

RULE ADOPTIONS
VOLUME 42, ISSUE 12
ISSUE DATE: JUNE 21, 2010
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
OFFICE OF THE DIRECTOR
PUBLIC MOVERS AND WAREHOUSEMEN

Adopted Amendments: N.J.A.C. 13:44D-2.1, 3.1, 4.5 and 13:44D Appendix A Adopted New Rule: N.J.A.C. 13:44D-4.5A

License to Engage in the Business of Public Moving and/or Storage; Tariffs; Legal Liability; and Insurance

Proposed: September 8, 2009 at 41 N.J.R. 3200(a).

Adopted: January 12, 2010, by David M. Szuchman, Director, Division of Consumer Affairs.

Filed: May 20, 2010 as R.2010 d.104, **without change** .

Authority: N.J.S.A. 45:14D-6.

Effective Date: June 21, 2010.

Expiration Date: June 3, 2015.

Federal Standards Statement

A Federal standards analysis is not required because the amendments and new rules are adopted pursuant to State statute and are not subject to any Federal requirements or standards.

Full text of the adoption follows:

13:44D-2.1 License to engage in the business of public moving and/or storage

(a) (No change.)

(b) An applicant for licensure as a public mover and/or warehouseman shall submit to the Director:

1. (No change.)

2. Certificates of insurance evidencing coverage required by N.J.S.A. 34:15-77 and 78, and certificates of insurance evidencing coverage for the operation of motor vehicle equipment, cargo, storage facilities and property being held in storage, conditioned or providing for the payment of all judgments recovered against a public mover and/or warehouseman in the manner and amounts specified in N.J.A.C. 13:44D-4.5A(e);

3.-5. (No change.)

(c)-(j) (No change.)

13:44D-3.1 Tariffs

(a)-(b) (No change.)

(c) Each tariff shall consist of the following minimums:

1.-4. (No change.)

5. Rate schedule shall include, but not be limited to, the following:

i. For public movers: combination weight and mileage rates, hourly rates, increased valuation rates and any other rates charged.

ii.-iii. (No change.)

6.-7. (No change.)

(d)-(f) (No change.)

SUBCHAPTER 4. GENERAL PROVISIONS

13:44D-4.5 Legal liability

(a) The public mover and/or warehouseman may, by contract with the consumer, limit liability for loss or damage to goods in storage or in transit. The minimum amount to which a public mover and/or warehouseman may limit liability is \$.60 per pound per article.

(b) A public mover and/or warehouseman may contract with a consumer for increased valuation for loss or damage for all items, or specific items, being moved or stored. A public mover and/or warehouseman who offers increased valuation shall limit the amount of increased valuation to the amount of his or her cargo liability insurance, except as provided in (c) below. For instance, if a public mover and/or warehousemen has cargo liability insurance that covers \$ 25,000 per accident for loss or damage to property being transported, he or she shall offer no more than \$ 25,000 of increased valuation.

(c) A public mover and/or warehouseman may offer increased valuation that exceeds his or her cargo liability insurance if he or she contracts to increase cargo liability insurance to an amount that covers the increased valuation. For instance, if a public mover and/or warehousemen offers \$ 50,000 of increased valuation and has cargo liability insurance that only covers \$ 25,000, he or she shall arrange for his or her insurance policy to cover \$ 50,000 for that one move.

(d) An order for service shall specifically state the public mover's and/or warehouseman's liability. Any limitation shall be null and void and the public mover and/or warehouseman shall be subject to full liability if any of the following occurs:

1.-4. (No change.)

13:44D-4.5A Insurance

(a) Every licensed public mover and/or warehouseman shall secure, maintain and file with the Director a certificate of insurance from an insurance company authorized and licensed to do business in this State covering the motor vehicle, cargo, storage facilities and property being held in storage for the amounts set forth in (b) below, conditioned or providing for payment of all judgments recovered against such public mover and/or warehouseman.

(b) The minimum amounts of insurance a public mover shall secure and maintain are:

1. Cargo liability coverage at the rate of \$.60 per pound per article, which, at a minimum, covers:

i. For loss or damage to property being transported (cargo liability insurance) on any vehicle: \$ 25,000 per accident; and

ii. For loss or damage to or aggregate of losses or damages of or to property occurring at any one time and place: \$ 50,000; and

2. Bodily injury liability, property damage liability:

i. (No change.)

ii. Limit for bodily injuries to or death of all persons injured or killed in any one accident: \$ 100,000, subject to a maximum of \$ 25,000 for bodily injuries or death of one person; and

iii. Limit for loss or damage in any one accident to property of others (excluding cargo): \$ 10,000.

(c) The minimum amounts of insurance for warehousemen are:

1. Warehousemen liability coverage at the rate of \$.60 per pound per article.

Recodify existing (e) and (f) as (d) and (e) (No change in text.)

(f) If a public mover uses the services of owner/operators, the insurance policies of a public mover holds pursuant to (b) above shall cover the public mover's liability for acts or omissions of the owner/operators used by the public mover.

(g)-(h) (No change.)

(i) Where a consumer requests the public mover and/or warehouseman to obtain increased coverage, specifically insurance, and the consumer pays the premium for the increased coverage, the public mover and/or warehouseman shall furnish the consumer with a certificate of insurance. Such certificate shall include the following:

1.-7. (No change.)

(j) (No change.)

13:44D-4.8 Use of an owner-operator

(a)-(f) (No change.)

(g) A public mover shall add any owner-operator who provides moving services for the public mover as an additional covered insured under the public mover's insurance policies, which he or she is required to hold pursuant to N.J.S.A. 45:14D-25 and N.J.A.C. 13:44D-4.5A.

(h)-(j) (No change.)

APPENDIX A

IMPORTANT NOTICE TO CONSUMERS USING PUBLIC MOVERS AND WAREHOUSEMEN

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MOVER'S RESPONSIBILITY FOR LOSS AND DAMAGE

Unless you have additional insurance, the mover is, in most cases, only required to reimburse you for any damages to your belongings at the rate of \$.60 per pound. For example, if you have a vase valued at \$ 1,000 but it only weighs two pounds, the mover is, in most cases, only required to reimburse you the sum of \$ 1.20. For your own protection, consider discussing with your insurance agent whether you should purchase additional coverage, either from an insurance company or through the mover, or confirm that an existing insurance policy would protect your goods in transit or storage. If you decide to purchase insurance through the mover, the mover must issue you a certificate of insurance (sometimes called "an advice of coverage") as proof of purchase which must be fully completed with all the policy's terms.

When purchasing insurance, consider:

1.-2. (No change.)

A public mover may contract with you for increased valuation for loss or damage for all items, or specific items, being moved. The amount of increased valuation a mover may offer is limited by the amount of cargo liability insurance the mover carries. A public mover may contract with his or her insurance company to increase cargo liability insurance for an [page=1238] individual move in order to cover increased valuation offered for that individual move.

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GLOSSARY OF MOVING TERMINOLOGY

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"Increased valuation" means a process by which a public mover and a consumer agree that all items, or specific items, in a shipment will be reimbursed for loss or damage by the mover at a rate greater than the standard \$.60 per pound.