

VOLUME 48, ISSUE 22
ISSUE DATE: **NOVEMBER 21, 2016**
RULE ADOPTIONS
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
OFFICE OF THE DIRECTOR

Adopted Amendments: N.J.A.C. 13:44D-1.1 and 4.1

Public Movers and Warehousemen

Words and Phrases Defined; Forms

Proposed: May 2, 2016, at 48 N.J.R. 704(a).

Adopted: August 16, 2016, by Steve C. Lee, Director, **Division of Consumer Affairs**.

Filed: October 26, 2016, as R.2016 d.163, **without change**.

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

Effective Date: November 21, 2016.

Expiration Date: June 3, 2017.

Summary of Public Comment and Agency Responses follow:

The official comment period ended July 1, 2016. The Division received a comment from Robert Russo, Executive Director, New Jersey Warehousemen and Movers Association.

1. COMMENT: The commenter thanks the Director for the amendments that permit public movers to use and store electronic documents. The commenter supports requirements in N.J.A.C. 13:44D-4.1, which require public movers to provide a physical copy of the brochure, non-binding estimate, non-binding order for service, binding estimate, and binding order for service if public movers use electronic versions of these forms.

RESPONSE: The Director thanks the commenter for his support.

2. COMMENT: The commenter opposes requirements in N.J.A.C. 13:44D-4.2 that require a non-binding order for service or a binding order for service to be signed by a consumer 24 hours prior to a move. The commenter contends that consumers often refuse to sign an order for service when an estimate is provided because they are getting other estimates at the same time. The commenter recommends that this regulation be amended to require that consumer signatures must be obtained prior to rendering services, but not 24 hours prior to services. The commenter also recommends that N.J.A.C. 13:44D-4.17 be amended so that a short notice move would be exempt from any requirement that documents be provided 24 hours prior to services being rendered.

RESPONSE: N.J.A.C. 13:44D-4.2 and 4.17 are not the subject of the adoption. The Director points out that N.J.A.C. 13:44D-4.2 does not require that a public mover obtain a consumer's signature on an estimate or an order for service. The Director points out that N.J.A.C. 13:44D-4.17(c) provides the exemption requested by the commenter.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the adopted amendments.

[page=2447] **Full text** of the adoption follows:

SUBCHAPTER 1. DEFINITIONS

13:44D-1.1 Words and phrases defined

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

...

"Storage" means the safekeeping of property in a depository for compensation.

...

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

...

SUBCHAPTER 4. GENERAL PROVISIONS

13:44D-4.1 Forms

(a)-(e) (No change.)

(f) Any of the documents required by N.J.A.C. 13:44D-4.2, 4.3, or 4.4 may be completed and stored in an electronic format.

(g) A public mover and/or warehouseman who completes a document required by N.J.A.C. 13:44D-4.2(b) or (c), or 4.3(b) or (c), electronically pursuant to (f) above shall provide the consumer with a printout of the document at least 24 hours prior to the date of the move.

(h) A public mover and/or warehouseman who completes a document electronically pursuant to (f) above shall sign the document electronically and shall ensure that the consumer provides electronic signatures on documents required by N.J.A.C. 13:44D-4.2(c), 4.3(c), or 4.4(a)4.

(i) A warehouseman who completes a document required by N.J.A.C. 13:44D-4.4 electronically pursuant to (f) above shall provide the consumer with a printout of the document prior to rendering services.