

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 The Public Movers Act was repealed and replaced by the Public Movers and Warehousemen Licensing Act, N.J.S.A. 45:14D-1 et seq., which granted rulemaking authority to the Division of Consumer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 N.J.A.C. 14:2 was superseded by Chapter 44D, Public Movers and Warehousemen, adopted as R.1989 d.400, effective August 7, 1989.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.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. DEFINITIONS

13:44D-1.1 Words and phrases defined

SUBCHAPTER 2. LICENSE GENERALLY

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

SUBCHAPTER 3. TARIFFS

13:44D-3.1 Tariffs

SUBCHAPTER 4. GENERAL PROVISIONS

13:44D-4.1 Bill of lading, brochure, estimated cost of services form, order for service form, warehouse receipt; issuance
13:44D-4.2 Legal liability and insurance
13:44D-4.3 Estimates; inspection of premises
13:44D-4.4 Subcontracting
13:44D-4.5 Use or employment of owner/operator
13:44D-4.6 Occupational misconduct
13:44D-4.7 Labor and equipment
13:44D-4.8 Warehousing
13:44D-4.9 Collection of tariff charges where the shipment has been destroyed
13:44D-4.10 Liability for damage to shipper's goods
13:44D-4.11 Claims procedures

SUBCHAPTER 5. FORMS

13:44-5.1 Forms

APPENDIX A. ESTIMATED COST OF SERVICES

APPENDIX B. ORDER FOR SERVICE

APPENDIX C. COMBINED UNIFORM HOUSEHOLD
GOODS BILL OF LADING AND FREIGHT

BILL

APPENDIX D. NON-NEGOTIABLE WAREHOUSE
RECEIPT AND INVENTORY

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 covering the 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;

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).

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.

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 Commissioners (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; and
3. Notice of Cancellation of insurance policies on Form K.

(f) 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.

(g) 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.

(h) 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).

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 advised. 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.