explanations, in plain concise language, of all abbreviations and reference marks and how they relate to the tariff;
4. Standard terms and conditions shall indicate in clear and concise language all services and privileges covered by the rates. These standard terms and conditions shall be a separate and distinct part of the tariff;
5. Rate schedule shall include but not be limited to the following:
 - i. For public movers: combination weight and mileage rates, hourly rates, and any other rates charged.
 - ii. For warehousemen: storage fees, warehouse fees, dock fees, access fees, and any other rates and fees as may be charged.
 - iii. The rates for each separate and distinct class of service rendered shall be filed as a separate schedule and shall begin on a separate sheet. The schedule of rates for each class of service shall have assigned to it a **page or section number** to facilitate any reference to the schedule.

6. The bill of lading regularly used by the public mover and/or warehousemen;
7. The warehouse receipt regularly used by the warehouseman.

(d) Corrections in the filed tariff shall only be permitted during the period between the filing date and the effective date and shall be subject to the written approval of the Board.

(e) No licensee shall charge, demand, collect or receive a greater or lesser compensation for his or her service than specified in the tariff, except for discounts and rebates provided in connection with the furnishing of moving, storage or accessorial services to any person 62 years or older. In order to be permissible, any such discount or rebate must be clearly provided for in the licensee's filed tariff.

(f) All bills of lading employed in intrastate moves shall be audited by the licensee within seven days of the move's completion. Likewise, all bills employed in the permanent storage of any property shall be audited by the licensee within seven days of release of the goods or property.

Amended by R.1994 d.395, effective August 1, 1994.
See: 26 N.J.R. 1758(a), 26 N.J.R. 3182(a).

SUBCHAPTER 4. GENERAL PROVISIONS

13:44D-4.1 Bill of lading, brochure, estimated cost of services form, order for service form, warehouse receipt; issuance

(a) Prior to entering into an agreement to render services, every public mover and/or warehouseman shall issue the following to each shipper:

1. The brochure entitled "Important Notice to Consumers Utilizing Public Movers," which shall contain detailed explanations of the following:
 - i. Estimates;
 - ii. The public mover's and/or warehouseman's responsibility for loss and/or damage;
 - iii. Accessorial services including, but not limited, to packing, payment, delivery, exclusive use of vehicles, expedited services, small shipments and other services rendered by the public mover and/or warehouseman; and
 - iv. The shipper's rights to and procedures for filing a claim for any articles lost or damaged while in transit or storage;

2. An estimated cost of services form which shall not serve as the actual contract between the shipper and the public mover and/or warehouseman but shall be given as an educated prediction of the cost for the services to be rendered. The estimate for all services provided by the public mover and/or warehouseman shall be in writing and shall be fully completed in all respects, and shall be rendered only after a physical inspection by the public mover and/or warehouseman. A sample estimated cost of services form is provided at Appendix A, incorporated herein by reference. The public mover and/or warehouseman may adopt any form substantially similar to the suggested form outlined herein and in the sample; said form shall contain all of the information outlined herein. This form shall also include a statement, in bold face type, indicating that the tariff in effect at the time of the shipment shall govern the final charges for the shipment; and

3. An order for services form which shall include, but not be limited to, all pertinent information such as the date of shipment, storage arrangements, points of origin and destination; the date of delivery, a notice indicating that the shipper acknowledges receipt of the public mover's and/or warehouseman's brochure and the order for insurance. The form shall be fully completed in all respects, and signed and dated by the shipper at least one day prior to the commencement of any moving services. No charges shall be affixed to this form. A sample order for service form is provided at Appendix B, incorporated herein by reference. The public mover and/or warehouseman may adopt any form substantially similar to the suggested form outlined herein and in the sample; said form shall contain all of the information outlined in this paragraph.

(b) Every public mover shall also issue to each shipper, in addition to the brochure, estimated cost of services form and order for services form, a bill of lading which shall indicate the date of shipment, the names and addresses of the public mover and shipper, the license number of the public mover, an address or telephone number where the public mover and shipper can be contacted during shipment, the points of origin and destination and the released or declared value of the shipment. The bill of lading issued to the shipper shall be fully completed in all respects. A sample bill of lading is provided at Appendix C, incorporated herein by reference. The public mover may adopt any form substantially similar to the suggested form outlined herein and in the sample; said form shall contain all of the information outlined. The bill of lading shall be included in the tariff of the public mover.

(c) Every warehouseman shall also issue to each shipper, in addition to the brochure, estimated cost of services form and order for services form, a warehouse receipt which shall indicate the date of issue, the names and addresses of the warehouseman and shipper, the license number of the warehouseman, an address or telephone number where the

warehouseman and shipper can be contacted during the storage period, a description of the goods and location of the warehouse where the goods are to be stored. The warehouse receipt issued to the shipper shall be fully completed in all respects. A sample warehouse receipt is provided at Appendix D, incorporated herein by reference. The warehouseman may adopt any form substantially similar to the suggested form outlined in this subsection and in the sample; said form shall contain all of the information outlined herein. The warehouse receipt shall be included in the tariff of the warehouseman.

Amended by R.1995 d.9, effective January 3, 1995.
See: 25 N.J.R. 5449(a), 27 N.J.R. 125(a).

13:44D-4.2 Legal liability and insurance

(a) The public mover and/or warehouseman may by contract with the shipper limit liability for loss or damage to goods in storage or in transit to a minimum of \$.60 per pound per article, provided, however, that such limitation shall be null and void and the public mover and/or warehouseman subject to full liability if any of the following conditions apply:

1. The public mover and/or warehouseman failed to present an Order for Service to the shipper at least one day prior to the actual move and obtain his or her signature, with the date of signature, thus acknowledging receipt, as required by N.J.A.C. 13:44D-4.1(a)3;

2. At the time that an Order for Service was presented, the public mover and/or warehouseman failed to provide the shipper with the brochure entitled "Important Notice to Consumers Utilizing Public Movers," which informs the shipper that such limitation applies and that the shipper has the option of making other arrangements for insurance coverage for any damage in excess of the minimum liability offered by the mover and/or warehouseman; or

3. A court or administrative finding has been made that the loss of or damage to the shipper's goods was the result of gross negligence and/or gross incompetence on the part of the mover and/or warehouseman and his or her agents and/or employees, whether as to the actual handling of goods or in the failure to provide appropriate security to prevent loss by theft.

(b) Every licensed public mover and/or warehouseman transporting and/or storing property for compensation shall secure, maintain and file with the Director a certificate of insurance from an insurance company authorized and licensed to do business in this State covering the motor vehicle equipment, cargo, storage facilities and property being held in storage for the amount set forth below, conditioned or providing for payment of all judgments recovered against such public mover and/or warehouseman.

(c) The minimum amounts of insurance for public movers are as follows:

1. Legal liability coverage at the rate of 60 cents (\$.60) per pound per article.

2. Bodily injury liability, property damage liability:

i. Limit for bodily injuries to or death of one person: \$25,000;

ii. Limit for bodily injuries to or death of all persons injured or killed in any one accident: \$100,000, subject to a maximum of \$25,000 for bodily injuries or death of one person;

iii. Limit for loss or damage in any one accident to property of others (excluding cargo): \$10,000.

3. Cargo liability:

i. For loss or damage to property being transported (cargo liability insurance) on any one vehicle: \$5,000 per accident;

ii. For loss or damage to or aggregate of losses or damages of or to property occurring at any one time and place: \$10,000.

(d) The minimum amounts of insurance for warehousemen are hereby prescribed as follows:

1. Legal liability coverage at the rate of 60 cents (\$.60) per pound per article.

(e) All filings shall be executed in triplicate on forms substantially similar to those determined by the National Association of Regulatory and Utilities Commission (NARUC) and promulgated by the Interstate Commerce Commission (ICC). Said filings shall include the following:

1. Bodily injury and property damage liability on Form E;

2. Cargo Insurance on Form H;

3. Notice of cancellation of insurance policies on Form K; and

4. Notice of cancellation of worker's compensation insurance policies on a form provided by the Board.

(f) Every licensed public mover and/or warehouseman transporting and/or storing property for compensation shall make sufficient provision for the complete payment of any obligation which he or she may incur to an injured employee, or his or her dependents pursuant to N.J.S.A. 34:15-1 et seq., by one of the following methods:

1. Licensees may obtain adequate insurance from any stock company or mutual association authorized to transact the business of employer's liability or worker's compensation insurance in this State pursuant to N.J.S.A. 34:15-78, and must file a certificate of that coverage with the Board; or

2. Licensees may self-insure against worker's compensation liability by obtaining a written order granting an exemption from insuring the whole or any part of such liability from the Commissioner of Banking and Insurance pursuant to N.J.S.A. 34:15-77, a copy of which must be filed with the Board.

(g) Every certificate of insurance shall contain a provision for continuing liability and shall provide that cancellation thereof shall not be effective unless and until at least 30 days' notice of intention to cancel in writing has been received by the Director.

(h) All required insurance filings shall be made at the Office of the Advisory Board of Public Movers and Warehousemen, 124 Halsey Street, Newark, New Jersey 07101. The Board's mailing address is Advisory Board of Public Movers and Warehousemen, Post Office Box 45018, Newark, New Jersey 07101.

(i) Where a shipper requests the public mover or warehouseman to obtain additional insurance and the shipper thereafter pays the additional premium, the public mover or warehouseman shall furnish the shipper with a certificate of insurance. Such certificate shall include the following:

1. The name of the insurance company issuing the additional coverage;

2. The policy number;

3. The certificate number;

4. The date;

5. The valuation amount;

6. The premium amount; and

7. The amount, if any, of any deductible for which the shipper would be liable.

Administrative change to (g).

See: 25 N.J.R. 1516(b).

Amended by R.1995 d.9, effective January 3, 1995.

See: 25 N.J.R. 5449(a), 27 N.J.R. 125(a).

Amended by R.1997 d.319, effective August 4, 1997.

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

Added (e)4; inserted new (f); and recodified former (f) through (h) as (g) through (i).

13:44D-4.3 Estimates; inspection of premises

(a) No public mover and/or warehouseman shall provide a shipper with an estimate for moving and/or storage services without first having conducted a physical inspection of the premises and goods to be moved and/or stored.

(b) All estimates for moving services shall be in writing and based upon the public mover's tariff.

(c) No public mover and/or warehouseman shall be permitted to employ an estimator or broker who also represents any other public mover and/or warehouseman.

13:44D-4.4 Subcontracting

A public mover shall not subcontract or assign an obligation to provide moving services except where the shipper elects, pursuant to N.J.A.C. 13:44D-4.6(a)2ii, to permit a public mover to subcontract with another licensed carrier because the original public mover is unable to perform the move on the promised date due to forces and circumstances beyond his control. In such situations, the original public mover shall remain ultimately responsible for the services provided by the subcontracting licensee.

13:44D-4.5 Use or employment of owner/operator

(a) If a public mover intends to use or employ the services of an owner/operator, the shipper shall be so ad-

vised. In such instances, the public mover shall, in advance and in writing, provide the shipper with the following information:

1. The definition of an owner/operator; and
2. The nature of the relationship between the public mover and the owner/operator.

(b) Any public mover who uses or employs the services of an owner/operator shall remain responsible for the services provided by the owner/operator.

13:44D-4.6 Occupational misconduct

(a) A public mover shall be deemed to have engaged in occupational misconduct within the meaning of N.J.S.A. 45:14D-7(f) if said public mover engages in conduct including, but not limited to, the following:

1. Books and/or attempts to perform a move where the mover knew or should have known that a moving vehicle of adequate size and containing adequate equipment to accommodate the shipper's goods and any necessary moving equipment would not be or in fact was not available to the mover on the scheduled date of the move;
2. Fails to arrive at the shipper's premises on the promised date of service and perform all contracted-for services; or
3. Fails to notify the shipper of the impossibility of meeting the promised date of service by written notice or by telephone no later than 12:00 o'clock noon on the promised date, or, if impractical under the circumstances, at the earliest possible time, and fails to offer the shipper the option of:
 - i. Accepting service at a specified later time;
 - ii. Allowing a subcontractor to perform the moving services;
 - iii. Accepting substituted service by another licensed carrier. In the event this option is accepted the shipper shall be charged according to the filed tariff of the public mover performing the substituted service; or
 - iv. Cancelling the moving contract and receiving a refund of all monies paid on account for the contract less any reasonable charges for services already rendered based solely on the rates and charges set forth in the public mover's tariff.

(b) For the purposes of this section, "impossibility of meeting the promised date of service" shall refer to forces beyond the control of the public mover including, but not limited to, such things as acts of nature and labor stoppage.

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).

13:44D-4.7 Labor and equipment

A public mover shall supply only such labor and equipment which would reasonably be expected to be necessary to properly perform the moving services indicated on the original estimated cost of services form. Any changes in the number of men and/or amount or type of equipment to be employed or utilized must be approved in writing and in advance by the shipper and the public mover.

13:44D-4.8 Warehousing

(a) The exact address of the warehouse where the shipper's goods are to be stored shall be indicated on the estimated cost of services form, bill of lading, if any, and warehouse receipt. In the event the shipper's goods are to be moved, in whole or in part, to another warehouse, the public mover and/or warehouseman shall, 30 days in advance of the transfer, notify the shipper by registered mail and provide him or her with the address of the proposed warehouse and any differences in insurance coverage between the contracted-for warehouse and the new proposed warehouse. The public mover and/or warehouseman shall also in advance of any intended transfer secure the shipper's written approval or grant the shipper the option of removing his or her possessions without penalty.

(b) Any public mover and/or warehouseman utilizing a self-storage facility shall so notify the shipper before entering into a contract for storage.

(c) A public mover and/or warehouseman shall give the shipper no less than 30 days written notice by registered mail before increasing the fees to be charged for storage and shall provide the shipper the option of removing goods from storage without penalty prior to increasing such fees.

(d) A public mover and/or warehouseman shall provide the shipper access to his or her possessions and goods upon 48 hours notice to the public mover and/or warehouseman. The public mover and/or warehouseman may require payment of all outstanding charges and access fees, as provided by his or her tariffs, before allowing the shipper access.

(e) A public mover and/or warehouseman shall not store the goods of a shipper engaged in an intra-state move in an out-of-State warehouse.

(f) A building, any part of which is being used for the storage of goods, shall meet all state and local building and fire codes.

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

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

Case Notes

Licensed mover improperly engaged in storage business; civil penalty assessed. In Matter of Suspension or Revocation of License of Cucuzza. 92 N.J.A.R.2d (BDS) 13.

13:44D-4.9 Collection of tariff charges where the shipment has been destroyed

The public mover shall not collect, or require a shipper to pay, any tariff charges on any shipment that is totally lost or destroyed. The shipper will, however, remain liable for any and all insurance premiums agreed upon by the shipper and the mover.

13:44D-4.10 Liability for damage to shipper's goods

(a) The public mover or warehouseman shall be liable for physical loss, destruction or damage to any articles of the shipper during transit or storage, except when:

1. The damage was caused by the shipper or was the result of the shipper's negligence;
2. The damage was caused by a defect in the article, including any susceptibility to damage because of exposure to any changes in temperature or humidity which were not caused by the public mover or warehouseman;
3. The damage was caused by a hostile or warlike action occurring in a time of peace or war;
4. After warning the shipper of the possibility or likelihood of damage, because of strikes, lockouts, labor disturbances, riots, or civil commotions, the shipper in a signed writing instructs the public mover or warehouseman to proceed with the transportation or storage notwithstanding such risks; or
5. The damage was caused by an act of God.

(b) Where the basis for excusing the liability of any public mover or warehouseman is based upon any portion of (a) above, the burden shall rest with the public mover or warehouseman to prove the truth of allegations to the satisfaction of the Board unless the shipper, in a signed and notarized writing, agrees to the public mover's or warehouseman's claims.

(c) The public mover or warehouseman shall not be liable for any loss or damage occurring after the property has been delivered to the shipper or the shipper's authorized agent.

Case Notes

When residential goods are damaged in shipment, public mover must disprove negligence. *Kovner v. Banfield*, 243 N.J.Super. 542, 580 A.2d 1090 (A.D.1990).

Documents were insufficient to disprove negligence. *Kovner v. Banfield*, 243 N.J.Super. 542, 580 A.2d 1090 (A.D.1990).

13:44D-4.11 Claims procedures

(a) All claims for loss, damage or overcharge shall be made in writing and within 90 days of the shipper's receipt of his or her goods. All claims shall be accompanied by the original paid bill of lading. If the original of this document has been surrendered to the public mover, then copies of the front and back of this document will be acceptable.

(b) Where the claim involves either overcharging or partial loss, damage or destruction of a shipper's goods, the shipper shall pay in full the amount appearing on the original bill and present a paid bill or the original paid bill of lading prior to entering a claim.

(c) Where the claim involves the loss, damage or destruction of the entire shipment, the shipper is liable for only the insurance premiums agreed upon in accordance with N.J.A.C. 13:44D-4.9.

(d) A public mover or warehouseman shall present the shipper with the appropriate claim forms no later than seven days after receiving written or verbal notification that the shipper wishes to make a claim.

(e) The public mover or warehouseman must settle all claims within 90 days of the receipt of the completed claim form. This time period may be extended by the Board upon a showing of good cause by either party. Under no circumstances may the 90 day period be extended by an agreement between the public mover or warehouseman and the shipper or any third party.

SUBCHAPTER 5. FORMS**13:44D-5.1 Forms**

The forms set forth in Appendices A through D are samples only, intended to demonstrate the information that is required to be included on the front page of each document. All forms and contracts, however, used by licensees in transactions for the personal, family or household purposes of a consumer shall comply with the Plain Language Law, N.J.S.A. 56:12-1 et seq.