

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 1682

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 24, 1997

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 1682.

This bill repeals section 14 of P.L.1981, c.311 (C.45:14D-14), and removes other references to tariffs in the "Public Movers and Warehousemen Licensing Act," (C.45:14D-1 et seq.) to eliminate the statutory requirement that public movers and warehousemen file tariffs. Under current law, the tariff, which is a schedule of rates and charges for the storage or transportation of property in intrastate commerce, must be used in computing all charges on the storage or transportation of property.

The bill requires applicants for licensure and those persons already licensed under the provisions of the act to submit to a State and federal criminal history background check, to determine whether those persons are fit to be so licensed. The State Board of Public Movers and Warehousemen shall determine that an applicant for licensure is unfit to be licensed and may revoke the licensure of a person currently licensed if that person meets the criteria for disqualification as provided in the bill. However, no individual shall be disqualified from licensure on the basis of a conviction disclosed by a criminal history record check if the individual has affirmatively demonstrated to the board clear and convincing evidence of his rehabilitation.

The committee amended the bill to:

a. Require that a binding estimate for moving be in writing and indicate on its face that the estimate is binding on the mover;

b. Prohibit a mover from withholding all or any part of a shipment if: (1) the moving contract is based on a binding estimate and the amount due for the move is offered to be paid, or is paid, in full to the mover; or (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; and

c. Require licensees to maintain a bond, letter of credit or securities of not less than \$10,000 for the protection of their customers.