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LAW/RWH

# ASSEMBLY, No. 3870

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MARCH 16, 2009

**Sponsored by:**

**Assemblywoman SHEILA Y. OLIVER  
District 34 (Essex and Passaic)**

**Co-Sponsored by:**

**Assemblymen Giblin, Moriarty and Senator Gill**

**SYNOPSIS**

Concerns registration, insurance coverage, and consumer notice of owner-operators providing mover's services.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/12/2010)**

1 AN ACT concerning owner-operators providing mover's services  
2 and amending P.L.2007, c.50.

3

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

6

7 1. Section 3 of P.L.2007, c.50 (C.45:14D-11.1) is amended to  
8 read as follows:

9 3. a. It shall be unlawful for a contracting public mover to  
10 utilize an owner-operator for purposes of the owner-operator  
11 providing to a consumer any mover's services of the public mover,  
12 unless the public mover provides written notice to the consumer **[**,  
13 not less than one business day before any mover's services are  
14 performed, or unless otherwise permitted on the same business day  
15 by regulation**]** in the order for service provided pursuant to  
16 subsection b. of this section, or in an addendum to that order,  
17 stating that the mover's services may be performed by an owner-  
18 operator. The notice shall include:

19 (1) **[**the name, address, telephone number, and any other  
20 relevant contact information for the owner-operator as required by  
21 regulation;**]** (Deleted by amendment, P.L. , c. ) (pending before  
22 the Legislature as this bill)

23 (2) the definition of an owner-operator as provided in section 2  
24 of P.L.1981, c.311 (C.45:14D-2), accompanied by a **[**list  
25 describing**]** description of the nature of the relationship between a  
26 public mover and owner-operator and list of typical mover's  
27 services to be performed by the owner-operator; and

28 (3) a statement that the public mover shall be liable for all  
29 mover's services to be performed by the owner-operator.

30 b. The contracting public mover shall perform any physical  
31 survey, and issue the estimate and order for service to the  
32 consumer, as required by P.L.1981, c.311 (C.45:14D-1 et seq.), for  
33 those household goods, office goods, or special commodities to be  
34 transported by the owner-operator.

35 c. If a contracting public mover utilizes an owner-operator to  
36 perform any mover's services, the owner-operator shall deliver to  
37 the consumer with the bill of lading a written statement, on the  
38 letterhead of the contracting pubic mover, which designates the  
39 owner-operator that will perform the mover's services. The  
40 designation shall contain the name of the owner-operator, and  
41 include relevant contact information for the Division of Consumer  
42 Affairs, including a telephone number and e-mail address, that the  
43 consumer may use to contact the division.

44 (cf: P.L.2007, c.50, s.3)

**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.

1       2. Section 5 of P.L.2007, c.50 (C.45:14D-25.2) is amended to  
2 read as follows:

3       5. a. An owner-operator, in order to enter into any contract  
4 with a public mover to perform any mover's services of the public  
5 mover, shall secure and maintain insurance **[coverage]**, or other  
6 securities or agreements for workers' compensation coverage, of the  
7 type and amount required pursuant to regulation **[**, which shall  
8 include, but not be limited to coverage, securities, or agreements to  
9 cover property-casualty and workers' compensation liabilities**]**.

10       b. A public mover shall not contract with an owner-operator  
11 until the owner-operator presents the public mover with proof of  
12 adequate **[insurance]** workers' compensation coverage **[**, or other  
13 securities or agreements**]**.

14 (cf: P.L.2007, c.50, s.5)

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16       3. This act shall take effect on the first day of the fourth month  
17 next following enactment, but the Director of the Division of  
18 Consumer Affairs may take any anticipatory administrative action  
19 in advance thereof as shall be necessary for the implementation of  
20 the act.

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#### STATEMENT

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25       This bill concerns owner-operators contracting with public  
26 movers to provide mover's services to consumers.

27       The bill makes it unlawful for a public mover to utilize an  
28 owner-operator with which it contracts to provide mover's services,  
29 unless the public mover provides written notice to the consumer in  
30 the order for service provided pursuant to law, or in an addendum to  
31 that order. Although the existing law required the public mover to  
32 present this notice at least one business day prior to the  
33 performance of any services, the bill removes this statutory  
34 requirement. The notice shall include a definition of owner-  
35 operator, accompanied by a description of the nature of the  
36 relationship between a public mover and owner-operator and a list  
37 of typical mover's services to be performed by the owner-operator.

38       Additionally, the bill requires that the contracting public mover  
39 deliver to the consumer with the bill of lading a written statement,  
40 on the letterhead of the public mover, which designates the owner-  
41 operator that will perform the mover's services. The designation  
42 shall contain the name of the owner-operator, and include relevant  
43 contact information for the division, including a telephone number  
44 and e-mail address, that the consumer may use to contact the  
45 division.

46       Finally, the bill modifies the existing law's insurance  
47 requirements for owner-operators, by only requiring owner-

**A3870 OLIVER**

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1 operators to secure and maintain insurance, or other securities or  
2 agreements for workers' compensation coverage. The bill  
3 eliminates the requirement for other insurance coverages because  
4 the contracting public mover is required to add the owner-operator  
5 as a named insured to its own insurance, security or other  
6 agreement, to cover liability for the acts or omissions of the owner-  
7 operator when acting on its behalf. See P.L.2007, c.50, s.4  
8 (C.45:14D-25.1).

# ASSEMBLY REGULATED PROFESSIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3870

# STATE OF NEW JERSEY

DATED: JANUARY 4, 2010

The Assembly Regulated Professions Committee reports favorably, Assembly Bill No. 3870.

This bill concerns owner-operators contracting with public movers to provide mover's services to consumers.

The bill makes it unlawful for a public mover to utilize an owner-operator with which it contracts to provide mover's services, unless the public mover provides written notice to the consumer in the order for service provided pursuant to law, or in an addendum to that order. Although the existing law required the public mover to present this notice at least one business day prior to the performance of any services, the bill removes this statutory requirement. The notice shall include a definition of owner-operator, accompanied by a description of the nature of the relationship between a public mover and owner-operator and a list of typical mover's services to be performed by the owner-operator.

Additionally, the bill requires that the contracting public mover deliver to the consumer with the bill of lading a written statement, on the letterhead of the public mover, which designates the owner-operator that will perform the mover's services. The designation shall contain the name of the owner-operator, and include relevant contact information for the Division of Consumer Affairs, including a telephone number and e-mail address, that the consumer may use to contact the division.

Finally, the bill modifies the existing law's insurance requirements for owner-operators, by only requiring owner-operators to secure and maintain insurance, or other securities or agreements for workers' compensation coverage. The bill eliminates the requirement for other insurance coverages because the contracting public mover is required to add the owner-operator as a named insured to its own insurance, security or other agreement, to cover liability for the acts or omissions of the owner-operator when acting on its behalf. See P.L.2007, c.50, s.4 (C.45:14D-25.1).

**SENATE, No. 2293**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED OCTOBER 20, 2008

**Sponsored by:**  
**Senator NIA H. GILL**  
**District 34 (Essex and Passaic)**

**SYNOPSIS**

Concerns registration, insurance coverage, and consumer notice of owner-operators providing mover's services.

**CURRENT VERSION OF TEXT**

As introduced.





1 AN ACT concerning owner-operators providing mover's services  
2 and amending P.L.2007, c.50.

3

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

6

7 1. Section 3 of P.L.2007, c.50 (C.45:14D-11.1) is amended to  
8 read as follows:

9 3. a. It shall be unlawful for a contracting public mover to  
10 utilize an owner-operator for purposes of the owner-operator  
11 providing to a consumer any mover's services of the public mover,  
12 unless the public mover first files with the division contact  
13 information for the owner-operator and any other relevant  
14 information as required by regulation. It shall be unlawful for a  
15 contracting public mover to utilize an owner-operator whose  
16 information is on file with the division unless the public mover  
17 provides written notice to the consumer **[**, not less than one  
18 business day before any mover's services are performed, or unless  
19 otherwise permitted on the same business day by regulation**]**  
20 regarding the mover's use of an owner-operator in advance of the  
21 owner-operator providing any mover's services. The notice shall  
22 include:

23 (1) **[**the name, address, telephone number, and any other  
24 relevant contact information for the owner-operator as required by  
25 regulation;**]** (Deleted by amendment, P.L. , c. (pending before  
26 the Legislature as this bill)

27 (2) the definition of an owner-operator as provided in section 2  
28 of P.L.1981, c.311 (C.45:14D-2), accompanied by a **[**list  
29 describing**]** description of the nature of the relationship between a  
30 public mover and owner-operator and list of typical mover's  
31 services to be performed by the owner-operator; and

32 (3) a statement that the public mover shall be liable for all  
33 mover's services to be performed by the owner-operator.

34 b. The contracting public mover shall perform any physical  
35 survey, and issue the estimate and order for service to the  
36 consumer, as required by P.L.1981, c.311 (C.45:14D-1 et seq.), for  
37 those household goods, office goods, or special commodities to be  
38 transported by the owner-operator.

39 (cf: P.L.2007, c.50, s.3)

40

41 2. Section 5 of P.L.2007, c.50 (C.45:14D-25.3) is amended to  
42 read as follows:

43 5. a. An owner-operator, in order to enter into any contract  
44 with a public mover to perform any mover's services of the public

**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.**

1 mover, shall secure and maintain insurance [coverage], or other  
2 securities or agreements for workers' compensation coverage, of the  
3 type and amount required pursuant to regulation [, which shall  
4 include, but not be limited to coverage, securities, or agreements to  
5 cover property-casualty and workers' compensation liabilities].  
6 b. A public mover shall not contract with an owner-operator  
7 until the owner-operator presents the public mover with proof of  
8 adequate [insurance] workers' compensation coverage [, or other  
9 securities or agreements].  
10 (cf: P.L.2007, c.50, s.5)

11  
12 3. This act shall take effect on the first day of the fourth month  
13 next following enactment, but the Director of the Division of  
14 Consumer Affairs may take any anticipatory administrative action  
15 in advance thereof as shall be necessary for the implementation of  
16 the act.

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19 STATEMENT

20  
21 This bill concerns owner-operators contracting with public  
22 movers to provide mover's services to consumers.

23 The bill makes it unlawful for a public mover to utilize an  
24 owner-operator with which it contracts to provide mover's services  
25 unless the public mover first files with the Division of Consumer  
26 Affairs contact information for the owner-operator, as well as any  
27 other relevant information as required by regulation.

28 Additionally, the bill makes it unlawful for the public mover to  
29 utilize the owner-operator unless the public mover provides written  
30 notice to the consumer in advance of the owner-operator providing  
31 any mover's services; this advanced notice shall not require  
32 presentation at least one business day prior to performing the  
33 services, as set forth under existing law. The notice shall include a  
34 definition of owner-operator, accompanied by a description of the  
35 nature of the relationship between a public mover and owner-  
36 operator and a list of typical mover's services to be performed by  
37 the owner-operator.

38 Finally, the bill modifies the existing law's insurance  
39 requirements for owner-operators, by only requiring owner-  
40 operators to secure and maintain insurance, or other securities or  
41 agreements for workers' compensation coverage. The bill  
42 eliminates the requirement for other insurance coverages because  
43 the contracting public mover is required to add the owner-operator  
44 as a named insured to its own insurance, security or other  
45 agreement to cover liability for the acts or omissions of the owner-  
46 operator when acting on its behalf. See P.L.2007, c.50, s.4  
47 (C.45:14D-25.1).

# SENATE COMMERCE COMMITTEE

## STATEMENT TO

### SENATE, No. 2293

# STATE OF NEW JERSEY

DATED: DECEMBER 11, 2008

The Senate Commerce Committee reports favorably Senate Bill No. 2293.

This bill concerns owner-operators contracting with public movers to provide mover's services to consumers.

The bill makes it unlawful for a public mover to utilize an owner-operator with which it contracts to provide mover's services, unless the public mover first files with the Division of Consumer Affairs contact information for the owner-operator, as well as any other relevant information as required by regulation.

Additionally, the bill makes it unlawful for the public mover to utilize the owner-operator unless the public mover provides written notice to the consumer in advance of the owner-operator providing any mover's services; this advanced notice shall not require presentation at least one business day prior to performing the services, as set forth under existing law. The notice shall include a definition of owner-operator, accompanied by a description of the nature of the relationship between a public mover and owner-operator and a list of typical mover's services to be performed by the owner-operator.

Finally, the bill modifies the existing law's insurance requirements for owner-operators, by only requiring owner-operators to secure and maintain insurance, or other securities or agreements for workers' compensation coverage. The bill eliminates the requirement for other insurance coverages because the contracting public mover is required to add the owner-operator as a named insured to its own insurance, security or other agreement, to cover liability for the acts or omissions of the owner-operator when acting on its behalf. See P.L.2007, c.50, s.4 (C.45:14D-25.1).

STATEMENT TO  
**SENATE, No. 2293**

with Senate Floor Amendments  
(Proposed By Senator GILL)

ADOPTED: FEBRUARY 23, 2009

These floor amendments make it unlawful for a public mover to utilize an owner-operator with which it contracts to provide mover's services unless the public mover provides written notice to the consumer in the order for service prepared pursuant to the underlying bill, or in an addendum to that order. It eliminates the requirement that relevant information on the owner-operator be filed in advance with the Division of Consumer Affairs.

Additionally, the floor amendments require that the contracting public mover shall deliver to the consumer with the bill of lading a written statement, on the letterhead of the public mover, which designates the owner-operator that will perform the mover's services. The designation shall contain the name of the owner-operator, and include relevant contact information for the division, including a telephone number and e-mail address, that the consumer may use to contact the division.