

56:8-117

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 21

NJSA: 56:8-117 (Window tinting)

BILL NO: A2924 (Substituted for S1974)

SPONSOR(S): Cruz-Perez and Smith

DATE INTRODUCED: October 21, 2002

COMMITTEE: **ASSEMBLY:** Consumer Affairs

SENATE: Law and Public Safety

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 13, 2003

SENATE: December 16, 2002

DATE OF APPROVAL: February 27, 2003

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Senate Committee Substitute enacted)

A2924

[SPONSORS STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

S1974

[SPONSORS STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

Bill and Sponsors Statement identical to A2924

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

P.L. 2003, CHAPTER 21, *approved February 27, 2003*
Senate Committee Substitute for
Assembly, No. 2924

1 AN ACT concerning motor vehicle window tinting and supplementing
2 P.L.1960, c.39 (C.56:8-1 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. It shall be an unlawful practice for a person engaged in the
8 retail sale and installation of motor vehicle window tinting materials
9 or film to:

10 a. Sell any such material or film without first notifying the
11 purchaser that the application of these materials or film to the
12 windshield or the front windows to the left and right of the driver of
13 any motor vehicle registered in the State is a violation of State law and
14 regulation. The notice required under this paragraph shall be given by
15 the conspicuous posting of a sign at the point where the window
16 tinting materials or film are offered for sale. The sign shall state
17 substantially the following:

18 "NJ STATE LAW PROHIBITS ADD-ON TINTING ON
19 WINDSHIELDS AND FRONT SIDE WINDOWS"

20 The notice required under this paragraph shall not apply to catalog
21 sales of motor vehicle tinting materials or film where the purchase and
22 payment are made by mail, telephone or other telecommunications or
23 electronic method; or

24 b. Install or apply any such material or film on or to the windshield
25 or the windows to the left and right of the driver of any motor vehicle
26 registered in the State unless the purchaser exhibits a certificate or
27 card, issued pursuant to P.L.1999, c.308 (C.39:3-75.1 et seq.),
28 authorizing the installation or application of the material or film on or
29 to the windshield or front windows to the left and right of the driver
30 of that car for medical reasons involving ophthalmic or dermatologic
31 photosensitivity.

32

33 2. The Director of the Division of Consumer Affairs in the
34 Department of Law and Public Safety shall:

35 a. Pursuant to the provisions of the "Administrative Procedure
36 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate rules and
37 regulations to effectuate the purposes of this act; and

38 b. Develop and undertake a public information program to inform
39 persons engaged in the retail sale and installation of motor vehicle
40 window tinting materials and film and the general public of the
41 provisions of this act.

1 3. This act shall take effect on the first day of the fourth month
2 following enactment.

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7 Makes it an unlawful practice for retailers to sell or install motor
8 vehicle window tinting without first informing customer of State
9 restrictions.

ASSEMBLY, No. 2924

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED OCTOBER 21, 2002

Sponsored by:

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Assemblyman ROBERT J. SMITH

District 4 (Camden and Gloucester)

Co-Sponsored by:

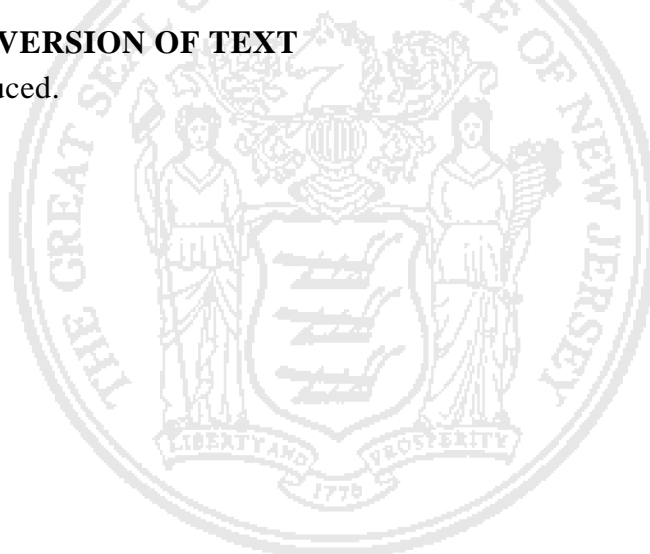
Assemblywoman Previte, Assemblyman Roberts, Assemblywomen Weinberg, Quigley, Perez-Cinciarelli, Assemblyman Eagler, Assemblywoman Greenstein, Assemblyman Gear, Assemblywoman Friscia, Assemblymen Burzichelli, Fisher and Fraguela

SYNOPSIS

Makes it an unlawful practice for retailers to sell or install motor vehicle window tinting without first informing customer of State restrictions.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning motor vehicle window tinting and supplementing
2 P.L.1960, c.39 (C.56:8-1 et seq.).

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. It shall be an unlawful practice for a person engaged in the
8 retail sale and installation of motor vehicle window tinting materials
9 or film to:

10 (1) Sell any such material or film without first notifying the
11 purchaser that the application of these materials or film to the
12 windshield or the windows to the left and right of the driver of any
13 motor vehicle registered in the State is a violation of State law and
14 regulation, except in certain cases involving ophthalmic or
15 dermatologic photosensitivity pursuant to P.L.1999, c.308 (C.39:3-
16 75.1); or

17 (2) Install or apply any such material or film on or to the
18 windshield or the windows to the left and right of the driver of any
19 motor vehicle registered in the State without first notifying the
20 purchaser that such installation or application is a violation of State
21 law and regulation, except in certain cases involving ophthalmic or
22 dermatologic photosensitivity pursuant to P.L.1999, c.308 (C.39:3-
23 75.1).

24 b. A person engaged in the retail sale or installation of motor
25 vehicle window tinting materials or film shall not be guilty of an
26 unlawful practice under this section if that person can provide a signed
27 statement from the purchaser that the notice required under subsection
28 a. of this section was given.

29
30 2. The Director of the Division of Consumer Affairs in the
31 Department of Law and Public Safety shall:

32 a. Pursuant to the provisions of the "Administrative Procedure
33 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate rules and
34 regulations to effectuate the purposes of this act; and

35 b. Develop and undertake a public information program to inform
36 persons engaged in the retail sale and installation of motor vehicle
37 window tinting materials and film and the general public of the
38 provisions of this act.

39
40 3. This act shall take effect on the first day of the fourth month
41 following enactment.

42
43 STATEMENT

44
45 This supplement to the Consumer Fraud Act (P.L.1960, c.39;
46 C.56:8-1 et seq.) would make it an unlawful practice for a person

1 engaged in the retail business of selling or installing motor vehicle
2 window tinting materials or film to sell or install that material or film
3 without first notifying the customer that the application of those types
4 of materials or film to the windshield or windows to the right or left
5 of the driver on any car registered in New Jersey is a violation of State
6 law and regulation, except in certain cases involving ophthalmic or
7 dermatologic conditions.

8 A retailer can establish that he has not committed an unlawful
9 practice by providing a signed statement from the purchaser that the
10 required information was given prior to the sale or installation of the
11 window tinting material or film.

12 A person who commits an unlawful practice under the Consumer
13 Fraud Act is liable for a monetary penalty of not more than \$10,000
14 for a first offense and not more than \$20,000 for any subsequent
15 offense. In addition, the commission of an unlawful practice can
16 result in cease and desist orders issued by the Attorney General, the
17 assessment of punitive damages and the awarding of treble damages
18 and costs to the injured party.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2924

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 7, 2002

The Assembly Consumer Affairs Committee reports favorably and with committee amendments Assembly Bill No. 2924.

Assembly Bill No. 2924, as amended by the committee, supplements the Consumer Fraud Act, P.L.1960, c.39 (C.56:8-1 et seq.) to make it an unlawful practice for a person engaged in the retail business of selling or installing motor vehicle window tinting materials or film to install that material or film to the windshield or front windows to the right or left of the driver on any motor vehicle registered in New Jersey unless the purchaser exhibits a certificate or card, issued pursuant to P.L.1999, c.308 (C.39:3-75.1 et seq.), authorizing the application of that material or film on that motor vehicle for medical reasons involving ophthalmic or dermatologic photosensitivity.

As received by the committee, the bill also would have regulated the retail sale of motor vehicle window tinting materials and film by requiring the seller to first notify the purchaser that the application of those types of materials or film to the windshield or front windows to the left or right of the driver on any motor vehicle registered in New Jersey is a violation of State law and regulation, except in certain instances involving specific medical conditions. Further, the bill offered retail sellers a statutory defense by providing that a retailer could establish that he had not committed an unlawful practice by providing a signed statement from the purchaser that the required information was given prior to the sale of the window tinting material or film.

A person who commits an unlawful practice under the Consumer Fraud Act is liable for a monetary penalty of not more than \$10,000 for a first offense and not more than \$20,000 for any subsequent offense. In addition, the commission of an unlawful practice can result in cease and desist orders issued by the Attorney General, the assessment of punitive damages and the awarding of treble damages and costs to the injured party.

COMMITTEE AMENDMENTS:

The committee amended the bill to limit its provisions of the installation and application of window tinting materials and film, specifying that it is an unlawful practice for a retailer to install any tinting material or film on any motor vehicle registered in the State of New Jersey unless the purchaser can exhibit a certificate or card, issued pursuant to P.L.1999, c.308 (C.39:3-75.1 et seq.), authorizing the application of that material or film on that motor vehicle for medical reasons involving ophthalmic or dermatologic photosensitivity.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2924

STATE OF NEW JERSEY

DATED: NOVEMBER 25, 2002

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably a Senate Committee Substitute for Assembly Bill No. 2924.

This committee substitute supplements the Consumer Fraud Act, P.L.1960, c.39 (C.56:8-1 et seq.), to make it an unlawful practice for a person engaged in the retail business of selling motor vehicle window tinting materials or film to install that material or film to the windshield or front windows to the right or left of the driver on any motor vehicle registered in New Jersey unless the seller first notifies the purchaser that the application of those types of materials or film to the windshield or front windows to the left or right of the driver on any motor vehicle registered in New Jersey is a violation of State law and regulation. The notice must be given by the conspicuous posting of a sign at the point where the window tinting materials or film are offered for sale, and would not apply to catalog sales of motor vehicle tinting materials or film where the purchase and payment are made by mail, telephone or other telecommunications or electronic methods.

The committee substitute further prohibits a person from installing or applying such materials on or to the windshield or the windows to the left and right of the driver of any motor vehicle registered in the State unless the purchaser exhibits a certificate or card, issued pursuant to P.L.1999, c.308 (C.39:3-75.1 et seq.), authorizing the application of that material or film on that motor vehicle for medical reasons involving ophthalmic or dermatologic photosensitivity.

A person who commits an unlawful practice under the Consumer Fraud Act is liable for a monetary penalty of not more than \$10,000 for a first offense and not more than \$20,000 for any subsequent offense. In addition, the commission of an unlawful practice can result in cease and desist orders issued by the Attorney General, the assessment of punitive damages and the awarding of treble damages and costs to the injured party.

This committee substitute is identical to Senate Bill No. 1974, which was amended and released by the committee on this same date.

SENATE, No. 1974

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED OCTOBER 17, 2002

Sponsored by:

Senator JOHN J. MATHEUSSEN
District 4 (Camden and Gloucester)

Co-Sponsored by:

Senators Palaia and Inverso

SYNOPSIS

Makes it an unlawful practice for retailers to sell or install motor vehicle window tinting without first informing customer of State restrictions.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/26/2002)

1 AN ACT concerning motor vehicle window tinting and supplementing
2 P.L.1960, c.39 (C.56:8-1 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. It shall be an unlawful practice for a person engaged in the
8 retail sale and installation of motor vehicle window tinting materials
9 or film to:

10 (1) Sell any such material or film without first notifying the
11 purchaser that the application of these materials or film to the
12 windshield or the windows to the left and right of the driver of any
13 motor vehicle registered in the State is a violation of State law and
14 regulation, except in certain cases involving ophthalmic or
15 dermatologic photosensitivity pursuant to P.L.1999, c.308 (C.39:3-
16 75.1); or

17 (2) Install or apply any such material or film on or to the
18 windshield or the windows to the left and right of the driver of any
19 motor vehicle registered in the State without first notifying the
20 purchaser that such installation or application is a violation of State
21 law and regulation, except in certain cases involving ophthalmic or
22 dermatologic photosensitivity pursuant to P.L.1999, c.308 (C.39:3-
23 75.1).

24 b. A person engaged in the retail sale or installation of motor
25 vehicle window tinting materials or film shall not be guilty of an
26 unlawful practice under this section if that person can provide a signed
27 statement from the purchaser that the notice required under subsection
28 a. of this section was given.

29

30 2. The Director of the Division of Consumer Affairs in the
31 Department of Law and Public Safety shall:

32 a. Pursuant to the provisions of the "Administrative Procedure
33 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate rules and
34 regulations to effectuate the purposes of this act; and

35 b. Develop and undertake a public information program to inform
36 persons engaged in the retail sale and installation of motor vehicle
37 window tinting materials and film and the general public of the
38 provisions of this act.

39

40 3. This act shall take effect on the first day of the fourth month
41 following enactment.

42

43

44

STATEMENT

45

46 This supplement to the Consumer Fraud Act (P.L.1960, c.39;
47 C.56:8-1 et seq.) would make it an unlawful practice for a person

S1974 MATHEUSSEN

1 engaged in the retail business of selling or installing motor vehicle
2 window tinting materials or film to sell or install that material or film
3 without first notifying the customer that the application of those types
4 of materials or film to the windshield or windows to the right or left
5 of the driver on any car registered in New Jersey is a violation of State
6 law and regulation, except in certain cases involving ophthalmic or
7 dermatologic conditions.

8 A retailer can establish that he has not committed an unlawful
9 practice by providing a signed statement from the purchaser that the
10 required information was given prior to the sale or installation of the
11 window tinting material or film.

12 A person who commits an unlawful practice under the Consumer
13 Fraud Act is liable for a monetary penalty of not more than \$10,000
14 for a first offense and not more than \$20,000 for any subsequent
15 offense. In addition, the commission of an unlawful practice can
16 result in cease and desist orders issued by the Attorney General, the
17 assessment of punitive damages and the awarding of treble damages
18 and costs to the injured party.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1974

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 25, 2002

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 1974.

As amended and released by the committee, this bill supplements the Consumer Fraud Act, P.L.1960, c.39 (C.56:8-1 et seq.), to make it an unlawful practice for a person engaged in the retail business of selling motor vehicle window tinting materials or film to install that material or film to the windshield or front windows to the right or left of the driver on any motor vehicle registered in New Jersey unless the seller first notifies the purchaser that the application of those types of materials or film to the windshield or front windows to the left or right of the driver on any motor vehicle registered in New Jersey is a violation of State law and regulation. The notice must be given by the conspicuous posting of a sign at the point where the window tinting materials or film are offered for sale, and would not apply to catalog sales of motor vehicle tinting materials or film where the purchase and payment are made by mail, telephone or other telecommunications or electronic methods.

The bill further prohibits a person from installing or applying such materials on or to the windshield or the windows to the left and right of the driver of any motor vehicle registered in the State unless the purchaser exhibits a certificate or card, issued pursuant to P.L.1999, c.308 (C.39:3-75.1 et seq.), authorizing the application of that material or film on that motor vehicle for medical reasons involving ophthalmic or dermatologic photosensitivity.

As introduced, the bill made it an unlawful practice for a person to sell or install such materials without first notifying the customer that the application of those types of materials or film to the windshield or windows to the right or left of the driver on any car registered in New Jersey is a violation of State law and regulation, except in certain cases involving ophthalmic or dermatologic conditions. The bill permitted the retailer to establish that he had not committed an unlawful practice by providing a signed statement from the purchaser that the required

information was given prior to the sale or installation of the window tinting material or film.

A person who commits an unlawful practice under the Consumer Fraud Act is liable for a monetary penalty of not more than \$10,000 for a first offense and not more than \$20,000 for any subsequent offense. In addition, the commission of an unlawful practice can result in cease and desist orders issued by the Attorney General, the assessment of punitive damages and the awarding of treble damages and costs to the injured party.

As amended and released by the committee, this bill is identical to the Senate Committee Substitute for Assembly Bill No. 2924 (1R), which also was released by the committee on this same date.