

LEGISLATIVE HISTORY OF R.S. 17:10-18
(Small loan business - Assignment of wages)

COPY NO. 1

- L. 1914, Chapter 49 (§ 7, p. 79) - S5
Introduced January 13 by Mr. Egan.
Amended during passage.
No statement on bill (~~copy of bill enclosed~~).
- L. 1932, Chapter 62 (§ 17, p. 105) - S235
Introduced February 24 by Mr. Read.
Amended during passage.
No statement on bill (~~copy of bill enclosed~~).
- L. 1937, Chapter 171 (§ 1, p. 413) - A472
Introduced March 22 by Mr. Bischoff.
Not amended during passage.
Statement on bill (~~copy of bill enclosed~~ and statement enclosed).
- L. 1948, Chapter 71 (§ 6, p. 427) - S248
Introduced March 15 by Mr. Barton.
Not amended during passage.
Statement on bill (~~copy of bill enclosed~~ and statement enclosed).
- ✓ L. 1961, Chapter 121 (§ 8, p. 727) - A667
Introduced May 15 by Assemblymen Farrington & Maraziti.
Not amended during passage.
No statement on bill (copy of § 8 of bill enclosed).
- L. 1963, Chapter 81 (§ 5) - A690
Introduced April 22 by Assemblymen Hauser & Beadleston.
Not amended during passage (copy of § 5 of bill enclosed).
Statement on bill:

This bill is intended to correct certain
typographical and similar errors found in the statutes.
Its enactment is recommended by the Law Revision
and Legislative Services Commission for that purpose.

I am enclosing:

974.90 N.J. Legislature. Joint Commission to
B218 Investigate Dept. of Banking and
1929 Insurance. Report, 1929.

Barrett, Roger S.
Compilation of consumer finance
laws and of usury, sales finance, and
allied laws. 1952. (see especially
p. 389).

CK/PC

May 16, 1966

R.S. 17:10-18

- LEGISLATIVE NOTES ON R.S. 17:10-18
(Assignment of Wages)

L. 1911, Chapter 49 (§ 7, p. 79) - S5
Introduced January 13 by Mr. Egan.
Amended during passage.
No statement on bill.

COPY NO. 1

This section read:

No assignment of or order for wages earned or to be earned in the future to secure a loan or advancement of three hundred (300) dollars or less shall be valid against the employer of the person making such assignment or order unless such assignment or order is accepted in writing by said employer.

This provision requiring consent of employer was deleted in:

L. 1932, Chapter 62 (§ 17, p. 105) - S235
Introduced February 24 by Mr. Read.
Amended during passage.
No statement on bill.

New Jersey was the second state to enact legislation regulating the small loan business. The pioneer state in this field was Massachusetts.

Chapter 727 of Acts of Massachusetts of 1911 required the consent of the employer in any assignment of wages. This particular provision of the Massachusetts law was deleted in 1916, for reasons outlined in "The history and purpose of the wage assignment statutes with a suggestion for an amendment." 5 Massachusetts Law Quarterly 479, 1920. (See especially p. 486).

I am enclosing a copy of this article on the possibility that the analysis for the change in Massachusetts (the "model" for New Jersey's small loan laws) may provide clues for the change in New Jersey.

CK/PC

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~~██████████~~
974.90 N.J. Legislature. Joint Commission to
B218 Investigate Dept. of Banking and
1929 Insurance. Report, 1929.

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Compilation of consumer finance
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p. 389).

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15 Under any such assignment or order for the payment of future salary,
16 wages, commissions, or other compensation for services, given as security
17 for a loan made by any licensee under this act a sum equal to ten per
18 centum (10%) of the borrower's salary, wages, commissions, or other com-
19 pensation for services shall be collectible from the employer of the bor-
20 rower by the licensee at the time of each payment to the borrower of such
21 salary, wages, commissions, or other compensation for services, from the
22 time that a copy of such assignment, verified by the oath of the licensee or
23 his agent, together with a similarly verified statement of the amount unpaid
23½ upon such loan, is served upon the employer.

24 No assignment of or order for wages earned or to be earned in the
25 future by any municipal or county employee to secure a loan for advance-
26 ment of three hundred dollars (\$300.00) or less shall be valid against any
27 municipality or county employing the person making such assignment or
28 order unless such assignment or order is accepted in writing by said muni-
29 cipality or county.

1 2. All acts or parts of acts either general or special, inconsistent with
2 the provisions of the foregoing are hereby repealed.

1 3. This act shall take effect immediately.

STATEMENT

The purpose of this act is set forth in its title.

1 9. Nothing herein contained shall be construed to impair or affect the
2 obligation of any contract which was lawfully made prior to the effective
3 date of this act.

1 10. If any clause, sentence, section, provision or part of this act shall
2 be adjudged to be unconstitutional or invalid for any reason by any court of
3 competent jurisdiction, such judgment shall not impair, affect, or invalidate
4 the remainder of this act, which shall remain in full force and effect
5 thereafter.

1 11. This act shall take effect immediately.

STATEMENT

The object of this bill is to restate the statutes governing the making of small loans not exceeding five hundred dollars (\$500.00). The maximum rate for licensees on the portion of the loan between three hundred dollars (\$300.00) and five hundred dollars (\$500.00) would be limited to one-half of one per centum ($\frac{1}{2}$ of 1%) a month.

5248 (1948)

CHAPTER 12 LAWS OF N. J. 1961

APPROVED 11-30-61

ASSEMBLY, No. 667

STATE OF NEW JERSEY

INTRODUCED MAY 15, 1961

By Assemblymen FARRINGTON and MARAZITI

Referred to Committee on Judiciary

AN ACT concerning statutes and revising part of the statute law in connection with the enactment of the Uniform Commercial Code.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 2A:14-1 of the New Jersey Statutes is amended to read as
2 follows:

3 2A:14-1. Every action at law for trespass to real property, for
4 any tortious injury to real or personal property, for taking, detaining, or
5 converting personal property, for replevin of goods or chattels, for any tor-
6 tious injury to the rights of another not stated in sections 2A:14-2 and
7 2A:14-3 of this Title, or for recovery upon a contractual claim or liability,
8 express or implied, not under seal, or upon an account other than one which
9 concerns the trade or merchandise between merchant and merchant, their
10 factors, agents and servants, shall be commenced within 6 years next after
11 the cause of any such action shall have accrued.

12 *This section shall not apply to any action for breach of any contract for*
13 *sale governed by section 12A:2-725 of the New Jersey Statutes.*

1 2. Section 2A:14-4 of the New Jersey Statutes is amended to read as
2 follows:

3 2A:14-4. Every action at law for rent or arrears of rent, founded upon
4 a lease under seal, every action at law upon a single or penal bill under

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law,

5 seal for the payment of money only, upon an obligation under seal condi-
 6 tioned for the payment of money only, upon a recognizance or upon an award
 7 under the hands and seals of arbitrators for the payment of money only
 8 shall be commenced within 16 years next after the cause of any such action
 9 shall have accrued. If, however, any payment is made on any such lease,
 10 specialty, recognizance or award within or after such period of 16 years, an
 11 action thereon may be commenced within 16 years next after such payment,
 12 and not thereafter.

13 *This section shall not apply to any action for breach of any contract for*
 14 *sale governed by section 12A:2-725 of the New Jersey Statutes.*

1 3. Section 2A:14-28 of the New Jersey Statutes is amended to read as
 2 follows:

3 2A:14-28. If, in any of the actions or proceedings specified in sections
 4 2A:14-1 to 2A:14-19, sections 2A:14-22 to 2A:14-25 or section 2A:14-27 of
 5 this Title, judgment is given for the plaintiff therein, and such judgment is
 6 reversed on appeal, or, if a judgment pass for the plaintiff and, upon mo-
 7 tion for relief from the judgment, judgment is given against him, the plain-
 8 tiff, his heirs, executors or administrators, may commence a new action
 9 within 1 year next after the judgment is reversed or judgment is given
 10 against plaintiff, and not thereafter.

11 *This section shall not apply to any action for breach of any contract for*
 12 *sale governed by section 12A:2-725 of the New Jersey Statutes.*

1 4. Section 2A:44-21 of the New Jersey Statutes is amended to read as
 2 follows:

3 2A:44-21. A garage keeper who shall store, maintain, keep or repair a
 4 motor vehicle or furnish gasoline, accessories or other supplies therefor, at
 5 the request or with the consent of the owner or his representative, shall have
 6 a lien upon the motor vehicle or any part thereof for the sum due for such
 7 storing, maintaining, keeping or repairing of such motor vehicle or for fur-
 8 nishing gasoline, accessories or other supplies therefor, and may, without
 9 process of law, detain the same at any time it is lawfully in his possession
 10 until the sum is paid.

11 The lien shall not be superior to, nor affect a lien, title or interest of a
 12 person held by virtue of a prior conditional sale or a prior chattel mortgage
 13 properly recorded *or a prior security interest perfected in accordance with*
 14 *chapter 9 of Title 12A of the New Jersey Statutes.*

1 5. When a financing statement, of the character described in section
 2 12A:9-402 of the New Jersey Statutes, is filed in the office of the Secretary
 3 of State or of the Director of the Division of Motor Vehicles in the Depart-
 4 ment of the Treasury or of any county clerk or register of deeds and mort-
 5 gages of any county, or in any 1 or more of such offices, the Superior Court,
 6 in a summary or other action, brought by any party in interest, may direct
 7 the county clerk, the register of deeds and mortgages, the Secretary of State
 8 or said Director of the Division of Motor Vehicles, or any 1 or more of them
 9 in whose office such statement is filed, to remove the financing statement from
 10 the files, mark it "terminated," and send or deliver it and any documents
 11 relating thereto filed in such office to the plaintiff or other person entitled
 12 thereto, provided the plaintiff shall

13 a. Present satisfactory proof that the principal and interest due on the
 14 obligation evidenced by the financing statement have been fully paid; or

15 b. Deposit with the clerk of the Superior Court any balance of prin-
 16 cipal and interest due on the obligation evidenced by the financing statement
 17 according to the terms thereof; or

18 c. Present such special circumstances as to satisfy the court that the
 19 secured party or their successors, if any, in right, title and interest have no
 20 further interest in the collateral or in the debt secured thereby.

1 6. Section 1 of chapter 53 of the laws of 1939 is amended to read as
 2 follows:

3 1. Whenever a conditional vendor, bailor, or owner of the general prop-
 4 erty in goods or chattels *or a secured party as defined in section 12A:9-105*
 5 *of the New Jersey Statutes* or the assignee or assignees of said conditional
 6 vendor, bailor or owner of the general property in goods or chattels *or of any*
 7 *such secured party*, shall institute suit for damages to said goods or chattels

8 *or the collateral as defined in said section of the New Jersey Statutes*, while
 9 the same are in the custody, control or possession of the conditional vendee,
 10 bailee, or owner of the special property in said goods or chattels *or debtor*
 11 *as defined in said section of the New Jersey Statutes* or the agents, serv-
 12 ants, or employees of said conditional vendee, bailee, or owner of the special
 13 property in said goods and chattels *or of such debtor*, against a third party or
 14 parties, or against the agents, servants, or employees of said third party or
 15 parties, or both, based on the negligence of the said third party or parties,
 16 or the agents, servants, or employees of said third party or parties, the con-
 17 tributory negligence of the conditional vendee, bailee, or owner of the special
 18 property in said goods or chattels *or of such debtor*, or of the agents, serv-
 19 ants, or employees of said conditional vendee, bailee or owner of the said
 20 special property in said goods or chattels *or of such debtor*, shall constitute
 21 a proper and valid defense to said action and be a complete bar to recovery
 22 in the same manner as though suit were brought by the conditional vendee,
 23 bailee, or owner of the special property in said goods or chattels *or such*
 24 *debtor* or by the agents, servants or employees of the conditional vendee,
 25 bailee, or owner of the special property in said goods and chattels *or of*
 26 *such debtor*.

1 7. Section 179 of chapter 67 of the laws of 1948 is amended to read as
 2 follows:

3 179. Equipment obligations.

4 Subject to the limitations prescribed by section 179.1, a savings bank
 5 may invest in equipment obligations or certificates secured by (a) a rail-
 6 road equipment or car trust, or (b) a lease or conditional sale of *or security*
 7 *interest in*, or (c) a lien on, railroad equipment; provided, that a savings
 8 bank shall not invest in any such obligations or certificates:

9 (1) if, as of the date of issue, the original aggregate principal amount of
 10 all obligations or certificates of the same issue exceeded or exceeds (i)
 11 80% of the lesser of the following amounts: (x) the aggregate purchase
 12 price originally paid, or to be paid, for the equipment securing the same, less

13 the aggregate depreciation (if any) accrued thereon to the date of issue, and
 14 (y) the aggregate estimated replacement cost of such equipment as of the
 15 date of issue, less the aggregate depreciation (if any) accrued thereon to the
 16 date of issue, or (ii), if either amount is not ascertainable, 80% of the other
 17 amount; or

18 (2) unless all obligations or certificates of the same issue mature within
 19 15 years from the date of issue, in equal installments beginning not later
 20 than 3 years after the date of issue and payable at intervals of not exceeding
 21 1 year.

1 8. Section 17:10-18 of the Revised Statutes is amended to read as
 2 follows:

3 17:10-18. No assignment of or order for payment of any salary, wages,
 4 commissions, or other compensation for services, earned or to be earned,
 5 given to secure any loan made by any licensee under this chapter, shall be
 6 valid unless the amount of the loan is paid to the borrower simultaneously
 7 with its execution; nor shall the assignment or order, or any chattel mortgage
 8 *or security interest, as defined in section 12A:1-201 of Title 12A of the New*
 9 *Jersey Statutes, in, or other lien on, household furniture, then in the posses-*
 10 *sion and use of the borrower, be valid unless [it] such assignment, order or*
 11 *chattel mortgage of the financing statement and the security agreement is in*
 12 *writing, signed in person by the borrower, and if the borrower is married*
 13 *unless it is signed in person by both husband and wife. The written assent*
 14 *of a spouse shall not be required when husband and wife have been living*
 15 *separate and apart for a period of at least 5 months prior to the making of*
 16 *the assignment, order, mortgage, or lien or security interest.*

17 Under the assignment or order for the payment of future salary, wages,
 18 commissions, or other compensation for services, given as security for a loan
 19 made by any licensee under this chapter, a sum equal to 10% of the borrower's
 20 salary, wages, commissions, or other compensation for services shall be col-
 21 lectible from the employer of the borrower by the licensee at the time of each
 22 payment to the borrower of such salary, wages, commissions, or other com-

23 pension for services, from the time that a copy of the assignment, verified
 24 by the oath of the licensee or his agent, together with a similarly verified
 25 statement of the amount unpaid upon the loan, is served upon the employer.

26 No assignment of or order for wages earned or to be earned in the
 27 future by any municipal or county employee to secure a loan for advancement
 28 of \$500.00 or less shall be valid against any municipality or county employ-
 29 ing the person making such assignment or order unless such assignment or
 30 order is accepted in writing by such municipality or county.

1 9. Section 1 of chapter 40 of the laws of 1960 is amended to read as
 2 follows:

3 1. In this act, unless the context otherwise requires, the following words
 4 and terms shall have the following meanings:

5 (a) "Goods" means all chattels personal having a cash price of \$7,500.00
 6 or less, but not including money or choses in action or goods sold for com-
 7 mercial or business use.

8 (b) "Retail installment contract" means any contract entered into in this
 9 State between a retail seller and a retail buyer evidencing an agreement to
 10 pay the retail purchase price of goods, or any part thereof, in 2 or more
 11 installments over a period of time, and pursuant to which title to, or a lien
 12 upon, *or a security interest in*, the goods is retained or taken by the retail
 13 seller for the payment of the retail buyer's obligation. This term includes a
 14 chattel mortgage, conditional sales contract, or other similar instrument and
 15 *any security interest, whether or not a financing statement is required to be*
 16 *filed in order to perfect such security interest, and any other instrument or*
 17 contract for the bailment or leasing of goods by which the bailee or lessee
 18 agrees to pay as compensation a sum substantially equivalent to or in excess
 19 of the value of the goods, and by which it is agreed that the bailee or lessee
 20 is bound to become, or has the option of becoming, the owner of such goods
 21 upon full compliance with the terms of such retail installment contract.

22 (c) "Retail seller" means a person who sells or agrees to sell goods
 23 under a retail installment contract to a retail buyer, and shall include a
 24 motor vehicle installment seller.

25 (d) "Retail buyer" means a person who buys or agrees to buy goods
26 from a retail seller not for the purpose of resale, and who executes a retail
27 installment contract in connection therewith.

28 (e) "Person" means an individual, partnership, firm, corporation, bank-
29 ing institution, association or any other group of individuals however
30 organized.

31 (f) "Sales finance company" means and includes any person engaging
32 in this State in the business of acquiring or arranging for the acquisition of
33 retail installment contracts by purchase, discount, pledge or otherwise, and
34 any person engaging, directly or indirectly, in the business of soliciting the
35 purchase of retail installment contracts, or in the business of aiding the
36 retail seller in selling, assigning or arranging for the sale or assignment of
37 retail installment contracts.

38 (g) "Motor vehicle" includes all vehicles used for transportation upon
39 a highway propelled otherwise than by muscular power, excepting such
40 vehicles as run only upon rails or tracks.

41 (h) "Motor vehicle installment seller" means a dealer in motor vehicles,
42 who is required to be licensed under chapter 10 of Title 39 of the Revised
43 Statutes and who sells or offers to sell a motor vehicle to a retail buyer under
44 a retail installment contract.

45 (i) "Cash price" means the minimum price for which the goods subject
46 to the retail installment contract or other goods of like kind and quality may
47 be purchased for cash from the seller by the buyer, as stated in the retail
48 installment contract.

49 (j) "Down payment" means all payments made in cash or in goods or
50 partly in cash and partly in goods, received by the retail seller prior to or
51 substantially contemporaneous with either the execution of the retail install-
52 ment contract or the delivery of the goods, whichever occurs later.

53 (k) "Official fees" means the filing or other fees required by law to be
54 paid to a public officer to perfect the interest or lien, on the goods, retained
55 or taken by a retail seller under a retail installment contract.

56 (l) "Time price differential" means that part of the time sales price as
 57 determined under section 27 (i) by which the time sales price exceeds the
 58 aggregate of the cash price and the amount included in a retail installment
 59 contract, if a separate charge is made therefor, for insurance and other
 60 benefits and official fees.

61 (m) "Holder" means any person, including a retail seller, who is entitled
 62 to the rights of a retail seller under a retail installment contract.

63 (n) "Banking institution" means any bank or national banking associa-
 64 tion authorized to do business in this State.

65 (o) "Commissioner" means the Commissioner of Banking and Insurance
 66 of New Jersey and includes his deputies or any salaried employee of the
 67 Department of Banking and Insurance named or appointed by the said com-
 68 missioner to perform any function in the administration or enforcement of
 69 this act.

1 10. Section 46:21-1 of the Revised Statutes is amended to read as follows:

2 46:21-1. Except as otherwise provided herein *or in chapter 9 of Title*
 3 *12A of the New Jersey Statutes*, whenever any deed or instrument of the
 4 nature or description set forth in section 46:16-1 of this Title, which shall
 5 have been or shall be duly acknowledged or proved and certified, shall have
 6 been or shall be duly recorded or lodged for record with the county record-
 7 ing officer of the county in which the real estate or other property affected
 8 thereby is situate or located such record shall, from that time, be notice to
 9 all subsequent judgment creditors, purchasers and mortgagees of the execu-
 10 tion of the deed or instrument so recorded and of the contents thereof.

1 11. Section 46:28-14 of the Revised Statutes is amended to read as
 2 follows:

3 46:28-14. The provisions of sections [46:28-5 and 46:28-7 of this Title]
 4 *12A:10-101 through 12A:10-106, the Uniform Commercial Code, of the New*
 5 *Jersey Statutes*, shall not be taken, construed or held to apply to any mort-
 6 gage of personal property included in a mortgage of franchises and real
 7 estate heretofore or hereafter made by any railroad company or any other

8 corporation defined by any law of this State as a public utility, and which has
 9 been or shall be recorded or registered as a mortgage of real estate in every
 10 county in which such railroad or public utility, or any part of it, or in which
 11 any of the real estate so mortgaged by it, is or shall be located, [and it
 12 shall not be necessary to record as a chattel mortgage any mortgage de-
 13 scribed in this section] *and any such mortgage so recorded shall be valid*
 14 *against the creditors of the mortgagor, and against subsequent purchasers*
 15 *and mortgagees until the same shall be released or shall be canceled of record*
 16 *in the manner prescribed by law for the release and cancellation of mort-*
 17 *gages of real estate.*

1 12. Section 46:28-10 of the Revised Statutes is amended to read as
 2 follows:

3 46:28-10. Every chattel mortgage [which, pursuant to the provisions of
 4 this chapter, is recorded or lodged for record before the end of the fifth day
 5 next following the day when the mortgage is executed, excluding any day
 6 when the office of the county recording officer is closed for business, shall be
 7 valid against the creditors of the mortgagor, from the time of the execution
 8 of such mortgage, with the same effect as if the mortgage had been recorded
 9 or lodged for record immediately after the execution of the mortgage; and]
 10 *included in a mortgage of franchises and real estate pursuant to section*
 11 *46:28-14 of this Title shall be valid against the creditors of the mortgagee,*
 12 *subsequent purchasers and mortgagees from the time of the recording*
 13 *thereof or the lodging thereof for record [; and, if the mortgage is recorded*
 14 *or lodged for record after the end of such fifth day, it shall be valid against*
 15 *the creditors of the mortgagor, and against subsequent purchasers and mort-*
 16 *gagees, from the time of the recording thereof, or the lodging thereof for*
 17 *record, and any mortgage so recorded or lodged for record shall be valid]*
 18 *until the same shall be canceled of record [in the manenr prescribed by sec-*
 19 *tion 46:28-11 of this Title].*

1 13. Section 48:12-125 of the Revised Statutes is amended to read as
 2 follows:

3 48:12-125. Any railroad company may, *subject to the provisions of*
4 *section 12A:7-309 of the New Jersey Statutes*, by giving notice to a person
5 offering goods, merchandise or baggage for transportation on the railroad
6 or in the vessels of the company, limit its responsibility as carrier thereof
7 to \$100.00 for every 100 pounds weight, unless such person shall pay to the
8 company by way of insurance for any additional amount of responsibility
9 to be assumed, such rate as the company may charge therefor, not exceeding
10 the legal rates for transportating 100 pounds for every \$200.00 of additional
11 responsibility assumed on each 100 pounds, and at that rate for a greater or
12 less quantity.

13 A general notice of such limitation, placed in a conspicuous place at or
14 in the office of the company where goods, merchandise or baggage is usually
15 received for transportation, and inserted in a bill of lading or receipt given
16 for the goods or merchandise, and in the tickets delivered to passengers,
17 shall be sufficient notice under this section.

1 14. This act shall take effect January 1, 1963.

132 unlawful act of such bank or savings bank for the purposes of Article 42. In de-
133 termining whether to give or withhold approval of an investment or loan in
134 excess of the limitation imposed by this paragraph, the commissioner shall con-
135 sider whether the making of such loan or investment is consistent with sound
136 banking practice, having regard to (1) the ratio between the aggregate of such
137 loans and investments and the capital funds of the bank or savings bank; (2)
138 the benefits to the bank or savings bank reasonably to be anticipated from such
139 investment or such loan; (3) the ratio between such aggregate capital funds
140 and total deposits; and (4) such other factors as the commissioner shall con-
141 sider germane to the protection of deposits. A violation of any provision of
142 this paragraph by any bank, savings bank, or subsidiary of a bank or savings
143 bank, shall not impair the validity or sufficiency of any deed of conveyance,
144 mortgage, or lease made by such bank, savings bank, or subsidiary, of any
145 real property owned by it; nor shall any other interest in such real property,
146 acquired by or vested in any person claiming through or under such bank, sav-
147 ings bank, or subsidiary, or to which such person may be entitled, be impaired
148 by reason of such violation.

1 5. Section 17:10-18 of the Revised Statutes is amended to read as
2 follows:

3 17:10-18. No assignment of or order for payment of any salary, wages,
4 commissions, or other compensation for services, earned or to be earned, given
5 to secure any loan made by any licensee under this chapter, shall be valid
6 unless the amount of the loan is paid to the borrower simultaneously with
7 its execution; nor shall the assignment or order, or any chattel mortgage or
8 security interest, as defined in section 12A:1-201 of Title 12A of the New
9 Jersey Statutes, in, or other lien on, household furniture, then in the posses-
10 sion and use of the borrower, be valid unless such assignment, order or chattel
11 mortgage [of] or the financing statement and the security agreement is in
12 writing, signed in person by the borrower, and if the borrower is married
13 unless it is signed in person by both husband and wife. The written assent
14 of a spouse shall not be required when husband and wife have been living

L. 1963, c. 81
A-690, 1963

15 separate and apart for a period of at least 5 months prior to the making of
16 the assignment, order, mortgage, or lien or security interest.

17 Under the assignment or order for the payment of future salary, wages,
18 commissions, or other compensation for services, given as security for a loan
19 made by any licensee under this chapter, a sum equal to 10% of the bor-
20 rower's salary, wages, commissions, or other compensation for services shall
21 be collectible from the employer of the borrower by the licensee at the time
22 of each payment to the borrower of such salary, wages, commissions, or other
23 compensation for services, from the time that a copy of the assignment,
24 verified by the oath of the licensee or his agent, together with a similarly
25 verified statement of the amount unpaid upon the loan, is served upon the
26 employer.

27 No assignment of or order for wages earned or to be earned in the future
28 by any municipal or county employee to secure a loan for advancement of
29 \$500.00 or less shall be valid against any municipality or county employing
30 the person making such assignment or order unless such assignment or order
31 is accepted in writing by such municipality or county.

1 6. Section 1 of chapter 98 of the laws of 1962 (C. 18:5-74.1) is amended
2 to read as follows:

3 1. a. Each veteran now holding permanent or provisional office, position
4 or employment, not covered by the retirement system established under
5 [article 3 of chapter 13 of Title 18 of the Revised Statutes,] *chapter 37 of*
6 *the laws of 1955*, with a board of education or school district in a county in
7 which there exists a pension fund established under article 16 of chapter 5
8 of Title 18 of the Revised Statutes, shall become a member of said pension
9 fund as of the effective date of this legislation; and each veteran hereafter
10 commencing service in such office, position, or employment shall become a
11 member of said pension fund as of the date of the commencement of said
12 service.

13 b. No public employee veteran who is eligible to be a member of such
14 pension fund shall be eligible for or receive retirement benefits under sec-
15 tions 43:4-1, 43:4-2 and 43:4-3 of the Revised Statutes.