

# 45:14D-10

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2001      **CHAPTER:** 277  
**NJSA:** 45:14D-10      (Public movers and warehousemen use electronic receipts)

**BILL NO:** S415

**SPONSOR(S):** Lynch

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:**      **ASSEMBLY:** Consumer Affairs

**SENATE:** Commerce

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**      **ASSEMBLY:** December 17, 2001

**SENATE:** June 21, 2001

**DATE OF APPROVAL:** December 27, 2001

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Senate Committee Substitute enacted)

**SPONSORS STATEMENT:** (Begins on page 3 of original bill)      Yes

**COMMITTEE STATEMENT:**                      **ASSEMBLY:**      Yes

**SENATE:**      Yes

**FLOOR AMENDMENT STATEMENTS:**      No

**LEGISLATIVE FISCAL ESTIMATE:**      No

**VETO MESSAGE:**      No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**      No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

**SENATE, No. 415**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Senator JOHN A. LYNCH**

**District 17 (Middlesex, Somerset and Union)**

**SYNOPSIS**

Authorizes a warehouseman to exercise a lien on certain goods without a warehouse receipt.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



S415 LYNCH

2

1 AN ACT concerning the lien of a warehouseman and amending  
2 N.J.S.12A:7-209.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. N.J.S.12A:7-209 is amended to read as follows:

8 (1) A warehouseman has a lien against the bailor on the goods  
9 [covered by a warehouse receipt] deposited or on the proceeds thereof  
10 in his possession for charges for storage, processing incidental to  
11 storage, or transportation (including demurrage and terminal charges),  
12 insurance, labor, or charges present or future in relation to the goods,  
13 and for expenses necessary for preservation of the goods or reasonably  
14 incurred in their sale pursuant to law. If the person on whose account  
15 the goods are held is liable for like charges or expenses in relation to  
16 other goods whenever deposited [and it is stated in the receipt that a  
17 lien is claimed for charges and expenses in relation to other goods],  
18 the warehouseman also has a lien against him for such charges and  
19 expenses whether or not the other goods have been delivered by the  
20 warehouseman. But against a person to whom a negotiable warehouse  
21 receipt is duly negotiated a warehouseman's lien is limited to charges  
22 in an amount or at a rate specified on the receipt or if no charges are  
23 so specified then to a reasonable charge for storage of the goods  
24 covered by the receipt subsequent to the date of the receipt.

25 (2) The warehouseman may also reserve a security interest against  
26 the bailor [for a maximum amount specified on the receipt] for charges  
27 other than those specified in subsection (1), such as for money  
28 advanced and interest, but if a receipt is issued for the goods such a  
29 security interest is not valid as against third persons without notice  
30 unless the maximum amount thereof is conspicuously specified on the  
31 receipt. Such a security interest is governed by the Chapter on  
32 Secured Transactions (Chapter 9).

33 (3) (a) A warehouseman's lien for charges and expenses under  
34 subsection (1) or a security interest under subsection (2) is also  
35 effective against any person who so entrusted the bailor with  
36 possession of the goods that a pledge of them by him to a good faith  
37 purchaser for value would have been valid but is not effective against  
38 a person as to whom the document confers no right in the goods  
39 covered by it under 12A:7-503.

40 (b) A warehouseman's lien on household goods for charges and  
41 expenses in relation to the goods under subsection (1) is also effective  
42 against all persons if the depositor was the legal possessor of the  
43 goods at the time of the deposit. For the purposes of this subsection,

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 "Household goods" means furniture, furnishings, and personal effects  
2 used by the depositor in a dwelling.

3 (4) A warehouseman loses his lien on any goods which he  
4 voluntarily delivers or which he unjustifiably refuses to deliver.  
5 (cf: N.J.S.12A:7-209)

6

7 2. This act shall take effect immediately.

8

9

10 STATEMENT

11

12 This bill eliminates the requirement that a warehouseman issue a  
13 warehouse receipt as a condition precedent to exercising a lien on  
14 certain goods. Specifically, this bill authorizes a warehouseman to  
15 exercise a lien against a bailor on goods deposited or on the proceeds  
16 from the goods deposited in the warehouseman's possession for  
17 charges for storage, processing incidental to storage, transportation,  
18 insurance, labor, and other charges in relation to the goods. This bill  
19 also authorizes a warehouseman to reserve a security interest against  
20 a bailor for charges other than those specified above, but if a receipt  
21 is issued for the goods the security interest is invalid against third  
22 parties without notice unless the maximum amount is conspicuously  
23 specified on the receipt. Finally, this bill provides that a  
24 warehouseman's lien on household goods for charges and expenses in  
25 relation to the goods specified above is also effective against all  
26 persons if the depositor was the legal possessor of the goods at the  
27 time of the deposit. Household goods means furniture , furnishings,  
28 and personal effects used by a depositor in a dwelling.

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 415**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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ADOPTED JUNE 11, 2001

**Sponsored by:**

**Senator JOHN A. LYNCH**

**District 17 (Middlesex, Somerset and Union)**

**Co-Sponsored by:**

**Assemblyman Greenwald, Assemblywoman Previte and Assemblyman  
B.Smith**

**SYNOPSIS**

Allows public movers and warehousemen to use electronic warehouse receipts under certain circumstances.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Senate Commerce Committee.



**(Sponsorship Updated As Of: 12/18/2001)**

1 AN ACT concerning public movers and warehousemen and amending  
2 P.L.1981, c.311.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7 1. Section 10 of P.L.1981, c.311 (C.45:14D-10) is amended to  
8 read as follows:

9 10. Every person engaged in the business of storing or moving  
10 household goods, office goods, or special commodities for  
11 transportation in intrastate commerce shall issue a receipt or bill of  
12 lading therefor and shall be liable to the lawful holder thereof in  
13 accordance with the provisions of chapters 3, 4, 5, **[6]** and 7 of Title  
14 12A of the New Jersey Statutes. Notwithstanding any other provision  
15 of law, a receipt issued pursuant to this section shall not be denied  
16 legal effect solely because it is in electronic form, provided that both  
17 parties have affirmatively agreed to the electronic form of the receipt,  
18 the issuer affirmatively provides to the holder the receipt in an  
19 accessible form which is capable of being received, retained and  
20 accurately reproduced by the holder, and the receipt contains all  
21 legally required information.

22 (cf: P.L.1981, c.311, s.10)

23

24 2. This act shall take effect immediately.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

ASSEMBLY CONSUMER AFFAIRS AND REGULATED  
PROFESSIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 415**

**STATE OF NEW JERSEY**

DATED: AUGUST 23, 2001

The Assembly Consumer Affairs and Regulated Professions Committee reports favorably Senate Bill No. 415 (SCS).

This bill allows public movers and warehousemen to issue electronic warehouse receipts if both parties have affirmatively agreed to the electronic form of the warehouse receipt, the issuer affirmatively provides to the holder the receipt in an accessible form which is capable of being received, retained and accurately reproduced by the holder and the receipt contains all legally required information.



SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 415**

**STATE OF NEW JERSEY**

DATED: JUNE 11, 2001

The Senate Commerce Committee reports favorably Senate Committee Substitute for Senate Bill No. 415.

This bill, a Senate Committee Substitute for Senate, No. 415, allows public movers and warehousemen to issue electronic warehouse receipts if both parties have affirmatively agreed to the electronic form of the warehouse receipt, the issuer affirmatively provides to the holder the receipt in an accessible form which is capable of being received, retained and accurately reproduced by the holder and the receipt contains all legally required information.

# ASSEMBLY, No. 1402

## STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Camden)**

**Assemblywoman MARY T. PREVITE**

**District 6 (Camden)**

**Co-Sponsored by:**

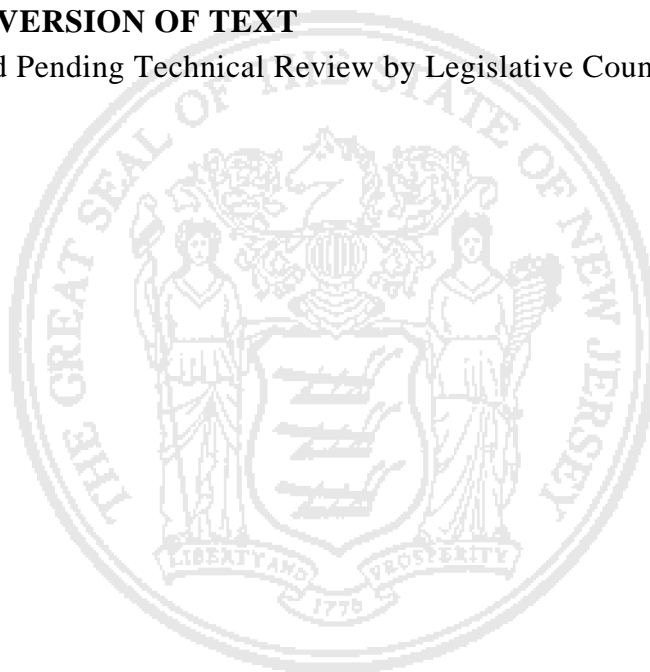
**Assemblyman B.Smith**

**SYNOPSIS**

Authorizes a warehouseman to exercise a lien on certain goods without a warehouse receipt.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the lien of a warehouseman and amending  
2 N.J.S.12A:7-209.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. N.J.S.12A:7-209 is amended to read as follows:

8 12A:7-209 (1) A warehouseman has a lien against the bailor on  
9 the goods [covered by a warehouse receipt] deposited or on the  
10 proceeds thereof in his possession for charges for storage, processing  
11 incidental to storage, or transportation (including demurrage and  
12 terminal charges), insurance, labor, or charges present or future in  
13 relation to the goods, and for expenses necessary for preservation of  
14 the goods or reasonably incurred in their sale pursuant to law. If the  
15 person on whose account the goods are held is liable for like charges  
16 or expenses in relation to other goods whenever deposited [and it is  
17 stated in the receipt that a lien is claimed for charges and expenses in  
18 relation to other goods], the warehouseman also has a lien against him  
19 for such charges and expenses whether or not the other goods have  
20 been delivered by the warehouseman. But against a person to whom  
21 a negotiable warehouse receipt is duly negotiated a warehouseman's  
22 lien is limited to charges in an amount or at a rate specified on the  
23 receipt or if no charges are so specified then to a reasonable charge  
24 for storage of the goods covered by the receipt subsequent to the date  
25 of the receipt.

26 (2) The warehouseman may also reserve a security interest against  
27 the bailor [for a maximum amount specified on the receipt] for  
28 charges other than those specified in subsection (1), such as for money  
29 advanced and interest, but if a receipt is issued for the goods such a  
30 security interest is not valid as against third persons without notice  
31 unless the maximum amount thereof is conspicuously specified on the  
32 receipt. Such a security interest is governed by the Chapter on  
33 Secured Transactions (Chapter 9).

34 (3) (a) A warehouseman's lien for charges and expenses under  
35 subsection (1) or a security interest under subsection (2) is also  
36 effective against any person who so entrusted the bailor with  
37 possession of the goods that a pledge of them by him to a good faith  
38 purchaser for value would have been valid but is not effective against  
39 a person as to whom the document confers no right in the goods  
40 covered by it under 12A:7-503.

41 (b) A warehouseman's lien on household goods for charges and  
42 expenses in relation to the goods under subsection (1) is also effective  
43 against all persons if the depositor was the legal possessor of the

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 goods at the time of the deposit. For the purposes of this subsection,  
2 "Household goods" means furniture, furnishings, and personal effects  
3 used by the depositor in a dwelling.

4 (4) A warehouseman loses his lien on any goods which he  
5 voluntarily delivers or which he unjustifiably refuses to deliver.  
6 (cf: N.J.S.12A:7-209)

7

8 2. This act shall take effect immediately.

9

10

11

#### STATEMENT

12

13 This bill eliminates the requirement that a warehouseman issue a  
14 warehouse receipt as a condition precedent to exercising a lien on  
15 certain goods. Specifically, this bill authorizes a warehouseman to  
16 exercise a lien against a bailor on goods deposited or on the proceeds  
17 from the goods deposited in the warehouseman's possession for  
18 charges for storage, processing incidental to storage, transportation,  
19 insurance, labor, and other charges in relation to the goods. This bill  
20 also authorizes a warehouseman to reserve a security interest against  
21 a bailor for charges other than those specified above, but if a receipt  
22 is issued for the goods the security interest is invalid against third  
23 parties without notice unless the maximum amount is conspicuously  
24 specified on the receipt. Finally, this bill provides that a  
25 warehouseman's lien on household goods for charges and expenses in  
26 relation to the goods specified above is also effective against all  
27 persons if the depositor was the legal possessor of the goods at the  
28 time of the deposit. Household goods means furniture , furnishings,  
29 and personal effects used by a depositor in a dwelling.

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 1402**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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ADOPTED OCTOBER 3, 2001

**Sponsored by:**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Camden)**

**Assemblywoman MARY T. PREVITE**

**District 6 (Camden)**

**Co-Sponsored by:**

**Assemblyman B.Smith**

**SYNOPSIS**

Allows public movers and warehousemen to use electronic warehouse receipts under certain circumstances.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Consumer Affairs and Regulated Professions Committee.



1 **AN ACT** concerning public movers and warehousemen and amending  
2 P.L.1981, c.311.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 10 of P.L.1981, c.311 (C.45:14D-10) is amended to  
8 read as follows:

9 10. Every person engaged in the business of storing or moving  
10 household goods, office goods, or special commodities for  
11 transportation in intrastate commerce shall issue a receipt or bill of  
12 lading therefor and shall be liable to the lawful holder thereof in  
13 accordance with the provisions of chapters 3, 4, 5, **[6]** and 7 of Title  
14 12A of the New Jersey Statutes. Notwithstanding any other provision  
15 of law, a receipt issued pursuant to this section shall not be denied  
16 legal effect solely because it is in electronic form, provided that both  
17 parties have affirmatively agreed to the electronic form of the receipt,  
18 the issuer affirmatively provides to the holder the receipt in an  
19 accessible form which is capable of being received, retained and  
20 accurately reproduced by the holder, and the receipt contains all  
21 legally required information.

22 (cf: P.L.1981, c.311, s.10)

23

24 2. This act shall take effect immediately.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

ASSEMBLY CONSUMER AFFAIRS AND REGULATED  
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 1402**

**STATE OF NEW JERSEY**

DATED: AUGUST 23, 2001

The Assembly Consumer Affairs and Regulated Professions Committee reports favorably Assembly Committee Substitute for Assembly Bill No. 1402.

This committee substitute allows public movers and warehousemen to issue electronic warehouse receipts if both parties have affirmatively agreed to the electronic form of the warehouse receipt, the issuer affirmatively provides to the holder the receipt in an accessible form which is capable of being received, retained and accurately reproduced by the holder and the receipt contains all legally required information.

As reported, this committee substitute is identical to the Senate Committee Substitute for Senate Bill No. 415.

P.L. 2001, CHAPTER 277, *approved December 27, 2001*

Senate Committee Substitute for

Senate, No. 415

**(CORRECTED COPY)**

1 **AN ACT** concerning public movers and warehousemen and amending  
2 P.L.1981, c.311.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 10 of P.L.1981, c.311 (C.45:14D-10) is amended to  
8 read as follows:

9 10. Every person engaged in the business of storing or moving  
10 household goods, office goods, or special commodities for  
11 transportation in intrastate commerce shall issue a receipt or bill of  
12 lading therefor and shall be liable to the lawful holder thereof in  
13 accordance with the provisions of chapters 3, 4, 5, [6] and 7 of Title  
14 12A of the New Jersey Statutes. Notwithstanding any other provision  
15 of law, a receipt issued pursuant to this section shall not be denied  
16 legal effect solely because it is in electronic form, provided that both  
17 parties have affirmatively agreed to the electronic form of the receipt,  
18 the issuer affirmatively provides to the holder the receipt in an  
19 accessible form which is capable of being received, retained and  
20 accurately reproduced by the holder, and the receipt contains all  
21 legally required information.

22 (cf: P.L.1981, c.311, s.10)

23

24 2. This act shall take effect immediately.

25

26

27

28

29 Allows public movers and warehousemen to use electronic warehouse  
30 receipts under certain circumstances.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**



## CHAPTER 277

AN ACT concerning public movers and warehousemen and amending P.L.1981, c.311.

**BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey:*

1. Section 10 of P.L.1981, c.311 (C.45:14D-10) is amended to read as follows:

C.45:14D-10 Issuance of receipt, bill of lading, electronic warehouse receipt permitted, certain.

10. Every person engaged in the business of storing or moving household goods, office goods, or special commodities for transportation in intrastate commerce shall issue a receipt or bill of lading therefor and shall be liable to the lawful holder thereof in accordance with the provisions of chapters 3, 4, 5, and 7 of Title 12A of the New Jersey Statutes. Notwithstanding any other provision of law, a receipt issued pursuant to this section shall not be denied legal effect solely because it is in electronic form, provided that both parties have affirmatively agreed to the electronic form of the receipt, the issuer affirmatively provides to the holder the receipt in an accessible form which is capable of being received, retained and accurately reproduced by the holder, and the receipt contains all legally required information.

2. This act shall take effect immediately.

Approved December 27, 2001.