

45:14D-1 to 45:14D-16

LEGISLATIVE HISTORY CHECKLIST

NJSA 45:14D-1 to 45:14D-16 ("Public Movers & Warehousemen Licensing Act")

LAWS 1981 CHAPTER 311

Bill No. S1230

Sponsor(s) Herbert and others

Date Introduced April 21, 1980

Committee: Assembly Transportation and Communications

Senate Transportation and Communications

Amended during passage Yes ~~No~~ Amendments denoted by asterisks

according to Governor's recommendations:

Date of Passage: Assembly Feb. 2, 1981

Re-enacted 11-23-81

Senate Sept. 22, 1980

Re-enacted 6-22-81

Date of approval Dec. 3, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes No

Veto Message Yes ~~No~~

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

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6/22/81

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SENATE, No. 1230

STATE OF NEW JERSEY

INTRODUCED APRIL 21, 1980

By Senators HERBERT, ERRICHETTI, GRAVES, DiFRANCESCO
and GAGLIANO

Referred to Committee on Transportation and Communications

AN ACT concerning the transportation and storage of household goods, office goods and special commodities, licensing public movers and warehousemen, and repealing P. L. 1968, c. 375.

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

1 1. This act shall be known and may be cited as the "Public
2 Movers and Warehousemen Licensing Act."

1 2. As used in this act:

2 a. "Accessorial service" means the preparation of articles for
3 shipment including, but not limited to, the packing, crating, boxing
4 and servicing of appliances, the furnishing of containers, un-pack-
5 ing, uncrating and reassembling of articles, placing them at final
6 destination and the moving or shifting of articles from one location
7 to another within a building, or at a single address;

8 b. "Board" means the State Board of Public Movers and
9 Warehousemen established under this act;

10 c. "Booking agent" means a representative, other than a regular
11 employee, appointed by a public mover or warehouseman to solicit,
12 arrange for and enter into transportation or storage contracts
13 exclusively in the name and on behalf of a public mover or
14 warehouseman;

15 d. "Department" means the Department of Law and Public
16 Safety;

17 e. "Household goods" means personal effects, fixtures, equip-
18 ment, stock and supplies or other property usually used in or as
19 part of the stock of a dwelling, when it is put into storage or when
20 it is transported by virtue of its removal, in whole or in part,
21 by a householder from one dwelling to another, or from the dwelling
22 of a householder to the dwelling of another householder, or between
23 the dwelling of a householder and a repair or storage facility, or

24 from such dwelling to an auction house or other place of sale. The
25 term "household goods" shall not apply to property moving from a
26 factory or store, except such property as the householder has
27 purchased and which is transported at his request as part of the
28 movement by the householder from one dwelling to another.

29 f. "Intrastate commerce" means commerce moving wholly be-
30 tween points within the State over all public highways, or at a
31 single location;

32 g. "License" means a license issued by the Board of Public
33 Movers and Warehousemen;

34 h. "Motor vehicle" means any vehicle, machine, tractor, truck
35 or semitrailer, or any combination thereof, propelled, driven or
36 drawn by mechanical power, and used upon the public highways in
37 the transportation of household goods, office goods and special
38 commodities in intrastate commerce;

39 i. "Movers' services" means all of the services rendered by a
40 public mover;

41 j. "Storage services" means all of the services rendered by a
42 warehouseman;

43 k. "Office goods" means personal effects, fixtures, equipment,
44 stock and supplies or other property usually used in or as part of
45 the stock of any office, or commercial, institutional, professional or
46 other type of establishment, when it is put into storage or when such
47 property is transported by virtue of its removal, in whole or in
48 part, from one location to another;

49 l. "Person" means any individual, copartnership, association,
50 company, or corporation, and includes any trustee, receiver,
51 assignee, lessee, or personal representative of any person herein
52 defined;

53 m. "Place of business" means a business office located in New
54 Jersey from which the mover or warehouseman conducts his daily
55 business and where records are kept;

56 n. "Property" means all of the articles in the definition of
57 household goods, office goods or special commodities;

58 o. "Public highway" or "highway" means any public street,
59 road, thoroughfare, bridge and way in this State open to the
60 use of the public as a matter of right for purposes of motor
61 vehicular travel, including those that impose toll charges;

62 p. "Public mover" or "mover" means any person who engages
63 in the transportation of household goods, office goods or special
64 commodities by motor vehicle for compensation in intrastate com-
65 merce between points in this State, including the moving of
66 household goods, office goods or special commodities from one

67 location to another at a single address, and any person who engages
68 in the performance of accessorial services; except that the term
69-71 "public mover" or "mover" shall not apply to any person
72 who engages in, or holds himself out to the general public as
73 engaging in, the transportation of special commodities when such
74 commodities are not transported by virtue of a removal, in whole
75 or in part, and who does not engage, nor holds himself out to the
76 general public as engaging in, the transportation of household or
77 office goods;

78 q. "Special commodities" means uncrated or unboxed works of
79 art, furniture, fixtures, appliances, business machines, electronic
80 equipment, displays, exhibits, home, office, store, theatrical or show
81 equipment, musical instruments, or other articles being put into
82 storage or being moved, and which require the use of equipment
83 and personnel usually furnished or employed by warehousemen or
84 public movers;

85 r. "Storage" means the safekeeping of property in a depository
86 for compensation;

87 s. "Tariff" means a schedule of rates and charges for the
88 storage or transportation of property in intrastate commerce;

89 t. "Warehouseman" means a person engaged in the business
90 of storage.

1 3. The provisions of this act shall not be construed to include
2 motor vehicles owned or operated by:

3 a. The United States, the State, or any local government, sub-
4 division, agency or instrumentality thereof;

5 b. Persons transporting property in intrastate commerce without
6 compensation or where such person is the owner of the property and
7 the transportation is not performed as a subterfuge to avoid regula-
8 tion hereunder.

1 4. There is created in the Department of Law and Public Safety a
2 State Board of Public Movers and Warehousemen consisting of the
3 Attorney General, ex officio, or his designee and four citizen mem-
4 bers to be appointed by the Governor, with the advice and consent
5 of the Senate. Two of the four citizen members shall be representa-
6 tives of the public and two shall be representatives of the moving
7 and storage industry.

8 The term of office of each citizen board member shall be 4 years;
9 except that of the members first appointed, one shall serve for
10 1 year, one shall serve for 2 years, one shall serve for 3 years, and
11 one shall serve for 4 years. Vacancies shall be filled for the un-
12 expired terms only. No citizen member may be appointed for more
13 than two consecutive terms.

14 The organization, meetings and management of the board shall
15 be established in regulations promulgated by the board. A majority
16 of the members of the board shall constitute a quorum and no action
17 of the board shall be taken except upon the affirmative vote of a
18 majority of the members of the entire board.

19 The officers and members of the board shall serve without com-
20 pensation but shall be reimbursed for actual expenses reasonably
21 incurred in the performance of their duties.

22 The Attorney General shall maintain within any public building,
23 whether owned or leased by the State, suitable quarters for the
24 board's office and meeting place, except that no such office or
25 meeting place shall be within premises owned or occupied by an
26 officer or member of the board.

27 The executive secretary of the board shall be appointed by the
28 board and shall serve at its pleasure. He shall receive such salary
29 as shall be determined by the board within the limits of available
30 funds.

31 The board shall be empowered, within the limits of available
32 funds, to hire such assistants as it may deem necessary to carry
33 on its activities.

1 5. The Governor may remove from office any member of the
2 board for incompetence, neglect of duty, or unprofessional conduct;
3 except that no board member may be removed until after a hearing
4 of the charges, and upon at least 30 days prior written notice to the
5 member of the charges, and of the date of the hearing.

1 6. The board shall, in addition to such other powers and duties
2 as it may possess by law:

3 a. Administer and enforce the provisions of this act;

4 b. Adopt and promulgate rules and regulations, pursuant to the
5 "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1
6 et seq.), to effectuate the purposes of this act;

7 c. Examine and pass on the qualifications of all applicants for
8 license under this act, and issue a license to each qualified applicant;

9 d. Establish professional standards for persons licensed under
10 this act;

11 e. Conduct hearings pursuant to the "Administrative Procedure
12 Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.); except that the
13 presiding officer shall have the right to administer oaths to witnes-
14 ses, and the board, through its presiding officer, shall have the
15 power to issue subpoenas for the compulsory attendance of witnesses
16 and the production of pertinent books, papers, or records;

17 f. Conduct proceedings before any board, agency or court of
18 competent jurisdiction for the enforcement of the provisions of this
19 act;

20 g. Annually publish a list of the names, addresses and tariffs of
21 all persons who are licensed under this act;

22 h. Establish reasonable requirements with respect to proper and
23 adequate movers' and warehousemen's services and the furnishing
24 of estimates, and prescribe a uniform system of accounts, records
25 and reports;

26 i. Adopt and promulgate rules and regulations to protect the
27 interests of the consumer, including, but not limited to, regulations
28 concerning the contents of information brochures which a mover or
29 warehousemen shall give to a customer prior to the signing of a
30 contract for moving or storage services.

1 7. The board may, after notice and opportunity for a hearing,
2 revoke, suspend or refuse to renew or issue any license issued pur-
3 suant to this act upon a finding:

4 a. That such license was obtained by means of fraud, misrepre-
5 sentation or concealment of material facts;

6 b. Of fraud or deceit in connection with services rendered;

7 c. Of unprofessional or unethical conduct or gross negligence by
8 a person holding such license;

9 d. That the provisions of this act, or the rules or regulations
10 promulgated pursuant to this act, have been violated.

11 The licensee or applicant shall be furnished with an official state-
12 ment of the reasons for the board's proposed action and shall be
13 afforded an opportunity for a hearing before the board, on reason-
14 able notice, and may be represented by counsel.

1 8. The board may, after 1 year from the date of the revocation
2 of any license, restore the license upon the affirmative vote of a
3 majority of the members of the entire board.

1 9. a. It shall be unlawful for any person to engage in the business
2 of public moving or storage unless he shall have obtained from the
3 board a license to engage in such business and shall have a perma-
4 nent place of business in this State;

5 b. Application for a license shall be made in writing to the board,
6 be verified under oath and shall be in such form and contain such
7 information and be accompanied by proof of such notice to the
8 interested parties as the board by rule or regulation may require.

9 A license shall be issued to a qualified applicant if it is found that
10 the applicant is fit, willing and able to perform the service of a
11 mover or warehouseman, and to conform to the provisions of this
12 act and the lawful requirements, rules and regulations of the board;

13 c. Every person advertising moving or storage services shall
14 include in any advertisement the number of his license, and his New
15 Jersey business address and telephone number;

16 d. No license shall be issued to an applicant if the applicant has
 17 (1) committed any act which if committed by a licensee would be
 18 grounds for suspension or revocation; (2) misrepresented any
 19 material fact on his application; (3) not registered each vehicle
 20 which will be performing intrastate moves in New Jersey except
 21 on vehicles which have been rented or leased and are operated by a
 22 public mover licensed under this act;

23 e. A copy of the license shall be carried on each truck, tractor,
 24 trailer or semitrailer or combination thereof at all times when the
 25 vehicle is being used in operations subject to this act;

1 10. Every person engaged in the business of storing or moving
 2 household goods, office goods, or special commodities for transpor-
 3 tation in intrastate commerce shall issue a receipt or bill of lading
 4 therefor and shall be liable to the lawful holder thereof in accor-
 5 dance with the provisions of chapters 3, 4, 5, 6 and 7 of Title 12A
 6 of the New Jersey Statutes.

1 11. No license shall be issued to a warehouseman or mover or
 2 remain in force unless the warehouseman or mover complies with
 3 the rules and regulations that the board shall prescribe governing
 4 the approval of surety bonds, policies of insurance, qualifications
 5 as a self-insurer or other securities or agreements in the amount
 6 that the board may require.

1 12. Every warehouseman or mover shall provide safe, proper
 2 and adequate service and shall observe the board's rules and regula-
 3 tions concerning the storage or transportation of property.

1 13. a. All actions at law against movers or warehousemen subject
 2 to this act for recovery of charges, or any part thereof, or for the
 3 recovery of overcharges shall be begun within 2 years from the
 4 time the cause of action accrues;

5 b. All claims against any mover or warehouseman for damage
 6 to property shall be filed in writing with the mover or warehouse-
 7 man within 90 days from the time the cause of action accrues and
 8 all suits in respect thereof shall be instituted within 2 years of the
 9 day that the mover or warehouseman has disallowed the claim or
 10 any part or parts thereof specified in the notice.

1 14. It shall be unlawful for any mover or warehouseman to make,
 2 give, or cause any undue or unreasonable preference or advantage
 3 to any particular person, port, gateway, locality, or traffic of any
 4 description in any respect whatsoever, or to subject any particular
 5 person, port, gateway, locality, or traffic of any undue or unreason-
 6 able prejudice or disadvantage.

1 15. a. Public movers and warehousemen shall file their tariffs
 2 with the board semiannually;

3 b. No public mover or warehouseman shall charge, demand,
4 collect or receive a greater or lesser compensation for his service
5 than specified in the tariff.

1 16. a. The board shall by rule or regulation establish, prescribe
2 or change the fees for licenses, renewals of licenses or other services
3 it performs. Licenses shall expire 1 year from the date of issue
4 unless the holder thereof shall, 30 days before such expiration,
5 pay to the board a renewal fee accompanied by a renewal applica-
6 tion on a form prescribed by the board.

7 b. The board's fees established, prescribed or changed pursuant
8 to this section shall be established, prescribed or changed to such
9 extent as shall be necessary to defray all proper expenses incurred
10 by the board in the performance of its duties; but such fees shall
11 not be fixed at a level that will raise amounts in excess of the amount
12 estimated to be so required;

13 c. All fees and any fines imposed by the board shall be paid to
14 the board and shall be forwarded by the board to the State
15 Treasurer and become part of the General Fund.

16 d. There shall be annually appropriated to the Department of
17 Law and Public Safety for the use of the board such sums as shall
18 be necessary to implement and effectuate the provisions of this act.

1 17. Any person who violates the provisions of this act shall be
2 subject to a penalty of not less than \$100.00 nor more than \$200.00
3 for the first offense and not less than \$200.00 nor more than \$500.00
4 for each subsequent offense, to be sued for and recovered by and in
5 the name of the board pursuant to the provisions of the "Penalty
6 Enforcement Law" (N. J. S. 2A:58-1 et seq.).

1 18. P. L. 1968, c. 375 (C. 48:22-1 et seq.) is repealed.

1 19. This act shall take effect 90 days after enactment.

STATEMENT

This legislation repeals the Public Movers Act and provides for the annual licensing of movers and warehousemen by a newly created State Board of Public Movers and Warehousemen. The board shall consist of 5 members: the Attorney General or his designee, two public members, and two representatives of the moving and storage industry. Among its duties, the board shall annually publish a list of the names, addresses and tariffs of all persons licensed under this act, establish professional standards, prescribe a uniform system of accounts, records and reports, and

establish reasonable requirements with respect to proper and adequate moving and storage services.

Every person engaging in the business of public moving or storage shall have a license from the board, a permanent place of business in this State and proper insurance. Every person advertising moving or storage services shall include in any advertisement the number of his license, his New Jersey business address and telephone number.

The board shall charge such license fees as may be necessary to defray its expenses. Public movers and warehousemen shall file their tariffs with the board semiannually but will not need board approval for the rates they charge. Licensees shall not, though, charge a greater or lesser compensation for their services than specified in the tariff.

SENATE TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO
SENATE, No. 1230

STATE OF NEW JERSEY

DATED: MAY 19, 1980

This legislation repeals the Public Movers Act and provides for the annual licensing and regulation of movers and warehousemen by the Director of the Division of Consumer Affairs within the Department of Law and Public Safety. In order to have input from the industry and the public a four-member State Advisory Board of Public Movers and Warehousemen is established. Its members shall not receive compensation and shall serve 4 year terms.

This legislation is the result of extensive committee deliberations. The committee felt that the Public Movers Act could not simply be repealed as has been suggested. While wanting to foster economic competition, some mechanism was needed to protect the interests of the customer and to regulate the industry. This responsibility will fall to the director. He shall annually publish a list of the names, addresses and tariffs of all persons licensed under this act; establish professional standards; prescribe a uniform system of accounts, records and reports; and establish reasonable requirements with respect to proper and adequate moving and storage services.

Every person engaging in the business of public moving or storage shall have a license, a permanent place of business in this State, and proper insurance. Such license fees shall be charged as may be necessary to defray all proper expenses incurred by the director and any staff employed to administer this act.

SENATE COMMITTEE AMENDMENTS TO
SENATE, No. 1230

STATE OF NEW JERSEY

ADOPTED JUNE 26, 1980

Amend page 1, section 2, line 8, after "State", insert "Advisory".

Amend page 1, section 2, lines 10-14, after "c.", omit in its entirety, insert "'Director' means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety;".

Amend page 2, section 2, lines 32-33, omit "Board of Public Movers and Warehousemen", insert "director".

Amend page 3, section 4, line 1, after "in", insert "the Division of Consumer Affairs in".

Amend page 3, section 4, line 2, after "State", insert "Advisory"; after "of", omit "the".

Amend page 3, section 4, line 3, omit "Attorney General, ex officio, or his designee and".

Amend page 4, section 4, line 15, omit "board. A majority".

Amend page 4, section 4, lines 16-18, omit in their entirety, insert "director. The board shall participate in the formulation of rules and regulations, the hearing of grievances, the establishment of standards, and the issuance and revocations of licenses."

Amend page 4, section 4, line 28, omit "board", insert "director"; omit "its", insert "his".

Amend page 4, section 4, line 29, omit "board", insert "director".

Amend page 4, section 4, line 31, omit "board", insert "director".

Amend page 4, section 4, line 32, omit "it", insert "he"; omit "carry".

Amend page 4, section 4, line 33, omit "on its activities", insert "administer this act".

Amend page 4, section 6, line 1, omit "board", insert "director".

Amend page 4, section 6, line 2, omit "it", insert "he".

Amend page 4, section 6, line 13, omit "presiding officer", insert "director".

Amend page 4, section 6, line 14, omit "the board, through its presiding officer,".

Amend page 5, section 7, line 1, omit "board", insert "director".

Amend page 5, section 7, line 12, omit "board's", insert "director's".

Amend page 5, section 7, lines 13-14, omit "before the board, on reasonable notice, and may be represented by counsel".

Amnd page 5, section 8, line 1, omit "board", insert "director".

Amend page 5, section 8, lines 2-3, omit "upon the affirmative vote of a majority of the members of the entire board".

Amend page 5, section 9, line 3, omit "board", insert "director".

Amend page 5, section 9, line 5, omit "board", insert "director".

Amend page 5, section 9, line 8, omit "board", insert "director".

Amend page 5, section 9, line 12, omit "of the board", insert "as promulgated by the director".

Amend page 6, section 11, line 3, omit "board", insert "director".

Amend page 6, section 11, line 6, omit "board", insert "director".

Amend page 6, section 12, line 2, omit "board's", insert "director's".

Amend page 6, section 15, line 2, omit "board", insert "director".

Amend page 7, section 16, line 1, omit "board", insert "director".

Amend page 7, section 16, line 3, omit "it performs".

Amend page 7, section 16, line 5, omit "board", insert "director".

Amend page 7, section 16, line 6, omit "board", insert "director".

Amend page 7, section 16, line 7, omit "board's", insert "director's".

Amend page 7, section 16, line 10, after "the", insert "advisory"; after "board"; omit "in the performance of its duties"; insert ", the director, and any staff employed to administer this act".

Amend page 7, section 16, line 13, omit "board", insert "director".

Amend page 7, section 16, line 14, omit "board", insert "director"; omit "board", insert "director".

Amend page 7, section 16, line 17, omit "board", insert "director".

Amend page 7, section 17, line 5, omit "board", insert "director".

[OFFICIAL COPY REPRINT]
SENATE, No. 1230

STATE OF NEW JERSEY

INTRODUCED APRIL 21, 1980

By Senators HERBERT, ERRICHETTI, GRAVES, DiFRANCESCO
and GAGLIANO

Referred to Committee on Transportation and Communications

AN ACT concerning the transportation and storage of household goods, office goods and special commodities, licensing public movers and warehousemen, and repealing P. L. 1968, c. 375.

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

1 1. This act shall be known and may be cited as the "Public
2 Movers and Warehousemen Licensing Act."

1 2. As used in this act:

2 a. "Accessorial service" means the preparation of articles for
3 shipment including, but not limited to, the packing, crating, boxing
4 and servicing of appliances, the furnishing of containers, unpack-
5 ing, uncrating and reassembling of articles, placing them at final
6 destination and the moving or shifting of articles from one location
7 to another within a building, or at a single address;

8 b. "Board" means the State **Advisory** Board of Public Movers
9 and Warehousemen established under this act;

10 c. ***["Booking agent"** means a representative, other than a regular
11 employee, appointed by a public mover or warehouseman to solicit,
12 arrange for and enter into transportation or storage contracts
13 exclusively in the name and on behalf of a public mover or
14 warehouseman; **]*** **"Director" means the Director of the Division*
14A *of Consumer Affairs in the Department of Law and Public Safety;**

15 d. "Department" means the Department of Law and Public
16 Safety;

17 e. "Household goods" means personal effects, fixtures, equip-
18 ment, stock and supplies or other property usually used in or as
19 part of the stock of a dwelling, when it is put into storage or when
20 it is transported by virtue of its removal, in whole or in part,
21 by a householder from one dwelling to another, or from the dwelling

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

22 of a householder to the dwelling of another householder, or between
23 the dwelling of a householder and a repair or storage facility, or
24 from such dwelling to an auction house or other place of sale. The
25 term "household goods" shall not apply to property moving from a
26 factory or store, except such property as the householder has
27 purchased and which is transported at his request as part of the
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29 f. "Intrastate commerce" means commerce moving wholly be-
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31 single location;

32 g. "License" means a license issued by the ***[Board of Public**
33 **Movers and Warehousemen]*** *director*;

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35 or semitrailer, or any combination thereof, propelled, driven or
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47 property is transported by virtue of its removal, in whole or in
48 part, from one location to another;

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54 Jersey from which the mover or warehouseman conducts his daily
55 business and where records are kept;

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57 household goods, office goods or special commodities;

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60 use of the public as a matter of right for purposes of motor
61 vehicular travel, including those that impose toll charges;

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73 engaging in, the transportation of special commodities when such
74 commodities are not transported by virtue of a removal, in whole
75 or in part, and who does not engage, nor holds himself out to the
76 general public as engaging in, the transportation of household or
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80 equipment, displays, exhibits, home, office, store, theatrical or show
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82 storage or being moved, and which require the use of equipment
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8 tion hereunder.

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2 Department of Law and Public Safety a State *Advisory* Board
3 of Public Movers and Warehousemen consisting of *[the Attorney*
4 *General, ex officio, or his designee and]* four citizen members to be
5 appointed by the Governor, with the advice and consent of the
6 Senate. Two of the four citizen members shall be representatives
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 18B the hearing of grievances, the establishment of standards, and the
 18C issuance and revocations of licenses.*

19 The officers and members of the board shall serve without com-
 20 pensation but shall be reimbursed for actual expenses reasonably
 21 incurred in the performance of their duties.

22 The Attorney General shall maintain within any public building,
 23 whether owned or leased by the State, suitable quarters for the
 24 board's office and meeting place, except that no such office or
 25 meeting place shall be within premises owned or occupied by an
 26 officer or member of the board.

27 The executive secretary of the board shall be appointed by the
 28 ***[board]*** *director* and shall serve at ***[its]*** *his* pleasure.
 29 He shall receive such salary as shall be determined by the ***[board]***
 30 *director* within the limits of available funds.

31 The ***[board]*** *director* shall be empowered, within the limits
 32 of available funds, to hire such assistants as ***[it]*** *he* may deem
 33 necessary to ***[carry on it activities]*** *administer this act*.

1 5. The Governor may remove from office any member of the
 2 board for incompetence, neglect of duty, or unprofessional conduct;
 3 except that no board member may be removed until after a hearing
 4 of the charges, and upon at least 30 days prior written notice to the
 5 member of the charges, and of the date of the hearing.

1 6. The ***[board]*** *director* shall, in addition to such other
 2 powers and duties as ***[it]*** *he* may possess by law:

3 a. Administer and enforce the provisions of this act;

4 b. Adopt and promulgate rules and regulations, pursuant to the
 5 "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1
 6 et seq.), to effectuate the purposes of this act;

7 c. Examine and pass on the qualifications of all applicants for
 8 license under this act, and issue a license to each qualified applicant;

9 d. Establish professional standards for persons licensed under
 10 this act;

11 e. Conduct hearings pursuant to the "Administrative Procedure
12 Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.); except that the
13 ***[presiding officer]*** *director* shall have the right to administer
14 oaths to witnesses, and ***[the board, through its presiding officer,]***
15 shall have the power to issue subpoenas for the compulsory attend-
16 ance of witnesses and the production of pertinent books, papers,
16A or records;

17 f. Conduct proceedings before any board, agency or court of
18 competent jurisdiction for the enforcement of the provisions of this
19 act;

20 g. Annually publish a list of the names, addresses and tariffs of
21 all persons who are licensed under this act;

22 h. Establish reasonable requirements with respect to proper and
23 adequate movers' and warehousemen's services and the furnishing
24 of estimates, and prescribe a uniform system of accounts, records
25 and reports;

26 i. Adopt and promulgate rules and regulations to protect the
27 interests of the consumer, including, but not limited to, regulations
28 concerning the contents of information brochures which a mover or
29 warehousemen shall give to a customer prior to the signing of a
30 contract for moving or storage services.

1 7. The ***[board]*** *director* may, after notice and opportunity
2 for a hearing, revoke, suspend or refuse to review or issue any
3 license issued pursuant to this act upon a finding:

4 a. That such license was obtained by means of fraud, misrepre-
5 sentation or concealment of material facts;

6 b. Of fraud or deceit in connection with services rendered;

7 c. Of unprofessional or unethical conduct or gross negligence by
8 a person holding such license;

9 d. That the provisions of this act, or the rules or regulations
10 promulgated pursuant to this act, have been violated.

11 The licensee or applicant shall be furnished with an official state-
12 ment of the reasons for the ***[board's]*** *director's* proposed ac-
13 tion and shall be afforded an opportunity for a hearing ***[before the**
14 **board, on reasonable notice, and may be represented by counsel]***.

1 8. The ***[board]*** *director* may, after 1 year from the date of
2 the revocation of any license, restore the license ***[upon the affirma-**
3 **tive vote of a majority of the members of the entire board]***.

1 9. a. It shall be unlawful for any person to engage in the business
2 of public moving or storage unless he shall have obtained from the
3 ***[board]*** *director* a license to engage in such business and shall
4 have a permanent place of business in this State;

5 b. Application for a license shall be made in writing to the
6 ***[board]*** **director**, be verified under oath and shall be in such
7 form and contain such information and be accompanied by proof of
8 such notice to the interested parties as the ***[board]*** **director** by
9 rule or regulation may require. A license shall be issued to a quali-
10 fied applicant if it is found that the applicant is fit, willing and able
11 to perform the service of a mover or warehouseman, and to conform
12 to the provisions of this act and the lawful requirements, rules and
12A regulations ***[of the board]*** **as promulgated by the director**;

13 c. Every person advertising moving or storage services shall
14 include in any advertisement the number of his license, and his New
15 Jersey business address and telephone number;

16 d. No license shall be issued to an applicant if the applicant has
17 (1) committed any act which if committed by a licensee would be
18 grounds for suspension or revocation; (2) misrepresented any
19 material fact on his application; (3) not registered each vehicle
20 which will be performing intrastate moves in New Jersey except
21 on vehicles which have been rented or leased and are operated by a
22 public mover licensed under this act;

23 e. A copy of the license shall be carried on each truck, tractor,
24 trailer or semitrailer or combination thereof at all times when the
25 vehicle is being used in operations subject to this act;

1 10. Every person engaged in the business of storing or moving
2 household goods, office goods, or special commodities for transpor-
3 tation in intrastate commerce shall issue a receipt or bill of lading
4 therefor and shall be liable to the lawful holder thereof in accor-
5 dance with the provisions of chapters 3, 4, 5, 6 and 7 of Title 12A
6 of the New Jersey Statutes.

1 11. No license shall be issued to a warehouseman or mover or
2 remain in force unless the warehouseman or mover complies with
3 the rules and regulations that the ***[board]*** **director** shall pre-
4 scribe governing the approval of surety bonds, policies of insurance,
5 qualifications as a self-insurer or other securities or agreements in
6 the amount that the ***[board]*** **director** may require.

1 12. Every warehouseman or mover shall provide safe, proper
2 and adequate service and shall observe the ***[board's]*** **director's**
3 rules and regulations concerning the storage or transportation of
4 property.

1 13. a. All actions at law against movers or warehousemen subject
2 to this act for recovery of charges, or any part thereof, or for the
3 recovery of overcharges shall be begun within 2 years from the
4 time the cause of action accrues;

5 b. All claims against any mover or warehouseman for damage
6 to property shall be filed in writing with the mover or warehouse-
7 man within 90 days from the time the cause of action accrues and
8 all suits in respect thereof shall be instituted within 2 years of the
9 day that the mover or warehouseman has disallowed the claim or
10 any part or parts thereof specified in the notice.

1 14. It shall be unlawful for any mover or warehouseman to make,
2 give, or cause any undue or unreasonable preference or advantage
3 to any particular person, port, gateway, locality, or traffic of any
4 description in any respect whatsoever, or to subject any particular
5 person, port, gateway, locality, or traffic of any undue or unreason-
6 able prejudice or disadvantage.

1 15. a. Public movers and warehousemen shall file their tariffs
2 with the **[board]* *director** semiannually;

3 b. No public mover or warehouseman shall charge, demand,
4 collect or receive a greater or lesser compensation for his service
5 than specified in the tariff.

1 16. a. The **[board]* *director** shall by rule or regulation estab-
2 lish, prescribe or change the fees for licenses, renewals of licenses
3 or other services **[it performs]**. Licenses shall expire 1 year from
4 the date of issue unless the holder thereof shall, 30 days before such
5 expiration, pay to the **[board]* *director** a renewal fee accom-
6 panied by a renewal application on a form prescribed by the
7 **[board]* *director**.

8 b. The **[board's]* *director's** fees established, prescribed or
9 changed pursuant to this section shall be established, prescribed or
10 changed to such extent as shall be necessary to defray all proper
11 expenses incurred by the **advisory** board **[in the performance*
12 *of its duties]* **, *the director, and any staff employed to administer*
13 *this act**; but such fees shall not be fixed at a level that will raise
14 amounts in excess of the amount estimated to be so required;

15 c. All fees and any fines imposed by the **[board]* *director**
16 shall be paid to the **[board]* *director** and shall be forwarded
17 by the **[board]* *director** to the State Treasurer and become
18 part of the General Fund.

19 d. There shall be annually appropriated to the Department of
20 Law and Public Safety for the use of the **[board]* *director** such
21 sums as shall be necessary to implement and effectuate the pro-
22 visions of this act.

1 17. Any person who violates the provisions of this act shall be
2 subject to a penalty of not less than \$100.00 nor more than \$200.00
3 for the first offense and not less than \$200.00 nor more than \$500.00

4 for each subsequent offense, to be sued for and recovered by and in
5 the name of the ***[board]*** *director* pursuant to the provisions of
6 the "Penalty Enforcement Law" (N. J. S. 2A:58-1 et seq.).

1 18. P. L. 1968, c. 375 (C. 48:22-1 et seq.) is repealed.

1 19. This act shall take effect 90 days after enactment.

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO

SENATE, No. 1230

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: NOVEMBER 24, 1980

This bill repeals the Public Movers Act (P. L. 1968, c. 375) and replaces it with a new measure that will require the licensing and regulation of public movers and warehousemen in the State. Instead of being under the jurisdiction of the Board of Public Utilities, as is presently the case, public movers and warehousemen are to be regulated by the Director of the Division of Consumer Affairs. Existing law provides that the rates of the movers and warehousemen are to be determined by a process of rate hearings conducted by the Board of Public Utilities. This bill eliminates the regulation of rates but requires movers and warehousemen to file their rates with the director semi-annually.

The Director of the Division of Consumer Affairs shall also publish annually a list of the names, addresses and tariffs of all persons licensed under this act; establish professional standards; prescribe a uniform system of accounts, records and reports; and establish reasonable requirements with respect to proper and adequate moving and storage services.

Every person engaging in the business of public moving or storage shall have a license, a permanent place of business in New Jersey, and proper insurance. Such license fees shall be charged as may be necessary to defray all proper expenses incurred by the director and any staff employed to administer this act.

In addition, the bill establishes a State Advisory Board of Public Movers and Warehousemen consisting of two representatives of the public and two representatives of the moving and storage industry. The Board shall participate in the formulation of rules and regulations, the hearing of grievances, the establishment of standards and the issuance and revocation of licenses. Its members shall be appointed by the Governor with the advice and consent of the Senate.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

April 27, 1981

SENATE BILL NO. 1230 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I am returning Senate Bill No. 1230 (OCR), with my objections for reconsideration.

This bill would repeal the "Public Movers Act," P.L. 1968, c. 375 (N.J.S.A. 48:22-1 et seq.), which authorized the Board of Public Utility Commissioners to regulate public movers of household good and special commodities, and would replace it with the "Public Movers and Warehousemen Licensing Act," which authorizes the Director of the Division of Consumer Affairs to license and regulate public movers and warehousemen. This bill also creates a four member State Advisory Board of Public Movers and Warehousemen to give the Director input from the industry and public.

This legislation is the result of extensive committee deliberations. The committee felt that the Public Movers Act could not simply be repealed as has been suggested. While wanting to foster economic competition, some mechanism was needed to protect the interest of the customer and to regulate the industry. This responsibility will fall to the Director. He shall annually publish a list of the names, addresses and tariffs of all persons licensed under this Act; establish professional standards; prescribe a uniform system of accounts, records and reports; and establish reasonable requirements with respect to proper and adequate moving and storage services.

Every person engaging in the business of public moving or storage shall have a license and a permanent place of business in this State. Such license fees shall be charged as may be necessary to defray all proper expenses incurred by the Director and any staff employed to administer this Act.

I support the goal of this bill: deregulation. Unfortunately, this bill fails to specify minimum standards for the issuance of a public movers license.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

-2-

Accordingly, I herewith return Senate Bill No. 1230 (OCR) for reconsideration and recommend that it be amended as follows:

Page 6, Section 9, Line 6: After "oath" insert "by the agent in charge"

Page 6, Section 9, Line 7: After "contain" insert "the following information: (1) the name and location of the applicant; (2) description of the applicant's moving vehicles and storage facilities; (3) identification of the issuer and amount of any insurance or surety bonds maintained by the applicant."

Page 6, Section 9, Lines 7-9: Omit "such information and be accompanied by proof of such notice to the interested parties as the *[board]* *director* by rule or regulation may require."

Page 6, Section 9, Lines 12-12A: Omit "and the lawful requirements, rules and regulations *[of the board]* *as promulgated by the director*;"

Page 6, Section 11, Lines 1-6: Delete in its entirety.

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest:

/s/ Harold L. Hodes

CHIEF OF STAFF, SECRETARY

SENATE AMENDMENTS TO
SENATE, No. 1230
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED APRIL 27, 1981

Amend page 6, section 9, line 6, after "oath", insert "by the agent in charge".

Amend page 6, section 9, line 7, after "contain", insert "the following information: (1) the name and location of the applicant; (2) description of the applicant's moving vehicles and storage facilities; (3) identification of the issuer and amount of any insurance or surety bonds maintained by the applicant."

Amend page 6, section 9, lines 7-9, omit "such information and be accompanied by proof of such notice to the interested parties as the ***[board]*** *director* by rule or regulation may require."

Amend page 6, section 9, lines 12-12A, omit "and the lawful requirements, rules and regulations ***[of the board]*** *as promulgated by the director*".

Amend page 6, section 11, lines 1-6, delete in its entirety.

Amend pages 6, 7 and 8, sections 12 to 19, renumber as sections 11 to 18.

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

12-3-81

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1230

STATE OF NEW JERSEY

INTRODUCED APRIL 21, 1980

By Senators HERBERT, ERICCHETTI, GRAVES, DiFRANCESCO
and GAGLIANO

Referred to Committee on Transportation and Communications

AN ACT concerning the transportation and storage of household goods, office goods and special commodities, licensing public movers and warehousemen, and repealing P. L. 1968, c. 375.

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

1 1. This act shall be known and may be cited as the "Public
2 Movers and Warehousemen Licensing Act."

1 2. As used in this act:

2 a. "Accessorial service" means the preparation of articles for
3 shipment including, but not limited to, the packing, crating, boxing
4 and servicing of appliances, the furnishing of containers, unpack-
5 ing, uncrating and reassembling of articles, placing them at final
6 destination and the moving or shifting of articles from one location
7 to another within a building, or at a single address;

8 b. "Board" means the State **Advisory** Board of Public Movers
9 and Warehousemen established under this act;

10 c. ***["Booking agent" means a representative, other than a regular**
11 **employee, appointed by a public mover or warehouseman to solicit,**
12 **arrange for and enter into transportation or storage contracts**
13 **exclusively in the name and on behalf of a public mover or**
14 **warehouseman;]*** **Director** means the Director of the Division
14A *of Consumer Affairs in the Department of Law and Public Safety*;

15 d. "Department" means the Department of Law and Public
16 Safety;

17 e. "Household goods" means personal effects, fixtures, equip-
18 ment, stock and supplies or other property usually used in or as
19 part of the stock of a dwelling, when it is put into storage or when
20 it is transported by virtue of its removal, in whole or in part,
21 by a householder from one dwelling to another, or from the dwelling

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

22 of a householder to the dwelling of another householder, or between
23 the dwelling of a householder and a repair or storage facility, or
24 from such dwelling to an auction house or other place of sale. The
25 term "household goods" shall not apply to property moving from a
26 factory or store, except such property as the householder has
27 purchased and which is transported at his request as part of the
28 movement by the householder from one dwelling to another.

29 f. "Intrastate commerce" means commerce moving wholly be-
30 tween points within the State over all public highways, or at a
31 single location;

32 g. "License" means a license issued by the ***[Board of Public**
33 **Movers and Warehousemen]*** *director*;

34 h. "Motor vehicle" means any vehicle, machine, tractor, truck
35 or semitrailer, or any combination thereof, propelled, driven or
36 drawn by mechanical power, and used upon the public highways in
37 the transportation of household goods, office goods and special
38 commodities in intrastate commerce;

39 i. "Movers' services" means all of the services rendered by a
40 public mover;

41 j. "Storage services" means all of the services rendered by a
42 warehouseman;

43 k. "Office goods" means personal effects, fixtures, equipment,
44 stock and supplies or other property usually used in or as part of
45 the stock of any office, or commercial, institutional, professional or
46 other type of establishment, when it is put into storage or when such
47 property is transported by virtue of its removal, in whole or in
48 part, from one location to another;

49 l. "Person" means any individual, copartnership, association,
50 company, or corporation, and includes any trustee, receiver,
51 assignee, lessee, or personal representative of any person herein
52 defined;

53 m. "Place of business" means a business office located in New
54 Jersey from which the mover or warehouseman conducts his daily
55 business and where records are kept;

56 n. "Property" means all of the articles in the definition of
57 household goods, office goods or special commodities;

58 o. "Public highway" or "highway" means any public street,
59 road, thoroughfare, bridge and way in this State open to the
60 use of the public as a matter of right for purposes of motor
61 vehicular travel, including those that impose toll charges;

62 p. "Public mover" or "mover" means any person who engages
63 in the transportation of household goods, office goods or special

64 commodities by motor vehicle for compensation in intrastate com-
 65 merce between points in this State, including the moving of
 66 household goods, office goods or special commodities from one
 67 location to another at a single address, and any person who engages
 68 in the performance of accessorial services; except that the term
 69-71 "public mover" or "mover" shall not apply to any person
 72 who engages in, or holds himself out to the general public as
 73 engaging in, the transportation of special commodities when such
 74 commodities are not transported by virtue of a removal, in whole
 75 or in part, and who does not engage, nor holds himself out to the
 76 general public as engaging in, the transportation of household or
 77 office goods;

78 q. "Special commodities" means uncrated or unboxed works of
 79 art, furniture, fixtures, appliances, business machines, electronic
 80 equipment, displays, exhibits, home, office, store, theatrical or show
 81 equipment, musical instruments, or other articles being put into
 82 storage or being moved, and which require the use of equipment
 83 and personnel usually furnished or employed by warehousemen or
 84 public movers;

85 r. "Storage" means the safekeeping of property in a depository
 86 for compensation;

87 s. "Tariff" means a schedule of rates and charges for the
 88 storage or transportation of property in intrastate commerce;

89 t. "Warehouseman" means a person engaged in the business
 90 of storage.

1 3. The provisions of this act shall not be construed to include
 2 motor vehicles owned or operated by:

3 a. The United States, the State, or any local government, sub-
 4 division, agency or instrumentality thereof;

5 b. Persons transporting property in intrastate commerce without
 6 compensation or where such person is the owner of the property and
 7 the transportation is not performed as a subterfuge to avoid regula-
 8 tion hereunder.

1 4. There is created in **the Division of Consumer Affairs in** the
 2 Department of Law and Public Safety a State **Advisory** Board
 3 of Public Movers and Warehousemen consisting of **[the Attorney*
 4 *General, ex officio, or his designee and]** four citizen members to be
 5 appointed by the Governor, with the advice and consent of the
 6 Senate. Two of the four citizen members shall be representatives
 7 of the public and two shall be representatives of the moving and
 7a storage industry.

8 The term of office of each citizen board member shall be 4 years;
 9 except that of the members first appointed, one shall serve for

10 1 year, one shall serve for 2 years, one shall serve for 3 years, and
 11 one shall serve for 4 years. Vacancies shall be filled for the un-
 12 expired terms only. No citizen member may be appointed for more
 13 than two consecutive terms.

14 The organization, meetings and management of the board shall
 15 be established in regulations promulgated by the ***[board]**. A ma-
 16 jority of the members of the board shall constitute a quorum and no
 17 action of the board shall be taken except upon the affirmative vote of
 18 a majority of the members of the entire board.]* *director. The
 18A *board shall participate in the formulation of rules and regulations,*
 18B *the hearing of grievances, the establishment of standards, and the*
 18C *issuance and revocations of licenses.**

19 The officers and members of the board shall serve without com-
 20 pensation but shall be reimbursed for actual expenses reasonably
 21 incurred in the performance of their duties.

22 The Attorney General shall maintain within any public building,
 23 whether owned or leased by the State, suitable quarters for the
 24 board's office and meeting place, except that no such office or
 25 meeting place shall be within premises owned or occupied by an
 26 officer or member of the board.

27 The executive secretary of the board shall be appointed by the
 28 ***[board]*** *director* and shall serve at ***[its]*** *his* pleasure.
 29 He shall receive such salary as shall be determined by the ***[board]***
 30 *director* within the limits of available funds.

31 The ***[board]*** *director* shall be empowered, within the limits
 32 of available funds, to hire such assistants as ***[it]*** *he* may deem
 33 necessary to ***[carry on its activities]*** *administer this act*.

1 5. The Governor may remove from office any member of the
 2 board for incompetence, neglect of duty, or unprofessional conduct;
 3 except that no board member may be removed until after a hearing
 4 of the charges, and upon at least 30 days prior written notice to the
 5 member of the charges, and of the date of the hearing.

1 6. The ***[board]*** *director* shall, in addition to such other
 2 powers and duties as ***[it]*** *he* may possess by law:

- 3 a. Administer and enforce the provisions of this act;
- 4 b. Adopt and promulgate rules and regulations, pursuant to the
 5 "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1
 6 et seq.), to effectuate the purposes of this act;
- 7 c. Examine and pass on the qualifications of all applicants for
 8 license under this act, and issue a license to each qualified applicant;
- 9 d. Establish professional standards for persons licensed under
 10 this act;

11 e. Conduct hearings pursuant to the "Administrative Procedure
12 Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.); except that the
13 ***[presiding officer]*** *director** shall have the right to administer
14 oaths to witnesses, and ***[the board, through its presiding officer,]***
15 shall have the power to issue subpoenas for the compulsory attend-
16 ance of witnesses and the production of pertinent books, papers,
16A or records;

17 f. Conduct proceedings before any board, agency or court of
18 competent jurisdiction for the enforcement of the provisions of this
19 act;

20 g. Annually publish a list of the names, addresses and tariffs of
21 all persons who are licensed under this act;

22 h. Establish reasonable requirements with respect to proper and
23 adequate movers' and warehousemen's services and the furnishing
24 of estimates, and prescribe a uniform system of accounts, records
25 and reports;

26 i. Adopt and promulgate rules and regulations to protect the
27 interests of the consumer, including, but not limited to, regulations
28 concerning the contents of information brochures which a mover or
29 warehousemen shall give to a customer prior to the signing of a
30 contract for moving or storage services.

1 7. The ***[board]*** *director** may, after notice and opportunity
2 for a hearing, revoke, suspend or refuse to review or issue any
3 license issued pursuant to this act upon a finding:

4 a. That such license was obtained by means of fraud, misrepresen-
5 tation or concealment of material facts;

6 b. Of fraud or deceit in connection with services rendered;

7 c. Of unprofessional or unethical conduct or gross negligence by
8 a person holding such license;

9 d. That the provisions of this act, or the rules or regulations
10 promulgated pursuant to this act, have been violated.

11 The licensee or applicant shall be furnished with an official state-
12 ment of the reasons for the ***[board's]*** *director's** proposed ac-
13 tion and shall be afforded an opportunity for a hearing ***[before the**
14 **board, on reasonable notice, and may be represented by counsel]***.

1 8. The ***[board]*** *director** may, after 1 year from the date of
2 the revocation of any license, restore the license ***[upon the affirma-**
3 **tive vote of a majority of the members of the entire board]***.

1 9. a. It shall be unlawful for any person to engage in the business
2 of public moving or storage unless he shall have obtained from the
3 ***[board]*** *director** a license to engage in such business and shall
4 have a permanent place of business in this State;

5 b. Application for a license shall be made in writing to the
 6 ***[board]* *director***, be verified under oath ****by the agent in**
 7 **charge**** and shall be in such form and contain ****[such information**
 8 **and be accompanied by proof of such notice to the interested parties**
 9 **as the *[board]* *director* by rule or regulation may require.]****
 10 ****the following information: (1) the name and location of the ap-**
 11 **plicant; (2) description of the applicant's moving vehicles and**
 12 **storage facilities; (3) identification of the issuer and amount of any**
 12A **insurance or surety bonds maintained by the applicant.**** A license
 12B shall be issued to a qualified applicant if it is found that the appli-
 12C cant is fit, willing and able to perform the service of a mover or
 12D warehouseman, and to conform to the provisions of this act ****[and**
 12E **the lawful requirements, rules and regulations *[of the board]***
 12F ***as promulgated by the director*]**;**

13 c. Every person advertising moving or storage services shall
 14 include in any advertisement the number of his license, and his New
 15 Jersey business address and telephone number;

16 d. No license shall be issued to an applicant if the applicant has
 17 (1) committed any act which if committed by a licensee would be
 18 grounds for suspension or revocation; (2) misrepresented any
 19 material fact on his application; (3) not registered each vehicle
 20 which will be performing intrastate moves in New Jersey except
 21 on vehicles which have been rented or leased and are operated by a
 22 public mover licensed under this act;

23 e. A copy of the license shall be carried on each truck, tractor,
 24 trailer or semitrailer or combination thereof at all times when the
 25 vehicle is being used in operations subject to this act;

1 10. Every person engaged in the business of storing or moving
 2 household goods, office goods, or special commodities for transpor-
 3 tation in intrastate commerce shall issue a receipt or bill of lading
 4 therefor and shall be liable to the lawful holder thereof in accor-
 5 dance with the provisions of chapters 3, 4, 5, 6 and 7 of Title 12A
 6 of the New Jersey Statutes.

1 ****[11. No license shall be issued to a warehouseman or mover or**
 2 **remain in force unless the warehouseman or mover complies with**
 3 **the rules and regulations that the *[board]* *director* shall pre-**
 4 **scribe governing the approval of surety bonds, policies of insurance,**
 5 **qualifications as a self-insurer or other securities or agreements in**
 6 **the amount that the *[board]* *director* may require.]****

1 ****[12.]** **11.** Every warehouseman or mover shall provide
 2 safe, proper and adequate service and shall observe the ***[board's]*****

3 **director's** rules and regulations concerning the storage or trans-
4 portation of property.

1 ****[13.]**** ****12.**** a. All actions at law against movers or ware-
2 housemen subject to this act for recovery of charges, or any part
3 thereof, or for the recovery of overcharges shall be begun within 2
4 years from the time the cause of action accrues;

5 b. All claims against any mover or warehouseman for damage
6 to property shall be filed in writing with the mover or warehouse-
7 man within 90 days from the time the cause of action accrues and
8 all suits in respect thereof shall be instituted within 2 years of the
9 day that the mover or warehouseman has disallowed the claim or
10 any part or parts thereof specified in the notice.

1 ****[14.]**** ****13.**** It shall be unlawful for any mover or ware-
2 houseman to make, give, or cause any undue or unreasonable prefer-
3 ence or advantage to any particular person, port, gateway, locality,
4 or traffic of any description in any respect whatsoever, or to sub-
5 ject any particular person, port, gateway, locality, or traffic of any
6 undue or unreasonable prejudice or disadvantage.

1 ****[15.]**** ****14.**** a. Public movers and warehousemen shall file
2 their tariffs with the ***[board]*** **director** semiannually;

3 b. No public mover or warehouseman shall charge, demand,
4 collect or receive a greater or lesser compensation for his service
5 than specified in the tariff.

1 ****[16.]**** ****15.**** a. The ***[board]*** **director** shall by rule or
2 regulation establish, prescribe or change the fees for licenses, re-
3 newals of licenses or other services ***[it performs]***. Licenses shall
4 expire 1 year from the date of issue unless the holder thereof shall,
5 30 days before such expiration, pay to the ***[board]*** **director**
6 a renewal fee accompanied by a renewal application on a form
7 prescribed by the ***[board]*** **director**.

8 b. The ***[board's]*** **director's** fees established, prescribed or
9 changed pursuant to this section shall be established, prescribed or
10 changed to such extent as shall be necessary to defray all proper
11 expenses incurred by the **advisory** board ***[in the performance**
12 **of its duties]*** **, the director, and any staff employed to administer*
13 *this act**; but such fees shall not be fixed at a level that will raise
14 amounts in excess of the amount estimated to be so required;

15 c. All fees and any fines imposed by the ***[board]*** **director**
16 shall be paid to the ***[board]*** **director** and shall be forwarded
17 by the ***[board]*** **director** to the State Treasurer and become
18 part of the General Fund.

19 d. There shall be annually appropriated to the Department of
20 Law and Public Safety for the use of the ***[board]*** *director* such
21 sums as shall be necessary to implement and effectuate the pro-
22 visions of this act.

1 ****[17.]**** **16.** Any person who violates the provisions of this
2 act shall be subject to a penalty of not less than \$100.00 nor more
3 than \$200.00 for the first offense and not less than \$200.00 nor more
4 than \$500.00 for each subsequent offense, to be sued for and re-
5 covered by and in the name of the ***[board]*** *director* pursuant
6 to the provisions of the "Penalty Enforcement Law" (N. J. S.
7 2A:58-1 et seq.).

1 ****[18.]**** **17.** P. L. 1968, c. 375 (C. 48:22-1 et seq.) is re-
2 pealed.

1 ****[19.]**** **18.** This act shall take effect 90 days after enact-
2 ment.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

DECEMBER 3, 1981

KATHRYN FORSYTH

Governor Brendan Byrne today signed the following bills into law:

S-1230, sponsored by Senator Frank Herbert (D-Bergen), which repeals the "Public Movers Act" of 1968 (that authorized the Board of Public Utility Commissioners to regulate public movers of household goods and special commodities) and replace it with the "Public Movers and Warehousemen Licensing Act," which authorizes the Director of the Division of Consumer Affairs to license and regulate public movers and warehousemen. It also creates a State Advisory Board to give the Director input from the industry and the public.

Governor Byrne conditionally vetoed the bill on April 27, saying that while he supported the goal of the legislation -- deregulation of the moving industry while still protecting the interests of the consumer -- the bill "(failed) to specify minimum standards for the issuance of a public movers license." He made the recommendations to correct that, and the Legislature concurred with his suggestions.

S-517, sponsored by Senator John Gregorio (D-Union), which amends the Local Health Services Act to permit local public health nurses who served provisionally for two years to be placed in classified Civil Service after taking the appropriate examination.

The bill is intended to allow certain nurses to qualify for Civil Service without the prerequisite Bachelor's Degree. The affected nurses, who hold Associate Degrees, were provisional employees when the educational degree requirements were upgraded.

Governor Byrne conditionally vetoed the act on November 12, saying that he had no objection to "a limited grandfather provision to do equity to individuals who had prepared for the exam before the upgrading...(but) the bill should be limited to those persons holding provisional positions on the effective date of the act, and should not have a continuing effect." He also suggested some technical amendments.

The Legislature concurred with the Governor's recommendations.