

ASSEMBLY CONSUMER AFFAIRS AND REGULATED
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3133

STATE OF NEW JERSEY

DATED: MARCH 1, 2001

The Assembly Consumer Affairs and Regulated Professions Committee reports favorably Assembly Bill No. 3133.

P.L.1999, c.129, which provides additional civil penalties for violation of the consumer fraud law when the victim is a senior citizen or a disabled person and creates the Consumer Fraud Education Fund, defines "senior citizen" as a resident of New Jersey over the age of 60 years. This bill amends section 1 of P.L.1999, c.129 to define "senior citizen" as a natural person 60 years of age or older to make it identical to the definition of "senior citizen" in the consumer fraud law generally.

SENATE SENIOR CITIZENS, VETERANS' AFFAIRS AND
HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3133

with committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 23, 2001

The Senate Senior Citizens, Veterans' Affairs and Human Services Committee reports favorably Assembly Bill No. 3133.

N.J.S.A.56:8-14.2 et seq. provides additional civil penalties for violation of the consumer fraud law when the victim is a senior citizen or a disabled person and creates the Consumer Fraud Education Fund.

As amended by the committee, this bill amends N.J.S.A.56:8-14.2 to define "senior citizen" as a natural person 60 years of age or older to make it identical to the definition of "senior citizen" in the consumer fraud law generally.

The bill also amends the definition of "person with a disability" to define that term as a natural person who has a physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a service or guide animal, wheelchair, or other remedial appliance or device, or from any mental, psychological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques.

The committee adopted an amendment to revise the definition of "person with a disability" to mean a natural person rather than any resident of this State, as is provided in the amended definition of "senior citizen."

As amended, this bill is identical to Senate Bill No. 2510 (Cafiero), which the committee also reported favorably at this time.

[First Reprint]

ASSEMBLY, No. 3133

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JANUARY 18, 2001

Sponsored by:

Assemblyman RICHARD H. BAGGER

District 22 (Middlesex, Morris, Somerset and Union)

Assemblywoman NIA H. GILL

District 27 (Essex)

Co-Sponsored by:

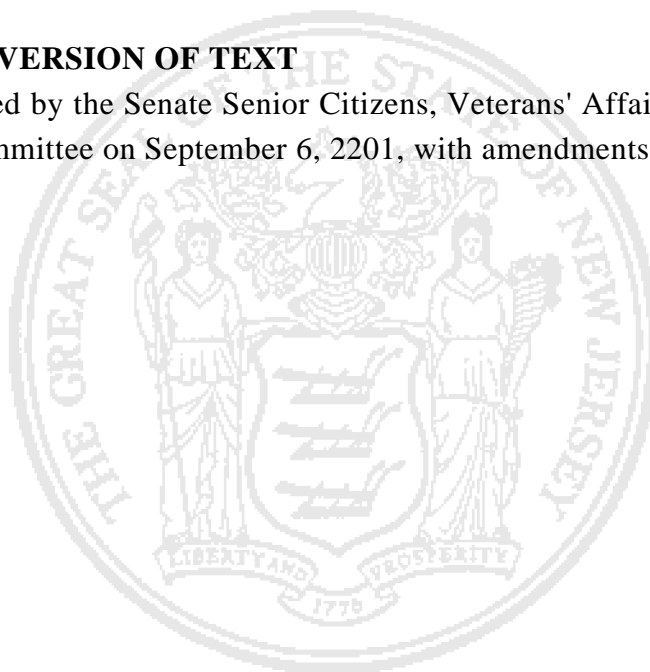
Assemblyman Guear, Senators Cafiero, Robertson and Connors

SYNOPSIS

Revises definition of "person with a disability" and "senior citizen" for certain purposes under consumer fraud law.

CURRENT VERSION OF TEXT

As reported by the Senate Senior Citizens, Veterans' Affairs and Human Services Committee on September 6, 2001, with amendments.



(Sponsorship Updated As Of: 12/18/2001)

A3133 [1R] BAGGER, GILL

2

1 AN ACT concerning the ¹[definition] definitions¹ of ¹person with a
2 disability and¹ senior citizen for certain purposes and amending
3 P.L.1999, c.129.

4

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

7

8 1. Section 1 of P.L.1999, c.129 (C.56:8-14.2) is amended to read
9 as follows:

10 1. As used in this act:

11 "Fund" means the Consumer Fraud Education Fund created
12 pursuant to section 5 of this act.

13 "Pecuniary injury" shall include, but not be limited to: loss or
14 encumbrance of a primary residence, principal employment, or source
15 of income; loss of property set aside for retirement or for personal or
16 family care and maintenance; loss of payments received under a
17 pension or retirement plan or a government benefits program; or assets
18 essential to the health or welfare of the senior citizen or person with
19 a disability.

20 "Person with a disability" means ¹[any resident of this State] a
21 natural person¹ who has a physical disability, infirmity, malformation
22 or disfigurement which is caused by bodily injury, birth defect or
23 illness including epilepsy, and which shall include, but not be limited
24 to, any degree of paralysis, amputation, lack of physical coordination,
25 blindness or visual impediment, deafness or hearing impediment,
26 muteness or speech impediment or physical reliance on a service or
27 guide animal, wheelchair, or other remedial appliance or device, or
28 from any mental, psychological or developmental disability resulting
29 from anatomical, psychological, physiological or neurological
30 conditions which prevents the normal exercise of any bodily or mental
31 functions or is demonstrable, medically or psychologically, by accepted
32 clinical or laboratory diagnostic techniques.

33 "Senior citizen" means [any resident of this State of the age of 60
34 years or over] a natural person 60 years of age or older.
35 (cf: P.L.1999, c.129, s.1)

36

37 2. This act shall take effect immediately.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SSV committee amendments adopted September 6, 2201.

SENATE, No. 2510

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED SEPTEMBER 6, 2001

Sponsored by:

Senator JAMES S. CAFIERO

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

Senators Robertson and Connors

SYNOPSIS

Revises definition of "person with a disability" and "senior citizen" for certain purposes under consumer fraud law.

CURRENT VERSION OF TEXT

As introduced.



S2510 CAFIERO

2

1 AN ACT concerning the definitions of person with a disability and
2 senior citizen for certain purposes and amending P.L.1999, c.129.

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

6
7 1. Section 1 of P.L.1999, c.129 (C.56:8-14.2) is amended to read
8 as follows:

9 1. As used in this act:

10 "Fund" means the Consumer Fraud Education Fund created
11 pursuant to section 5 of this act.

12 "Pecuniary injury" shall include, but not be limited to: loss or
13 encumbrance of a primary residence, principal employment, or source
14 of income; loss of property set aside for retirement or for personal or
15 family care and maintenance; loss of payments received under a
16 pension or retirement plan or a government benefits program; or assets
17 essential to the health or welfare of the senior citizen or person with
18 a disability.

19 "Person with a disability" means **[any resident of this State]** a
20 natural person who has a physical disability, infirmity, malformation or
21 disfigurement which is caused by bodily injury, birth defect or illness
22 including epilepsy, and which shall include, but not be limited to, any
23 degree of paralysis, amputation, lack of physical coordination,
24 blindness or visual impediment, deafness or hearing impediment,
25 muteness or speech impediment or physical reliance on a service or
26 guide animal, wheelchair, or other remedial appliance or device, or
27 from any mental, psychological or developmental disability resulting
28 from anatomical, psychological, physiological or neurological
29 conditions which prevents the normal exercise of any bodily or mental
30 functions or is demonstrable, medically or psychologically, by accepted
31 clinical or laboratory diagnostic techniques.

32 "Senior citizen" means **[any resident of this State of the age of 60**
33 **years or over]** a natural person 60 years of age or older.

34 (cf: P.L.1999, c.129, s.1)

35
36 2. This act shall take effect immediately.

37

38

39

STATEMENT

40

41 This bill amends the definitions of "person with a disability" and
42 "senior citizen" in P.L.1999, c.129, which provides additional civil
43 penalties for violation of the consumer fraud law when the victim is a

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

Matter underlined thus is new matter.

S2510 CAFIERO

1 senior citizen or a disabled person. This bill removes the requirement
2 that the individual be a resident of this State from both definitions and
3 instead provides that the individual is "a natural person" who possesses
4 the otherwise defined disability or who has attained the age of 60,
5 respectively.

6 Currently, a "person with a disability" is defined as any resident of
7 this State who has a physical disability, infirmity, malformation or
8 disfigurement which is caused by bodily injury, birth defect or illness
9 including epilepsy, and which shall include, but not be limited to, any
10 degree of paralysis, amputation, lack of physical coordination,
11 blindness or visual impediment, deafness or hearing impediment,
12 muteness or speech impediment or physical reliance on a service or
13 guide animal, wheelchair, or other remedial appliance or device, or
14 from any mental, psychological or developmental disability resulting
15 from anatomical, psychological, physiological or neurological
16 conditions which prevents the normal exercise of any bodily or mental
17 functions or is demonstrable, medically or psychologically, by accepted
18 clinical or laboratory diagnostic techniques. "Senior citizen" is
19 currently defined as a resident of New Jersey over the age of 60 years.

SENATE SENIOR CITIZENS, VETERANS' AFFAIRS AND
HUMAN SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 2510

STATE OF NEW JERSEY

DATED: AUGUST 23, 2001

The Senate Senior Citizens, Veterans' Affairs and Human Services Committee reports favorably Senate Bill No. 2510.

N.J.S.A. 56:8-14.2 et seq. provides additional civil penalties for violation of the consumer fraud law when the victim is a senior citizen or a disabled person and creates the Consumer Fraud Education Fund.

This bill amends N.J.S.A. 56:8-14.2 to define "senior citizen" as a natural person 60 years of age or older to make it identical to the definition of "senior citizen" in the consumer fraud law generally. The bill also amends the definition of "person with a disability" to define that term as a natural person who has a physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a service or guide animal, wheelchair, or other remedial appliance or device, or from any mental, psychological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques.

This bill is identical to Assembly Bill No. 3133 (Bagger/Gill) Sca, which the committee also reported favorably at this time.

P.L. 2001, CHAPTER 339, *approved January 5, 2002*
Assembly, No. 3133 (*First Reprint*)

1 AN ACT concerning the ¹[definition] definitions¹ of ¹person with a
2 disability and¹ senior citizen for certain purposes and amending
3 P.L.1999, c.129.

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

7
8 1. Section 1 of P.L.1999, c.129 (C.56:8-14.2) is amended to read
9 as follows:

10 1. As used in this act:

11 "Fund" means the Consumer Fraud Education Fund created
12 pursuant to section 5 of this act.

13 "Pecuniary injury" shall include, but not be limited to: loss or
14 encumbrance of a primary residence, principal employment, or source
15 of income; loss of property set aside for retirement or for personal or
16 family care and maintenance; loss of payments received under a
17 pension or retirement plan or a government benefits program; or assets
18 essential to the health or welfare of the senior citizen or person with
19 a disability.

20 "Person with a disability" means ¹[any resident of this State] a
21 natural person¹ who has a physical disability, infirmity, malformation
22 or disfigurement which is caused by bodily injury, birth defect or
23 illness including epilepsy, and which shall include, but not be limited
24 to, any degree of paralysis, amputation, lack of physical coordination,
25 blindness or visual impediment, deafness or hearing impediment,
26 muteness or speech impediment or physical reliance on a service or
27 guide animal, wheelchair, or other remedial appliance or device, or
28 from any mental, psychological or developmental disability resulting
29 from anatomical, psychological, physiological or neurological
30 conditions which prevents the normal exercise of any bodily or mental
31 functions or is demonstrable, medically or psychologically, by accepted
32 clinical or laboratory diagnostic techniques.

33 "Senior citizen" means [any resident of this State of the age of 60
34 years or over] a natural person 60 years of age or older.

35 (cf: P.L.1999, c.129, s.1)

36

37 2. This act shall take effect immediately.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SSV committee amendments adopted September 6, 2201.

1

2

3 Revises definition of "person with a disability" and "senior citizen" for
4 certain purposes under consumer fraud law.

CHAPTER 339

AN ACT concerning the definitions of person with a disability and senior citizen for certain purposes and amending P.L.1999, c.129.

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

1. Section 1 of P.L.1999, c.129 (C.56:8-14.2) is amended to read as follows:

C.56:8-14.2 Definitions relative to certain deceptive consumer practices.

1. As used in this act:

"Fund" means the Consumer Fraud Education Fund created pursuant to section 5 of this act.

"Pecuniary injury" shall include, but not be limited to: loss or encumbrance of a primary residence, principal employment, or source of income; loss of property set aside for retirement or for personal or family care and maintenance; loss of payments received under a pension or retirement plan or a government benefits program; or assets essential to the health or welfare of the senior citizen or person with a disability.

"Person with a disability" means a natural person who has a physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a service or guide animal, wheelchair, or other remedial appliance or device, or from any mental, psychological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques.

"Senior citizen" means a natural person 60 years of age or older.

2. This act shall take effect immediately.

Approved January 5, 2002.