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Public Movers and Warehousemen Licensing Law

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45:14D-1. Short title

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

L.1981, c. 311, s. 1.

45:14D-2 Definitions

As used in this act:

- a. "Accessorial service" means the preparation of articles for shipment, including, but not limited to, the packing, crating, boxing and servicing of appliances, the furnishing of containers, unpacking, uncrating and reassembling of articles, placing them at final destination and the moving or shifting of articles from one location to another within a building, or at a single address;
- b. (Deleted by amendment, P.L.2010, c.87)
- c. (Deleted by amendment, P.L.1993, c.365).
- d. "Department" means the Department of Law and Public Safety;
- e. "Household goods" means personal effects, fixtures, equipment, stock and supplies or other property usually used in or as part of the stock of a dwelling, when it is put into storage or when it is transported by virtue of its removal, in whole or in part, by a householder from one dwelling to another, or from the dwelling of a householder to the dwelling of another householder, or between the dwelling of a householder and a repair or storage facility, or from the dwelling to an auction house or other place of sale. The term "household goods" shall not apply to property moving from a factory or store, except property which the householder has purchased and which is transported at his request as part of the movement by the householder from one dwelling to another;
- f. "Intrastate commerce" means commerce moving wholly between points within the State over all public highways, or at a single location;
- g. "License" means a license issued by the director;
- h. "Motor vehicle" means any vehicle, machine, tractor, truck or semitrailer, or any combination thereof, propelled, driven or drawn by mechanical power, and used upon the public highways in the transportation of household goods, office goods and special commodities in intrastate commerce;
- i. "Mover's services" means all of the services rendered by a public mover;
- j. "Storage services" means all of the services rendered by a warehouseman;
- k. "Office goods" means personal effects, fixtures, furniture, equipment, stock and supplies or other property usually used in or as part of the stock of any office, or commercial, institutional, professional or other type of establishment, when it is put into storage or when

the property is transported by virtue of its removal, in whole or in part, from one location to another, but does not mean or include stock and supplies or other property usually used in or as part of the stock of any office, or commercial, institutional, professional or other type of establishment, when put into storage;

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

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

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

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

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

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

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

s. "Tariff" means a schedule of rates and charges for the storage or transportation of property in intrastate commerce on file with the director, which shall be used, except in the use of binding estimates by movers, in computing all charges on the storage or transportation of property as of the date of the time in storage or transportation;

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

- u. "Removal" means the physical relocation, in whole or in part, of either household goods, office goods or special commodities from one location to another location, including internal relocations within the same room or facility, for compensation;
- v. "Bill of lading" means "bill of lading" as defined by paragraph (6) of N.J.S.12A:1-201;
- w. "Consumer" means a person who contracts with a public mover for mover's services;
- x. "Contracting public mover" means a licensed public mover who contracts with an owner-operator to provide any mover's service of the licensed public mover, and is liable for any mover's services performed or agreed to be performed by the owner-operator pursuant to that contract;
- y. "Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety;
- z. "Owner-operator" means a person who owns, leases, or rents one or more motor vehicles and who uses the vehicles to provide mover's services for a contracting public mover.

L.1981, c.311, s.2; amended 1984, c.140, s.1; 1993, c.365, s.1; 1998, c.60, s.1; 2007, c.50, s.1; 2010, c.87, s.26.

45:14D-3. Exclusions

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

- a. The United States, the State, or any local government, subdivision, agency or instrumentality thereof;
- b. Persons transporting property in intrastate commerce without compensation or where such person is the owner of the property and the transportation is not performed as a subterfuge to avoid regulation hereunder.

L.1981, c. 311, s. 3.

45:14D-6 Powers and duties of director

The director shall, in addition to such other powers and duties as the director may possess by law:

- a. Administer and enforce the provisions of P.L.1981, c.311 (C.45:14D-1 et seq.);
- b. Adopt and promulgate rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of P.L.1981, c.311 (C.45:14D-1 et seq.);
- c. Examine and pass on the qualifications of all applicants for license under P.L.1981, c.311 (C.45:14D-1 et seq.), and issue a license to each qualified applicant;

- d. Establish professional standards for persons licensed under P.L.1981, c.311 (C.45:14D-1 et seq.);
- e. Conduct hearings pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.); except that the director shall have the right to administer oaths to witnesses, and shall have the power to issue subpoenas for the compulsory attendance of witnesses and the production of pertinent books, papers, or records;
- f. Conduct proceedings before any board, agency or court of competent jurisdiction for the enforcement of the provisions of P.L.1981, c.311 (C.45:14D-1 et seq.);
- g. Annually publish a list of the names, addresses and tariffs of all persons who are licensed under P.L.1981, c.311 (C.45:14D-1 et seq.);
- h. Establish reasonable requirements with respect to proper and adequate movers' and warehousemen's services and the furnishing of estimates, and prescribe a uniform system of accounts, records and reports;
- i. Adopt and promulgate rules and regulations to protect the interests of the consumer, including, but not limited to, regulations concerning the contents of information brochures which a mover or warehouseman shall give to a customer, in either a written or digital format, prior to the signing of a contract for moving or storage services; and
- j. Coordinate division enforcement efforts with State and local law enforcement agencies as may be appropriate, including but not limited to, exercising authority to impound a motor vehicle for a violation of P.L.1981, c.311 (C.45:14D-1 et seq.).

L.1981, c.311, s.6; amended 1993, c.365, ss.3,19; 2010, c.87, s.27; 2019, c.216, s.1.

45:14D-7 Revocation, suspension, nonrenewal, nonissuance of licenses; grounds, hearing

The director may, after notice and opportunity for a hearing, revoke, suspend or refuse to renew or issue any license issued pursuant to this act upon a finding that the applicant or holder of a license:

- a. Has obtained a license by means of fraud, misrepresentation or concealment of material facts;
- b. Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;
- c. Has engaged in gross negligence or gross incompetence;
- d. Has engaged in repeated acts of negligence or incompetence;
- e. Has repeatedly failed to discharge contractual obligations to any person contracting for moving or storage services;
- f. Has engaged in occupational misconduct;

g. Has been convicted of any crime involving moral turpitude or any crime relating adversely to the activities regulated by P.L.1981, c.311 (C.45:14D-1 et seq.). For the purpose of this subsection, a plea of guilty, non vult, nolo contendere or any other similar disposition of alleged criminal activity shall be deemed a conviction;

h. Has had his authority to engage in the activities regulated by P.L.1981, c.311 (C.45:14D-1 et seq.) revoked or suspended by any other state, agency or authority for reasons consistent with that act; or

i. Has violated or failed to comply with the provisions of P.L.1981, c.311 (C.45:14D-1 et seq.) or any regulation adopted thereunder.

The licensee or applicant shall be furnished with an official statement of the reasons for the director's proposed action and shall be afforded an opportunity for a hearing.

L.1981, c.311, s.7; amended 1984, c.140, s.3; 1993, c.365, s.4; 2010, c.87, s.28.

45:14D-8 Restoration after one year

The director may, after one year from the date of the revocation of any license, restore the license.

L.1981, c.311, s.8; amended 1993, c.365, s.5; 2010, c.87, s.29.

45:14D-9 License required, application, issuance

a. It shall be unlawful for any person to engage in the business of public moving or storage unless he shall have obtained from the director a license to engage in the business and shall have a permanent place of business in this State;

b. Application for a license shall be made in writing to the director, be verified under oath by the agent in charge and shall contain 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. A license shall be issued to a qualified applicant if it is found that the applicant is fit, willing and able to perform the service of a mover or warehouseman, and to conform to the provisions of this act;

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

d. No license shall be issued to an applicant if the applicant has: (1) committed any act which if committed by a licensee would be grounds for suspension or revocation; (2) misrepresented any material fact on his application; (3) not registered each vehicle which will be performing intrastate moves in New Jersey, except on vehicles which have been rented or leased and are operated by a public mover licensed under this act; (4) not established or maintained a place of business in New Jersey;

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

L.1981, c.311, s.9; amended 1984, c.140, s.4; 1993, c.365, s.6; 2010, c.87, s.30.

45:14D-10 Issuance of receipt, bill of lading, electronic warehouse receipt permitted, certain

a. Every person engaged in the business of storing or moving household goods, office goods, or special commodities for transportation in intrastate commerce shall issue a receipt or bill of lading therefor and shall be liable to the lawful holder thereof in accordance with the provisions of chapters 3, 4, 5, and 7 of Title 12A of the New Jersey Statutes. Notwithstanding any other provision of law, a receipt issued pursuant to this section shall not be denied legal effect solely because it is in electronic form, provided that both parties have affirmatively agreed to the electronic form of the receipt, the issuer affirmatively provides to the holder the receipt in an accessible form which is capable of being received, retained and accurately reproduced by the holder, and the receipt contains all legally required information.

b. A contracting public mover may permit an owner-operator providing any mover's services of the public mover to issue, using the forms of the public mover or otherwise in the name of the public mover, a bill of lading and any other documentation evidencing the performance of, or agreement to perform, any mover's services on behalf of the contracting public mover. The contracting public mover shall be liable to the holder of the bill of lading or other documentation as if it provided, or agreed to provide, the mover's services for the consumer.

L.1981, c.311, s.10; amended 2001, c.277; 2007, c.50, s.2.

45:14D-11 Observance of rules and regulations

Every warehouseman or mover shall provide safe, proper and adequate service and shall observe the director's rules and regulations concerning the storage or transportation of property.

L.1981, c.311, s.11; amended 1993, c.365, s.7; 2010, c.87, s.31.

45:14D-11.1 Public mover, written notice provided to consumer of owner operators

a. It shall be unlawful for a contracting public mover to utilize an owner-operator for purposes of the owner-operator providing to a consumer any mover's services of the public mover, unless the public mover provides written notice to the consumer in the order for service provided pursuant to subsection b. of this section, or in an addendum to that order, stating that the mover's services may be performed by an owner-operator. The notice shall include:

(1) (Deleted by amendment, P.L.2009, c.295)

(2) the definition of an owner-operator as provided in section 2 of P.L.1981, c.311 (C.45:14D-2), accompanied by a description of the nature of the relationship between a

public mover and owner-operator and list of typical mover's services to be performed by the owner-operator; and

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

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

c. If a contracting public mover utilizes an owner-operator to perform any mover's services, the owner-operator shall deliver to the consumer with the bill of lading a written statement, on the letterhead of the contracting 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.

L.2007, c.50, s.3; amended 2009, c.295, s.1.

45:14D-12. Limitations of action

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

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

L.1981, c. 311, s. 12.

45:14D-13. Undue or unreasonable preference, advantage, prejudice or disadvantage by mover or warehouseman

It shall be unlawful for any mover or warehouseman to make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, gateway, locality, or traffic of any description in any respect whatsoever, or to subject any particular person, port, gateway, locality, or traffic to any undue or unreasonable prejudice or disadvantage.

L.1981, c. 311, s. 13.

45:14D-14 Tariffs

a. Public movers and warehousemen shall file their tariffs with the director semiannually;

b. Except in the use of binding estimates provided for in section 6 of P.L.1998, c.60 (C.45:14D-29), no public mover or warehouseman shall charge, demand, collect or receive a greater compensation for his service than specified in the tariff.

L.1981, c.311, s.14; amended 1984, c.140, s.5; 1993, c.365, s.8; 1998, c.60, s.2; 2010, c.87, s.32.

45:14D-15 Fees; one-year licenses; fees only to defray expenses

a. The director shall by rule or regulation establish, prescribe or change the fees for licenses, renewals of licenses or other services. Licenses shall expire one year from the date of issue unless the holder thereof shall, 30 days before such expiration, pay to the director a renewal fee accompanied by a renewal application on a form prescribed by the director.

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

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

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

L.1981, c.311, s.15; amended 1993, c.365, s.9; 2010, c.87, s.33.

45:14D-16 Violations, penalties

a. Any person violating any provision of P.L.1981, c.311 (C.45:14D-1 et seq.) shall, in addition to any other sanctions provided herein, be liable to a civil penalty of not more than \$5,000 for the first offense and not more than \$20,000 for the second and each subsequent offense, a portion of which shall be dedicated to cover the administrative costs of the municipality and Division of Consumer Affairs in the Department of Law and Public Safety, as determined by the director. Any person engaging in the unlicensed practice of activities regulated by P.L.1981, c.311 (C.45:14D-1 et seq.) who violates a provision of P.L.1981, c.311 (C.45:14D-1 et seq.) shall be ordered, after a first offense, to delete or block access to any Internet website maintained by the person that advertises the person's unlicensed practice of activities regulated by P.L.1981, c.311 (C.45:14D-1 et seq.). The person shall be liable for an additional penalty of up to \$1,000 each day that the website remains viewable to the public. For the purpose of this section, each transaction or violation shall constitute a separate offense; except a second or subsequent offense shall not be deemed to exist unless an administrative or court order has been entered in a prior, separate and independent proceeding. In lieu of an administrative proceeding or an action in the Superior Court, the Attorney General may bring an action in the name of the director for the collection or enforcement civil penalties for the violation of any provision of that act. The action may be brought in a summary manner

pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), and the rules of court governing actions for the collection of civil penalties in the municipal or Special Civil Part of the Law Division of the Superior Court where the offense occurred. Process in the action may be by summons or warrant and if the defendant in the action fails to answer the action, the court shall, upon finding an unlawful act or practice to have been committed by the defendant, issue a warrant for the defendant's arrest in order to bring the person before the court to satisfy the civil penalties imposed. In an action commenced pursuant to this section, the court may order restored to any person in interest any moneys or property acquired by means of an unlawful act or practice. Any action alleging the unlicensed practice of the activities regulated by P.L.1981, c.311 (C.45:14D-1 et seq.) shall be brought pursuant to this section or, where injunctive relief is sought, by an action commenced in the Superior Court. In an action brought pursuant to that act, the director or the court may order the payment of costs for the use of the State.

b. Any person found to have engaged in the unlicensed practice of activities regulated by P.L.1981, c.311 (C.45:14D-1 et seq.) shall be ordered, after a first violation, to remove or cause to be removed from public view on any Internet website maintained by or on behalf of the person any information that a reasonable person would construe as an offer to perform in this State activities or services subject to regulation under P.L.1981, c.311 (C.45:14D-1 et seq.) and any advertising that suggests that the person is licensed to perform such activities or services in this State. In addition to any other penalties, a person who violates an order entered in accordance with this subsection shall be liable for an additional penalty of up to \$1,000 each day that information on the website is viewable to the public. Nothing in this section shall be construed to impose liability on news media that accept, publish, or accept and publish advertising provided by or on behalf of a third party unrelated to the news media entity that may fall within the scope of P.L.1981, c.311 (C.45:14D-1 et seq.).

L.1981, c.311, s.16; amended 1984, c.140, s.6; 1993, c.365, s.10; 2010, c.87, s.34; 2019, c.216, s.2.

45:14D-16a License required

It shall be an unlawful practice for a person who does not hold a license to engage in the business of public moving or storage issued pursuant to section 9 of P.L.1981, c.311 (C.45:14D-9) to offer to perform activities or services subject to regulation under P.L.1981, c.311 (C.45:14D-1 et seq.) or advertise or cause to be advertised, via an Internet website or by any other means, that the person may perform such activities or services in this State. Nothing in this section shall be construed to impose liability on any news media for accepting or publishing advertising that may fall within the scope of P.L.1981, c.311 (C.45:14D-1 et seq.) if that advertising is provided by or on behalf of a third party unrelated to the news media entity.

L.2019, c.216, s.3.

45:14D-16b Unlawful practice regarding consumer property

It shall be an unlawful practice for a public mover, warehouseman, or any other person, whether or not holding a license issued pursuant to section 9 of P.L.1981, c.311 (C.45:14D-9),

who engages in the business of public moving or storage who knows, or reasonably should know, that the lawfully agreed charges for the moving or storage services have been paid in full by a consumer, to withhold or fail to timely release the consumer's property to the consumer, or to threaten to withhold or fail to timely release the consumer's property to the consumer, or to demand payment beyond or in addition to the lawfully agreed charges for the moving or storage services. Nothing in this section shall be construed to preclude or limit the prosecution or conviction of any person for theft by failure to make required disposition of property in violation of N.J.S.2C:20-9, or any other applicable criminal offense enumerated in chapter 20 of Title 2C.

L.2019, c.216, s.4.

45:14D-16c License required for use of motor vehicle in business of public moving

a. A person owning or operating a motor vehicle who shall use or direct another person to use his motor vehicle for engaging in the business of public moving without having a license as provided for in section 9 of P.L.1981, c.311 (C.45:14D-9), commits a disorderly persons offense. The first offense is punishable by a fine of \$500, and the motor vehicle so used may be impounded; the second or any subsequent offense is punishable by a fine of \$1,000, and the motor vehicle so used may be impounded. In the event of such an impoundment, the person owning or operating the motor vehicle shall notify any consumer whose property is contained in the motor vehicle and shall arrange for the expeditious return of the property to the consumer at the expense of the person owning or operating the motor vehicle.

b. Any law enforcement officer is authorized to remove any motor vehicle used to engage in the business of public moving without having a license as provided for in section 9 of P.L.1981, c.311 (C.45:14D-9) from the public highway to a storage space or garage, and the expense involved in such removal and storing of the vehicle shall be borne by the owner of the vehicle, except that the expense shall be borne by the lessee of a leased vehicle.

L.2019, c.216, s.5.

45:14D-16d Unlicensed person engaging in public moving, storage; crime, penalties

Any person who does not hold a license to engage in the business of public moving or storage issued pursuant to section 9 of P.L.1981, c.311 (C.45:14D-9), who holds himself out as a public mover or warehouseman or as providing mover's services or storage services as defined in section 2 of P.L.1981, c.11 (C.45:12D-2) and engages in the business of public moving or storage shall be guilty of a disorderly persons offense and shall, upon conviction, be punished by a fine of up to \$1,000, or by imprisonment for up to six months, or by both fine and imprisonment. A motor vehicle used to commit a violation of P.L.1981, c.311 (C.45:14D-1 et seq.) may be impounded, and may be held as collateral to secure payment of any fines or towing and storage costs related to the violation and impoundment.

L.2019, c.216, s.6.

45:14D-17 Investigations of suspected violations

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

- a. Require any person to file, on a form to be prescribed, a statement or report in writing under oath, or otherwise, as to the facts and circumstances concerning the rendition of any service or conduct of any sale incidental to the discharge of any act or practice subject to that act;
- b. Examine under oath any person in connection with any act or practice subject to that act;
- c. Inspect any premises from which the activity regulated by that act is conducted;
- d. Examine any goods, ware or item used in the rendition of any service by a public mover or warehouseman;
- e. Examine any record, book, document, account or paper maintained by or for any public mover or warehouseman in the regular course of engaging in the activities regulated by that act or regulations promulgated pursuant to that act;
- f. For the purpose of preserving evidence of an unlawful act or practice, pursuant to an order of the Superior Court, impound any record, book, document, account, paper, goods, ware, or item used or maintained by or for any public mover or warehouseman in the regular course of engaging in the activities regulated by that act or regulations promulgated pursuant to that act. When necessary, the Superior Court may, on application of the Attorney General, issue an order sealing items or material subject to this subsection.

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

L.1984, c.140, s.7; amended 1993, c.365, s.11; 2010, c.87, s.35.

45:14D-18 Court order

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

- a. Adjudging that person in contempt of court and assessing civil penalties in accordance with the amounts prescribed by that act; or
- b. Granting other relief as required; or

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

L.1984, c.140, s.8; amended 1993, c.365, s.12; 2010, c.87, s.36.

45:14D-19. Refusal to testify on grounds of incrimination; compliance with direction to testify; immunity from penalty or forfeiture

If a person who refuses to testify or produce any book, paper, or other document in any proceeding under P.L.1981, c. 311 (C. 45:14D-1 et seq.) for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him, or convict him of a crime, is directed to testify or to produce the book, paper, or document by the Attorney General, he shall comply with the direction.

A person who is entitled by law to, and does assert a privilege, and who complies with the direction of the Attorney General, shall not thereafter be prosecuted or subject to any penalty or forfeiture in any criminal proceeding which arises out of and relates to the subject matter of the proceeding. No person so testifying shall be exempt from prosecution or punishment for perjury or false swearing committed by him in giving the testimony or from any civil or administrative action arising from the testimony.

L.1984, c. 140, s. 9, eff. Sept. 6, 1984.

45:14D-20 Additional penalties

In addition or as an alternative, as the case may be, to revoking, suspending or refusing to renew any license, the director may, after affording an opportunity to be heard:

- a. Assess civil penalties in accordance with P.L.1981, c.311 (C.45:14D-1 et seq.);
- b. Order that any person violating any provision of that act cease and desist from future violations thereof or take affirmative corrective action as necessary with regard to any act or practice found to be unlawful by the director;
- c. Order any person found to have violated any provision of that act to restore or to return to any person aggrieved by an unlawful act or practice any moneys or property, real or personal, acquired by means of that act or practice; except that the director shall not order restoration in a dollar amount greater than those moneys received by a licensee or his agent or any other person violating that act.

In any administrative proceeding on a complaint alleging a violation of that act, the director may issue subpoenas to compel the attendance of witnesses or the production of books, records, or documents at the hearing on the complaint.

L.1984, c.140, s.10; amended 1993, c.365, s.13; 2010, c.87, s.37.

45:14D-21 Injunctive relief

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

L.1984, c.140, s.11; amended 1993, c.365, s.14; 2010, c.87, s.38.

45:14D-22 Docketing of judgment

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

An action to enforce the provisions of an order entered by the director or to collect a penalty levied thereby may be brought in any municipal or Special Civil Part of the Law Division of the Superior Court or the Superior Court in a summary manner pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) and the rules of court governing the collection of civil penalties. Process in the action shall be by summons or warrant, and if the defendant fails to answer the action, the court shall issue a warrant for the defendant's arrest for the purpose of bringing the person before the court to satisfy any order entered.

L.1984, c.140, s.12; amended 1993, c.365, s.15; 2010, c.87, s.39.

45:14D-23 Violation of cease and desist order

When it shall appear to the director or the Attorney General that a person against whom a cease and desist order has been entered has violated the order, the director or the Attorney General may initiate a summary proceeding in the Superior Court for the violation thereof. Any person found to have violated a cease and desist order shall pay to the State of New Jersey civil penalties in the

amount of not more than \$25,000.00 for each violation of the order. If a person fails to pay a civil penalty assessed by the court for violation of a cease and desist order, the court assessing the unpaid penalty is authorized, upon application of the director or the Attorney General, to grant any relief which may be obtained under any statute or court rule governing the collection and enforcement of penalties.

L.1984, c.140, s.13; amended 1993, c.365, s.16; 2010, c.87, s.40.

45:14D-24. Person with ascertainable loss due to unlawful act; action or counterclaim; triple damages; attorney's fees, filing fees and costs

Any person who suffers any ascertainable loss of moneys or property, real or personal, as a result of the use or employment by another person of any method, act, or practice declared unlawful under P.L.1981, c. 311 (C. 45:14D-1 et seq.) may bring an action or assert a counterclaim therefor in any court of competent jurisdiction. In any action under this section the court shall, in addition to any appropriate legal or equitable relief, award threefold the damages sustained by any person in interest. In all actions under this section the court shall also award reasonable attorney's fees, filing fees, and reasonable costs of suit.

L.1984, c. 140, s. 14, eff. Sept. 6, 1984.

45:14D-25 Insurance requirements

No license shall be issued to a warehouseman or mover or remain in force unless the warehouseman or mover complies with the rules or regulations that the director shall prescribe governing policies of insurance, qualifications as a self-insurer or other securities or agreements in the amount that the director may require.

L.1984, c.140, s.15; amended 1993, c.365, s.17; 2010, c.87, s.41.

45:14D-25.1 Contracting public mover, additional coverage of certain owner-operators

A contracting public mover shall add as an additional covered insured under its policies of insurance or other securities or agreements, as required pursuant to section 15 of P.L.1984, c.140 (C.45:14D-25), any owner-operator contracted to perform any mover's services of the public mover, or secure and maintain separate insurance coverage, or other securities or agreements, of the type and amount required pursuant to regulation for the public mover's liability for any act or omission of an owner-operator for which the public mover is liable pursuant to P.L.1981, c.311 (C.45:14D-1 et seq.) and any applicable regulation.

L.2007, c.50, s.4.

45:14D-25.2 Public mover, proof of insurance, workers compensation coverage required of owner-operator

- a. An owner-operator, in order to enter into any contract with a public mover to perform any mover's services of the public mover, shall secure and maintain insurance, or other securities or agreements for workers' compensation coverage, of the type and amount required pursuant to regulation.
- b. A public mover shall not contract with an owner-operator until the owner-operator presents the public mover with proof of adequate workers' compensation coverage.

L.2007, c.50, s.5; amended 2009, c.295, s.2.

45:14D-25.3 Rules, regulations

The director shall promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of this act.

L.2007, c.50, s.6.

45:14D-26 Notification to BPU of unlicensed mover

The director shall notify the Board of Public Utilities of the business location and telephone number of any public mover that does not have a valid license issued by the director.

L.1998, c.60, s.3; amended 2010, c.87, s.42.

45:14D-27 Order to disconnect unlicensed mover's telephone

When notified by the director pursuant to section 3 of P.L.1998, c.60 (C.45:14D-26), the Board of Public Utilities shall order the servicing telecommunications company to disconnect that mover's telephone number that is published in any commercial listing.

L.1998, c.60, s.4; amended 2010, c.87, s.43.

45:14D-28 Disconnection of unlicensed mover's telephone

5. When ordered by the Board of Public Utilities pursuant to section 4 of P.L.1998, c.60 (C.45:14D-27), the telecommunications company shall disconnect that mover's telephone number that is published in any commercial listing.

L.1998,c.60,s.5.

45:14D-29 Furnishing of binding estimate in writing; violations, penalties

- a. If a binding estimate is used for moving, the estimate shall be furnished in writing to the customer or other person responsible for payment of the charges for the mover's services and

a copy of the estimate shall be retained by the public mover as an addendum to the bill of lading. A binding estimate shall clearly indicate on its face that the estimate is binding on the public mover and that the charges shown are the charges to be assessed for the services identified in the estimate. A binding estimate shall clearly describe the property to be moved and all services to be provided. If, at the time of the move, additional property is to be moved or additional services are to be provided, or both, that are in excess of that provided in the binding estimate, the mover shall not charge, demand, collect or receive a greater compensation for those services than specified in his filed tariff.

b. (1) No mover shall withhold all or any part of a shipment if the amount due on the moving contract based on a binding estimate in regard to the move is offered to be paid, or is paid, in full to the mover.

(2) No mover shall withhold all or any part of a shipment pursuant to a moving contract not based on a binding estimate unless the mover discloses in the moving contract that the mover may withhold all or a part of the shipment for payment of the freight bill.

c. A mover shall disclose in the moving contract that the mover may not withhold all or any part of a shipment if:

(1) the moving contract is based on a binding estimate and the amount due on a binding estimate for the move is offered to be paid, or is paid, in full to the mover; and

(2) the moving contract is not based on a binding estimate and the mover has not otherwise disclosed in the moving contract that the mover may withhold all or any part of the shipment for payment of the freight bill.

d. A mover which violates any provision of this section shall be liable to a civil penalty of not less than \$1,000 nor more than \$5,000 for a first violation and not less than \$5,000 nor more than \$10,000 for a subsequent violation. The penalty prescribed in this section shall be collected and enforced by summary proceedings pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

L.1998,c.60,s.6.

45:14D-30 Annual report

The Division of Consumer Affairs shall annually submit a report to the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), which provides information on the enforcement and violations of P.L.1981, c.311 (C.45:14D-1 et seq.). The report shall include a description of all enforcement proceedings undertaken at the State and local levels and violations of P.L.1981, c.311 (C.45:14D-1 et seq.) in the preceding year and may include recommendations to improve enforcement of P.L.1981, c.311 (C.45:14D-1 et seq.).

L.2019, c.216, s.7.