

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.
Sec: 41 N.J.R. 3376(a), 42 N.J.R. 1398(a).

Chapter Expiration Date

Chapter 44D, Public Movers and Warehousemen, expires on June 3, 2015.

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Chapter 2, Public Movers, was repealed and Chapter 44D, Public Movers and Warehousemen, was adopted by R.1989 d.400, effective August 7, 1989.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

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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 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.