

45:14D-2

**LEGISLATIVE HISTORY CHECKLIST**  
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(State Board of Public Movers-  
-licensing)

**NJSA:** 45:14D-2

**LAWS OF:** 1993 **CHAPTER:** 365

**BILL NO:** A1491

**SPONSOR(S):** Martin

**DATE INTRODUCED:** May 28, 1992

**COMMITTEE:** **ASSEMBLY:** Commerce  
**SENATE:** Commerce

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** November 16, 1993  
**SENATE:** December 13, 1993

**DATE OF APPROVAL:** January 4, 1994

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

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

**FISCAL NOTE:** Yes

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

KBG:pp

§19  
Note To  
45:14D-6b.  
§20  
Repealer

P.L.1983, CHAPTER 365, approved January 4, 1994  
1992 Assembly No. 1491

1 AN ACT concerning the licensing of public movers and  
2 warehousemen, amending and supplementing P.L.1981, c.311,  
3 amending P.L.1984, c.140 and P.L.1971, c.60, and repealing  
4 section 5 of P.L.1981, c.311.

5  
6 BE IT ENACTED by the Senate and General Assembly of the  
7 State of New Jersey:

8 1. Section 2 of P.L.1981, c.311 (C.45:14D-2) is amended to  
9 read as follows:

10 2. As used in this act:

11 a. "Accessorial service" means the preparation of articles for  
12 shipment, including, but not limited to, the packing, crating,  
13 boxing and servicing of appliances, the furnishing of containers,  
14 unpacking, uncrating and reassembling of articles, placing them  
15 at final destination and the moving or shifting of articles from  
16 one location to another within a building, or at a single address;

17 b. "Board" means the State [Advisory] Board of Public Movers  
18 and Warehousemen established under this act;

19 c. ["Director" means the Director of the Division of Consumer  
20 Affairs in the Department of Law and Public Safety;] (~~Deleted by~~  
21 ~~amendment, P.L. . . . , c. . . .~~).

22 d. "Department" means the Department of Law and Public  
23 Safety;

24 e. "Household goods" means personal effects, fixtures,  
25 equipment, stock and supplies or other property usually used in or  
26 as part of the stock of a dwelling, when it is put into storage or  
27 when it is transported by virtue of its removal, in whole or in  
28 part, by a householder from one dwelling to another, or from the  
29 dwelling of a householder to the dwelling of another householder,  
30 or between the dwelling of a householder and a repair or storage  
31 facility, or from the dwelling to an auction house or other place  
32 of sale. The term "household goods" shall not apply to property  
33 moving from a factory or store, except property which the  
34 householder has purchased and which is transported at his request  
35 as part of the movement by the householder from one dwelling to  
36 another;

37 f. "Intrastate commerce" means commerce moving wholly  
38 between points within the State over all public highways, or at a  
39 single location;

40 g. "License" means a license issued by the [director] board;

41 h. "Motor vehicle" means any vehicle, machine, tractor, truck  
42 or semitrailer, or any combination thereof, propelled, driven or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the  
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1 drawn by mechanical power, and used upon the public highways in  
2 the transportation of household goods, office goods and special  
3 commodities in intrastate commerce;

4 i. "Mover's services" means all of the services rendered by a  
5 public mover;

6 j. "Storage services" means all of the services rendered by a  
7 warehouseman;

8 k. "Office goods" means personal effects, fixtures, furniture,  
9 equipment, stock and supplies or other property usually used in or  
10 as part of the stock of any office, or commercial, institutional,  
11 professional or other type of establishment, when it is put into  
12 storage or when the property is transported by virtue of its  
13 removal, in whole or in part, from one location to another, but  
14 does not mean or include stock and supplies or other property  
15 usually used in or as part of the stock of any office, or  
16 commercial, institutional, professional or other type of  
17 establishment, when put into storage;

18 l. "Person" means any individual, copartnership, association,  
19 company, or corporation, and includes any trustee, receiver,  
20 assignee, lessee, or personal representative of any person herein  
21 defined;

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

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

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

31 p. "Public mover" or "mover" means any person who engages  
32 in the transportation of household goods, office goods or special  
33 commodities by motor vehicle for compensation in intrastate  
34 commerce between points in this State, including the moving of  
35 household goods, office goods or special commodities from one  
36 location to another at a single address, and any person who  
37 engages in the performance of accessorial services; except that  
38 the term "public mover" or "mover" shall not apply to any person  
39 who engages in, or holds himself out to the general public as  
40 engaging in, the transportation of special commodities when such  
41 commodities are not transported by virtue of a removal, in whole  
42 or in part, and who does not engage, nor hold himself out to the  
43 general public as engaging in, the transportation of household or  
44 office goods;

45 q. "Special commodities" means uncrated or unboxed works of  
46 art, fixtures, appliances, business machines, electronic  
47 equipment, displays, exhibits, home, office, store, theatrical or  
48 show equipment, musical instruments, or other articles being put  
49 into storage or being moved, and which require the use of  
50 equipment and personnel usually furnished or employed by  
51 warehousemen or public movers, except that the provisions of  
52 P.L.1981, c.311 [(C.46:16D-1 et seq.)] (C.46:14D-1 et seq.) shall  
53 not apply to any person engaged in the transportation or storage  
54 of special commodities when these commodities are not

1 transported by virtue of a removal, in whole or in part;

2 r. "Storage" means the safekeeping of property in a depository  
3 for compensation;

4 s. "Tariff" means a schedule of rates and charges for the  
5 storage or transportation of property in intrastate commerce on  
6 file with the [director] board, which shall be used in computing all  
7 charges on the storage or transportation of property as of the  
8 date of the time in storage or transportation;

9 t. "Warehouseman" means a person engaged in the business of  
10 storage;

11 u. "Removal" means the physical relocation, in whole or in  
12 part, of either household goods, office goods or special  
13 commodities from one location to another location, including  
14 internal relocations within the same room or facility, for  
15 compensation.

16 (cf: P.L.1984, c.140, s.1)

17 2. Section 4 of P.L.1981, c.311 (C.45:14D-4) is amended to  
18 read as follows:

19 4. There is created in the Division of Consumer Affairs in the  
20 Department of Law and Public Safety a State [Advisory] Board of  
21 Public Movers and Warehousemen consisting of [five citizen]  
22 seven members [to be appointed by the Governor, with the advice  
23 and consent of the Senate. Two of the citizen members shall be  
24 representatives of the public and three] who are residents of the  
25 State, two of whom shall be public members and one of whom  
26 shall be a State executive department member appointed  
27 pursuant to the provisions of P.L.1971 c.60 (C.45:1-2.1 et seq.)  
28 and four of whom shall be representatives of the moving and  
29 storage industry.

30 [The term of office of each citizen board member shall be four  
31 years; except that of the members first appointed, one shall serve  
32 for one year, one shall serve for two years, one shall serve for  
33 three years, and one shall serve for four years] The Governor  
34 shall appoint each member, other than the State executive  
35 department member, for a term of four years. Vacancies shall be  
36 filled for the unexpired terms only. No [citizen] member may be  
37 appointed for more than two consecutive terms. The members  
38 and officers of the State Advisory Board of Public Movers and  
39 Warehousemen as presently constituted shall continue to hold  
40 office until the expiration of their respective terms and the  
41 qualification in office of their successors.

42 The organization, meetings and management of the board shall  
43 be established in regulations promulgated by the [director] board.  
44 [The board shall participate in the formulation of rules and  
45 regulations, the hearing of grievances, the establishment of  
46 standards, and the issuance and revocation of licenses.

47 The officers and members of the board shall be compensated on  
48 a per diem basis in the amount of \$50.00 or an amount to be  
49 determined by the Attorney General with the approval of the  
50 State Treasurer, but not to exceed \$100.00 per diem or \$2,500.00  
51 annually, and shall be reimbursed for actual expenses reasonably  
52 incurred in the performance of their duties. The moneys shall be  
53 paid according to rules and regulations promulgated by the  
54 Attorney General.

1 The Attorney General shall maintain within any public building,  
2 whether owned or leased by the State, suitable quarters for the  
3 board's office and meeting place, except that no office or  
4 meeting place shall be within premises owned or occupied by an  
5 officer or member of the board.]

6 The executive secretary of the board shall be appointed by the  
7 [director] board and shall serve at [his] its pleasure. [He shall  
8 receive a salary as shall be determined by the director within the  
9 limits of available funds.]

10 The [director] board shall be empowered, within the limits of  
11 available funds, to hire any assistants [as he] it may deem  
12 necessary to administer this act.

13 (cf: P.L.1988, c.82, s.1)

14 3. Section 6 of P.L.1981, c.311 (C.45:14D-6) is amended to  
15 read as follows:

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

- 18 a. Administer and enforce the provisions of this act;
  - 19 b. Adopt and promulgate rules and regulations, pursuant to the  
20 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
21 seq.), to effectuate the purposes of this act;
  - 22 c. Examine and pass on the qualifications of all applicants for  
23 license under this act, and issue a license to each qualified  
24 applicant;
  - 25 d. Establish professional standards for persons licensed under  
26 this act;
  - 27 e. Conduct hearings pursuant to the "Administrative  
28 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.); except that  
29 the [director] board shall have the right to administer oaths to  
30 witnesses, and shall have the power to issue subpoenas for the  
31 compulsory attendance of witnesses and the production of  
32 pertinent books, papers, or records;
  - 33 f. Conduct proceedings before any board, agency or court of  
34 competent jurisdiction for the enforcement of the provisions of  
35 this act;
  - 36 g. Annually publish a list of the names, addresses and tariffs of  
37 all persons who are licensed under this act;
  - 38 h. Establish reasonable requirements with respect to proper  
39 and adequate movers' and warehousemen's services and the  
40 furnishing of estimates, and prescribe a uniform system of  
41 accounts, records and reports;
  - 42 i. Adopt and promulgate rules and regulations to protect the  
43 interests of the consumer, including, but not limited to,  
44 regulations concerning the contents of information brochures  
45 which a mover or warehouseman shall give to a customer prior to  
46 the signing of a contract for moving or storage services.
- 47 (cf: P.L.1981, c.311, s.6)

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

50 7. The [director] board may, after notice and opportunity for a  
51 hearing, revoke, suspend or refuse to renew or issue any license  
52 issued pursuant to this act upon a finding that the applicant or  
53 holder of a license:

- 54 a. Has obtained a license by means of fraud, misrepresentation

- 1 or concealment of material facts;
- 2 b. Has engaged in the use or employment of dishonesty, fraud,  
3 deception, misrepresentation, false promise or false pretense;
- 4 c. Has engaged in gross negligence or gross incompetence;
- 5 d. Has engaged in repeated acts of negligence or incompetence;
- 6 e. Has repeatedly failed to discharge contractual obligations  
7 to any person contracting for moving or storage services;
- 8 f. Has engaged in occupational misconduct;
- 9 g. Has been convicted of any crime involving moral turpitude  
10 or any crime relating adversely to the activities regulated by  
11 P.L.1981, c.311 (C.45:14D-1 et seq.). For the purpose of this  
12 subsection, a plea of guilty, non vult, nolo contendere or any  
13 other similar disposition of alleged criminal activity shall be  
14 deemed a conviction;
- 15 h. Has had his authority to engage in the activities regulated  
16 by P.L.1981, c.311 (C.45:14D-1 et seq.) revoked or suspended by  
17 any other state, agency or authority for reasons consistent with  
18 that act; or
- 19 i. Has violated or failed to comply with the provisions of  
20 P.L.1981, c.311 (C.45:14D-1 et seq.) or any regulation adopted  
21 thereunder.
- 22 The licensee or applicant shall be furnished with an official  
23 statement of the reasons for the [director's] board's proposed  
24 action and shall be afforded an opportunity for a hearing.  
25 (cf: P.L.1984, c.140, s.3)
- 26 5. Section 8 of P.L.1981, c.311 (C.45:14D-8) is amended to  
27 read as follows:
- 28 8. The [director] board may, after 1 year from the date of the  
29 revocation of any license, restore the license.  
30 (cf: P.L.1981, c.311, s.8)
- 31 6. Section 9 of P.L.1981, c.311 (C.45:14D-9) is amended to  
32 read as follows:
- 33 9. a. It shall be unlawful for any person to engage in the  
34 business of public moving or storage unless he shall have obtained  
35 from the [director] board a license to engage in the business and  
36 shall have a permanent place of business in this State;
- 37 b. Application for a license shall be made in writing to the  
38 [director] board, be verified under oath by the agent in charge  
39 and shall contain the following information: (1) the name and  
40 location of the applicant; (2) description of the applicant's  
41 moving vehicles and storage facilities; (3) identification of the  
42 issuer and amount of any insurance or surety bonds maintained by  
43 the applicant. A license shall be issued to a qualified applicant if  
44 it is found that the applicant is fit, willing and able to perform  
45 the service of a mover or warehouseman, and to conform to the  
46 provisions of this act;
- 47 c. Every person advertising moving or storage services shall  
48 include in any advertisement the number of his license, and his  
49 New Jersey business address and telephone number;
- 50 d. No license shall be issued to an applicant if the applicant  
51 has: (1) committed any act which if committed by a licensee  
52 would be grounds for suspension or revocation; (2) misrepresented  
53 any material fact on his application; (3) not registered each  
54 vehicle which will be performing intrastate moves in New Jersey,

1 except on vehicles which have been rented or leased and are  
2 operated by a public mover licensed under this act; (4) not  
3 established or maintained a place of business in New Jersey;

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

7 (cf: P.L.1984, c.140, s.4)

8 7. Section 11 of P.L.1981, c.311 (C.45:14D-11) is amended to  
9 read as follows:

10 11. Every warehouseman or mover shall provide safe, proper  
11 and adequate service and shall observe the [director's] board's  
12 rules and regulations concerning the storage or transportation of  
13 property.

14 (cf: P.L.1981, c.311, s.11)

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

17 14. a. Public movers and warehousemen shall file their tariffs  
18 with the [director] board semiannually;

19 b. No public mover or warehouseman shall charge, demand,  
20 collect or receive a greater or lesser compensation for his service  
21 than specified in the tariff, except that discounts and rebates  
22 may be provided in connection with the furnishing of moving,  
23 storage or accessorial services to any person who is 62 years or  
24 older.

25 (cf: P.L.1984, c.140, s.5)

26 9. Section 15 of P.L.1981, c.311 (C.45:14D-15) is amended to  
27 read as follows:

28 15. a. The [director] board shall by rule or regulation  
29 establish, prescribe or change the fees for licenses, renewals of  
30 licenses or other services. Licenses shall expire 1 year from the  
31 date of issue unless the holder thereof shall, 30 days before such  
32 expiration, pay to the [director] board a renewal fee accompanied  
33 by a renewal application on a form prescribed by the [director]  
34 board.

35 b. The [director's] board's fees established, prescribed or  
36 changed pursuant to this section shall be established, prescribed  
37 or changed to such extent as shall be necessary to defray all  
38 proper expenses incurred by the [advisory] board [, the director,]  
39 and any staff employed to administer this act; but such fees shall  
40 not be fixed at a level that will raise amounts in excess of the  
41 amount estimated to be so required.

42 c. All fees and any fines imposed by the [director] board shall  
43 be paid to the [director] board and shall be forwarded by the  
44 [director] board to the State Treasurer and become part of the  
45 General Fund.

46 d. There shall be annually appropriated to the Department of  
47 Law and Public Safety for the use of the [director] board such  
48 sums as shall be necessary to implement and effectuate the  
49 provisions of this act.

50 (cf: P.L.1981, c.311, s.15)

51 10. Section 16 of P.L.1981, c.311 (C.45:14D-16) is amended to  
52 read as follows:

53 16. Any person violating any provision of P.L.1981, c.311  
54 (C.45:14D-1 et seq.) shall, in addition to any other sanctions

1 provided herein, be liable to a civil penalty of not more than  
2 \$2,500.00 for the first offense and not more than \$5,000.00 for  
3 the second and each subsequent offense. For the purpose of this  
4 section, each transaction or violation shall constitute a separate  
5 offense; except a second or subsequent offense shall not be  
6 deemed to exist unless an administrative or court order has been  
7 entered in a prior, separate and independent proceeding. In lieu  
8 of an administrative proceeding or an action in the Superior  
9 Court, the Attorney General may bring an action in the name of  
10 the [director] board for the collection or enforcement of civil  
11 penalties for the violation of any provision of that act. The action  
12 may be brought in a summary manner pursuant to "the penalty  
13 enforcement law" (N.J.S. 2A:58-1 et seq.) and the rules of court  
14 governing actions for the collection of civil penalties in the  
15 municipal or Special Civil Part of the Law Division of the  
16 Superior Court where the offense occurred. Process in the action  
17 may be by summons or warrant and if the defendant in the action  
18 fails to answer the action, the court shall, upon finding an  
19 unlawful act or practice to have been committed by the  
20 defendant, issue a warrant for the defendant's arrest in order to  
21 bring the person before the court to satisfy the civil penalties  
22 imposed. In an action commenced pursuant to this section, the  
23 court may order restored to any person in interest any moneys or  
24 property acquired by means of an unlawful act or practice. Any  
25 action alleging the unlicensed practice of the activities regulated  
26 by P.L.1981, c.311 (C.45:14D-1 et seq.) shall be brought pursuant  
27 to this section or, where injunctive relief is sought, by an action  
28 commenced in the Superior Court. In an action brought pursuant  
29 to that act, the [director] board or the court may order the  
30 payment of costs for the use of the State.

31 (cf: P.L.1984, c.140, s.6)

32 11. Section 7 of P.L.1984, c.140 (C.45:14D-17) is amended to  
33 read as follows:

34 7. Whenever it shall appear to the [director] board or the  
35 Attorney General that a person has engaged in, or is engaging in,  
36 any act or practice declared unlawful by P.L.1981, c.311  
37 (C.45:14D-1 et seq.), or when the [director] board or the Attorney  
38 General shall deem it to be in the public interest to inquire  
39 whether a violation may exist, the [director] board through the  
40 Attorney General, or the Attorney General acting independently,  
41 may:

42 a. Require any person to file, on a form to be prescribed, a  
43 statement or report in writing under oath, or otherwise, as to the  
44 facts and circumstances concerning the rendition of any service  
45 or conduct of any sale incidental to the discharge of any act or  
46 practice subject to that act;

47 b. Examine under oath any person in connection with any act  
48 or practice subject to that act;

49 c. Inspect any premises from which the activity regulated by  
50 that act is conducted;

51 d. Examine any goods, ware or item used in the rendition of  
52 any service by a public mover or warehouseman;

53 e. Examine any record, book, document, account or paper  
54 maintained by or for any public mover or warehouseman in the



1 regular course of engaging in the activities regulated by that act  
2 or regulations promulgated pursuant to that act;

3 f. For the purpose of preserving evidence of an unlawful act or  
4 practice, pursuant to an order of the Superior Court, impound any  
5 record, book, document, account, paper, goods, ware, or item  
6 used or maintained by or for any public mover or warehouseman  
7 in the regular course of engaging in the activities regulated by  
8 that act or regulations promulgated pursuant to that act. When  
9 necessary, the Superior Court may, on application of the  
10 Attorney General, issue an order sealing items or material  
11 subject to this subsection.

12 In order to accomplish the objectives of P.L.1981, c.311  
13 (C.45:14D-1 et seq.) or the regulations promulgated pursuant to  
14 that act, the [director] board or the Attorney General may hold  
15 investigative hearings as necessary and may issue subpoenas to  
16 compel the attendance of any person or the production of books,  
17 records or papers at a hearing or inquiry.

18 (cf: P.L.1984, c.140, s.7)

19 12. Section 8 of P.L.1984, c.140 (C.45:14D-18) is amended to  
20 read as follows:

21 8. If a person fails or refuses to file any statement or report,  
22 or refuses access to premises from which activities regulated by  
23 P.L.1981, c.311 (C.45:14D-1 et seq.) are conducted in any  
24 lawfully conducted investigative matter or fails to obey a  
25 subpoena issued pursuant to that act, the [director] board or the  
26 Attorney General may apply to the Superior Court and obtain an  
27 order:

28 a. Adjudging that person in contempt of court and assessing  
29 civil penalties in accordance with the amounts prescribed by that  
30 act; or

31 b. Granting other relief as required; or

32 c. Suspending the license of that person until compliance with  
33 the subpoena or investigative demand is effected.

34 (cf: P.L.1984, c.140, s.8)

35 13. Section 10 of P.L.1984, c.140 (C.45:14D-20) is amended to  
36 read as follows:

37 10. In addition or as an alternative, as the case may be, to  
38 revoking, suspending or refusing to renew any license, the  
39 [director] board may, after affording an opportunity to be heard:

40 a. Assess civil penalties in accordance with P.L.1981, c.311  
41 (C.45:14D-1 et seq.);

42 b. Order that any person violating any provision of that act  
43 cease and desist from future violations thereof or take  
44 affirmative corrective action as necessary with regard to any act  
45 or practice found to be unlawful by the [director] board;

46 c. Order any person found to have violated any provision of  
47 that act to restore or to return to any person aggrieved by an  
48 unlawful act or practice any moneys or property, real or personal,  
49 acquired by means of that act or practice; except that the  
50 [director] board shall not order restoration in a dollar amount  
51 greater than those moneys received by a licensee or his agent or  
52 any other person violating that act.

53 In any administrative proceeding on a complaint alleging a  
54 violation of that act, the [director] board may issue subpoenas to

1 compel the attendance of witnesses or the production of books,  
2 records, or documents at the hearing on the complaint.  
3 (cf: P.L.1984, c.140, s.10)

4 14. Section 11 of P.L.1984, c.140 (C.45:14D-21) is amended to  
5 read as follows:

6 11. Whenever it shall appear to the [director] board or the  
7 Attorney General that a violation of P.L.1981, c.311 (C.45:14D-1  
8 et seq.), including the unlicensed practice of the activities  
9 regulated therein, has occurred, is occurring, or will occur, the  
10 Attorney General, in addition to any other proceeding authorized  
11 by law, may seek and obtain in a summary proceeding in the  
12 Superior Court an injunction prohibiting the act or practice. In  
13 the proceeding the court may assess a civil penalty in accordance  
14 with the provisions of that act, order restoration to any person in  
15 interest of any moneys or property, real or personal, acquired by  
16 means of an unlawful act or practice and may enter any orders  
17 necessary to prevent the performance of an unlawful practice in  
18 the future and to remedy fully any past unlawful activity. In any  
19 action brought pursuant to this section, the court shall not  
20 suspend or revoke any license issued by the [director] board.  
21 (cf: P.L.1984, c.140, s.11)

22 15. Section 12 of P.L.1984, c.140 (C.45:14D-22) is amended to  
23 read as follows:

24 12. Upon the failure of any person to comply within 10 days  
25 after service of any order of the [director] board directing  
26 payment of penalties or restoration of moneys or property, the  
27 Attorney General or the [director] board may issue a certificate  
28 to the Clerk of the Superior Court that the person is indebted to  
29 the State for the payment of the penalty and the moneys or  
30 property ordered restored. A copy of the certificate shall be  
31 served upon the person against whom the order was entered.  
32 Thereupon the clerk shall immediately enter upon his record of  
33 docketed judgments the name of the person so indebted and of  
34 the State, a designation of the statute under which the penalty is  
35 imposed, the amount of the penalty imposed, and amount of  
36 moneys ordered restored, a listing of property ordered restored,  
37 and the date of the certification. The entry shall have the same  
38 force and effect as the entry of a docketed judgment in the  
39 Superior Court, and the Attorney General shall have all rights and  
40 remedies of a judgment creditor, in addition to exercising any  
41 other available remedies. The entry, however, shall be without  
42 prejudice to the right of appeal to the Appellate Division of the  
43 Superior Court from the [director's] board's order.

44 An action to enforce the provisions of an order entered by the  
45 [director] board or to collect a penalty levied thereby may be  
46 brought in any municipal or Special Civil Part of the Law Division  
47 of the Superior Court or the Superior Court in a summary manner  
48 pursuant to "the penalty enforcement law" (N.J.S. 2A:58-1 et  
49 seq.) and the rules of court governing the collection of civil  
50 penalties. Process in the action shall be by summons or warrant,  
51 and if the defendant fails to answer the action, the court shall  
52 issue a warrant for the defendant's arrest for the purpose of  
53 bringing the person before the court to satisfy any order entered.  
54 (cf: P.L.1984, c.140, s.12)

1 16. Section 13 of P.L.1984, c.140 (C.45:14D-23) is amended to  
2 read as follows:

3 13. When it shall appear to the [director] board or the  
4 Attorney General that a person against whom a cease and desist  
5 order has been entered has violated the order, the [director]  
6 board or the Attorney General may initiate a summary  
7 proceeding in the Superior Court for the violation thereof. Any  
8 person found to have violated a cease and desist order shall pay  
9 to the State of New Jersey civil penalties in the amount of not  
10 more than \$25,000.00 for each violation of the order. If a person  
11 fails to pay a civil penalty assessed by the court for violation of a  
12 cease and desist order, the court assessing the unpaid penalty is  
13 authorized, upon application of the [director] board or the  
14 Attorney General, to grant any relief which may be obtained  
15 under any statute or court rule governing the collection and  
16 enforcement of penalties.  
17 (cf: P.L.1984, c.140, s.13)

18 17. Section 15 of P.L.1984, c.140 (C.45:14D-25) is amended to  
19 read as follows:

20 15. No license shall be issued to a warehouseman or mover or  
21 remain in force unless the warehouseman or mover complies with  
22 the rules or regulations that the [director] board shall prescribe  
23 governing policies of insurance, qualifications as a self-insurer or  
24 other securities or agreements in the amount that the [director]  
25 board may require.  
26 (cf: P.L.1984, c.140, s.15)

27 18. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read  
28 as follows:

29 1. The provisions of this act shall apply to the following boards  
30 and commissions: the New Jersey State Board of Accountancy,  
31 the New Jersey State Board of Architects, the New Jersey State  
32 Board of Cosmetology and Hairstyling, the Board of Examiners of  
33 Electrical Contractors, the New Jersey State Board of Dentistry,  
34 the State Board of Mortuary Science of New Jersey, the State  
35 Board of Professional Engineers and Land Surveyors, the State  
36 Board of Marriage Counselor Examiners, the State Board of  
37 Medical Examiners, the New Jersey Board of Nursing, the New  
38 Jersey State Board of Optometrists, the State Board of  
39 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,  
40 the Board of Pharmacy, the State Board of Professional  
41 Planners, the State Board of Psychological Examiners, the State  
42 Board of Examiners of Master Plumbers, the New Jersey Real  
43 Estate Commission, the State Board of Shorthand Reporting, the  
44 State Board of Veterinary Medical Examiners, the Radiologic  
45 Technology Board of Examiners, the Acupuncture Examining  
46 Board, the State Board of Chiropractic Examiners, the State  
47 Board of Respiratory Care, the State Real Estate Appraiser  
48 Board, [and] the State Board of Social Work Examiners, and the  
49 State Board of Public Movers and Warehousemen.  
50 (cf: P.L.1991, c.134, s.15)

51 19. (New section) This 1992 amendatory and supplementary act  
52 shall not affect the orders, rules and regulations heretofore made  
53 or promulgated by the Director of the Division of Consumer  
54 Affairs, but such orders, rules and regulations consistent with the

1 purposes and provisions of this act shall continue with full force  
2 and effect until amended, modified or repealed by the board  
3 established pursuant to this 1992 amendatory and supplementary  
4 act.

5 20. Section 5 of P.L.1981, c.311 (C.45:14D-5) is repealed.

6 21. This act shall take effect immediately.

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9 STATEMENT

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11 This bill amends the "Public Movers and Warehousemen  
12 Licensing Act," P.L.1981, c.311 (C.45:14D-1 et seq.), to create a  
13 State Board of Public Movers and Warehousemen to replace the  
14 State Advisory Board of Public Movers and Warehousemen.

15 Currently, public movers and warehousemen are licensed by the  
16 Director of the Division of Consumer Affairs with the advisory  
17 board empowered to participate in the formulation of regulations,  
18 the hearing of grievances, the establishment of standards, and the  
19 issuance and revocation of licenses. This bill will remove the  
20 authority to license and regulate public movers and  
21 warehousemen from the Director of the Division of Consumer  
22 Affairs and place that authority in a State Board of Public  
23 Movers and Warehousemen.

24 The new seven-member board would consist of four  
25 representatives of the moving and storage industry, two public  
26 members and a representative of the executive branch.

27 The bill repeals section 5 of P.L.1981, c.311 (C.45:14D-5)  
28 which deals with the removal of board members by the Governor  
29 for incompetence and other cause. The bill amends section 1 of  
30 P.L.1971, c.60 (C.45:1-2.1) to include the State Board of Public  
31 Movers and Warehousemen. P.L.1971, c.60 (C.45:1-2.1 et seq.)  
32 currently governs the appointment and removal of public  
33 members on professional and occupational boards.

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38 Creates a State Board of Public Movers and Warehousemen to  
39 replace the State Advisory Board of Public Movers and  
40 Warehousemen.

1 purposes and provisions of this act shall continue with full force  
2 and effect until amended, modified or repealed by the board  
3 established pursuant to this 1992 amendatory and supplementary  
4 act.

5 20. Section 5 of P.L.1981, c.311 (C.45:14D-5) is repealed.

6 21. This act shall take effect immediately.

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*SPONSOR'S* STATEMENT

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11 This bill amends the "Public Movers and Warehousemen  
12 Licensing Act," P.L.1981, c.311 (C.45:14D-1 et seq.), to create a  
13 State Board of Public Movers and Warehousemen to replace the  
14 State Advisory Board of Public Movers and Warehousemen.

15 Currently, public movers and warehousemen are licensed by the  
16 Director of the Division of Consumer Affairs with the advisory  
17 board empowered to participate in the formulation of regulations,  
18 the hearing of grievances, the establishment of standards, and the  
19 issuance and revocation of licenses. This bill will remove the  
20 authority to license and regulate public movers and  
21 warehousemen from the Director of the Division of Consumer  
22 Affairs and place that authority in a State Board of Public  
23 Movers and Warehousemen.

24 The new seven-member board would consist of four  
25 representatives of the moving and storage industry, two public  
26 members and a representative of the executive branch.

27 The bill repeals section 5 of P.L.1981, c.311 (C.45:14D-5)  
28 which deals with the removal of board members by the Governor  
29 for incompetence and other cause. The bill amends section 1 of  
30 P.L.1971, c.60 (C.45:1-2.1) to include the State Board of Public  
31 Movers and Warehousemen. P.L.1971, c.60 (C.45:1-2.1 et seq.)  
32 currently governs the appointment and removal of public  
33 members on professional and occupational boards.

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38 Creates a State Board of Public Movers and Warehousemen to  
39 replace the State Advisory Board of Public Movers and  
40 Warehousemen.

ASSEMBLY COMMERCE AND REGULATED  
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1491

STATE OF NEW JERSEY

DATED: OCTOBER 1, 1992

The Assembly Commerce and Regulated Professions Committee reports favorably Assembly, Bill No. 1491.

This bill amends the "Public Movers and Warehousemen Licensing Act," P.L.1981, c.311 (C.45:140-1 et seq.), to create a State Board of Public Movers and Warehousemen to replace the State Advisory Board of Public Movers and Warehousemen.

Currently, public movers and warehousemen are licensed by the Director of the Division of Consumer Affairs with the advisory board empowered to participate in the formulation of regulations, the hearing of grievances, the establishment of standards, and the issuance and revocation of licenses. This bill will remove the authority to license and regulate public movers and warehousemen from the Director of the Division of Consumer Affairs and place that authority in a State Board of Public Movers and Warehousemen.

The new seven-member board would consist of four representatives of the moving and storage industry, two public members and a representative of the executive branch.

The bill repeals section 5 of P.L.1981, c.311 (C.45:14D-5) which deals with the removal of board members by the Governor for incompetence and other cause. The bill amends section 1 of P.L.1971, c.60 (C.45:1-2.1) to include the State Board of Public Movers and Warehousemen. P.L.1971, c.60 (C.45:1-2.1 et seq.) currently governs the appointment and removal of public members on professional and occupational boards.

SENATE COMMERCE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1491

STATE OF NEW JERSEY

DATED: JUNE 14, 1993

The Senate Commerce Committee reports favorably Assembly, No. 1491.

This bill amends the "Public Movers and Warehousemen Licensing Act," P.L.1981, c.311 (C.45:14D-1 et seq.), to create a State Board of Public Movers and Warehousemen to replace the State Advisory Board of Public Movers and Warehousemen.

Currently, public movers and warehousemen are licensed by the Director of the Division of Consumer Affairs with the advisory board empowered to participate in the formulation of regulations, the hearing of grievances, the establishment of standards, and the issuance and revocation of licenses. This bill will remove the authority to license and regulate public movers and warehousemen from the Director of the Division of Consumer Affairs and place that authority in a State Board of Public Movers and Warehousemen.

The new seven-member board would consist of four representatives of the moving and storage industry, two public members and a representative of the executive branch.

The bill repeals section 5 of P.L.1981, c.311 (C.45:14D-5) which deals with the removal of board members by the Governor for incompetence and other cause. The bill amends section 1 of P.L.1971, c.60 (C.45:1-2.1) to include the State Board of Public Movers and Warehousemen. P.L.1971, c.60 (C.45:1-2.1 et seq.) currently governs the appointment and removal of public members on professional and occupational boards.

LEGISLATIVE FISCAL ESTIMATE TO  
ASSEMBLY, No. 1491

STATE OF NEW JERSEY

DATED: November 30, 1992

Assembly Bill No. 1491 of 1992 amends the "Public Movers and Warehousemen Licensing Act," P.L.1981, c.311 (C.45:14D-1 et seq.), to create a State Board of Public Movers and Warehousemen to replace the State Advisory Board of Public Movers and Warehousemen. Currently, public movers and warehousemen are licensed by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety with the advisory board empowered to participate in the formulation of regulations, the hearing of grievances, the establishment of standards, and the issuance and revocation of licenses.

The State Advisory Board of Public Movers and Warehousemen received a fiscal year 1993 appropriation of \$249,000 for operation expenses of the board. Monies for this appropriation are derived from licensing fees paid by those licensed by the board.

The Office of Legislative Services (OLS) estimates that this bill will have a minimal fiscal impact because this bill would change the structure of the board and its authority without significantly changing the overall function of the board. OLS notes that should the board incur additional expenses as a result of its new duties, these costs would be paid by the licensees as higher fees.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.