

45:24-9

LEGISLATIVE HISTORY CHECKLIST

NJSA: 45:24-9, 45:24-10, 45:24-13

(Veteran's
peddling license-
cancellation-circumstances)

LAWS OF: 1984

CHAPTER: 194

Bill No: S212

Sponsor(s): Rand

Date Introduced: Pre-filed

Committee: Assembly: Commerce

Senate: Labor, Industry and Professions

Amended during passage: No

Date of Passage: Assembly: October 11, 1984

Senate: February 27, 1984

Date of Approval: November 27, 1984

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: ~~No~~ Yes

Following were printed:

Reports: No

Hearings: No

SENATE, No. 212

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Senator RAND

AN ACT concerning the hawking, peddling and vending of goods, wares and merchandise and the soliciting of trade, and amending sections 45:24-9, 45:24-10 and 45:24-13 of the Revised Statutes.

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

1 1. R. S. 45:24-9 is amended to read as follows:

2 45:24-9. The following persons shall have the right to hawk,
3 peddle and vend any goods, wares or merchandise or solicit trade
4 within this State, by procuring a license for that purpose to be
5 issued in the manner and under the conditions hereinafter in this
6 article prescribed, except, however, the aforesaid right to hawk,
7 peddle and vend any goods, wares or merchandise or solicit trade
8 shall not extend to or include any public beach or public boardwalk:

9 a. ~~Every honorably discharged soldier, sailor, marine, nurse~~
10 ~~or army field clerk of the United States.]~~ *Every person who has*
11 *been honorably discharged from the active military service of the*
12 *United States, who is a resident of this State.*

13 b. Every exempt member of a volunteer fire department, volun-
14 teer fire engine, hook and ladder, hose, supply company or salvage
15 corps, of any municipality or fire district in this State, who holds
16 an exemption certificate issued to him as an exempt member of
17 any such department, company or corps, and who is a resident of
18 this State.

19 Hawking, peddling and vending hereafter may be regulated by
20 municipal ordinance on public streets and highways.

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 printed in italics, thus is new matter.

1 2. R. S. 45:24-10 is amended to read as follows:

2 45:24-10. In the case of an exempt fireman, on the presentation
3 to the clerk of the county in which such person may be or resides
4 of such certificate of exemption, the clerk shall issue without cost
5 to such exempt fireman a license certifying him to be entitled to the
6 benefits of this article.

7 In the case of [an honorably discharged soldier, sailor, marine,
8 nurse or army field clerk] *a person who has been honorably dis-*
9 *charged from the active military service of the United States*, on
10 the presentation to the clerk of the county in which such person
11 resides of an application sworn to by said applicant together with a
12 certificate of honorable discharge from the [army, navy or marine
13 corps] *active military service* of the United States, which applica-
14 tion shall also set forth that the applicant has resided within the
15 state for at least six months and in the county at least three months
16 immediately preceding his application for license, the county clerk
17 shall forward a copy of such application to the adjutant general
18 of the State for permanent record. The adjutant general, upon
19 receipt of such copy, shall notify the county clerk whether or not
20 such applicant has theretofore been a licensee and whether or not
21 such license has been canceled. [Upon receipt of notice from the
22 adjutant general that such applicant has not been the holder of a
23 license theretofore canceled] *If the applicant has not previously*
24 *held a license, or if it has been more than one year since the*
25 *cancellation of the license previously held by the applicant*, the
26 county clerk shall issue to [such soldier, sailor, marine, nurse or
27 army field clerk] *the applicant* a license entitling him to the
28 benefits of this article; *except that the clerk may deny the applica-*
29 *tion where the provisions of P. L. 1968, c. 282 (C. 2A:168A-1*
30 *et seq.) or P. L. 1974, c. 161 (C. 2A:168A-4 et seq.) are applicable.*

1 3. R. S. 45:24-13 is amended to read as follows:

2 45:24-13. Any [city magistrate or recorder] *judge of the municipi-*
3 *pal court*, after due notice and a hearing, shall have power to order
4 the cancellation of any license issued under *the* authority of [sub-
5 paragraph "a" of section] *subsection a. of R. S. 45:24-9* [of this
6 title which] *if: a. the license has been sold or transferred by the*
7 *original licensee; b. during the term of the license, the licensee has*
8 *been convicted of a crime and this conviction relates adversely to*
9 *the activity for which the license was granted; or c. during the term*
10 *of the license, the licensee has been found guilty of violating a*
11 *municipal ordinance and this violation relates adversely to the*
12 *activity for which the license was granted.* The [city magistrate or
13 recorder] *judge of the municipal court* shall mail the order of

14 cancellation to the county clerk in whose county the license was
15 granted and thereupon the county clerk shall cancel the same of
16 record and file the order of cancellation in his office and send notice
17 of such cancellation to the office of the adjutant general. *Applica-*
18 *tion for a new license may be made at any time after the expiration*
19 *of one year from the date of the cancellation.* Any licensee holding
20 a license issued under the authority of [subparagraph "a" of
21 said section] subsection a. of R. S. 45:24-9 who shall sell or
22 transfer such license shall be guilty of a [misdemeanor] crime of
23 the fourth degree and punished accordingly. A "transfer" has
24 occurred under this section if the original licensee knowingly
25 permits someone other than himself to use the license to engage
26 in the activity for which the license was granted.

1 4. This act shall take effect immediately.

STATEMENT

This bill authorizes the cancellation of a hawking and peddling license issued to a veteran under chapter 24 of Title 45 of the Revised Statutes, if the veteran, during the term of the license, is convicted of a criminal offense or the violation of a municipal ordinance which relates adversely to the activity for which the license was granted. The bill also clarifies the language describing the class of persons who may apply for hawking and peddling licenses, and further defines what constitutes a transfer of the license.

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S 212 (1984)

ASSEMBLY COMMERCE AND INDUSTRY COMMITTEE

STATEMENT TO
SENATE, No. 212

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STATE OF NEW JERSEY

DATED: MAY 7, 1984

This bill provides that a municipal judge may cancel a hawking and peddling license issued to a veteran if he, during the term of the license, is convicted of a criminal offense or a violation of a municipal ordinance which relates adversely to the activity for which the license was granted. Previously, the only statutory grounds for the cancellation of a license was sale or transfer to another. The bill also clarifies this existing provision of law by defining "transfer." It is the use of the license by someone other than the veteran with the veteran's knowing permission.

The bill provides that if a veteran's hawking and peddling license is cancelled he may apply for a new license after the expiration of one year from the date of the cancellation, but the county clerk may deny an application for a license or a reapplication where the provisions of P. L. 1968, c. 282 or P. L. 1974, c. 161 are applicable.

P. L. 1968, c. 282 (C. 2A:168A-1 et seq.) and P. L. 1974, c. 161 (C. 2A:168A-4 et seq.) provide that no government licensing authority may disqualify or discriminate against an applicant for a license on the grounds that the applicant has been convicted of a crime or adjudged a disorderly person, except if the applicant was convicted of an offense which resulted in forfeiture of public office; if the applicant was convicted of a crime which relates adversely to the occupation, trade or business for which the license is sought; or if the applicant was, within four months of the application, addicted to the habitual use of drugs or intoxicating liquors.

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO
SENATE, No. 212

STATE OF NEW JERSEY

DATED: FEBRUARY 6, 1984

This bill provides that a municipal judge may cancel a hawking and peddling license issued to a veteran if he, during the term of the license, sells or transfers his license or is convicted of a criminal offense or a violation of a municipal ordinance which relates adversely to the activity for which the license was granted. A transfer of a license under the bill would occur when the licensee knowingly permits someone else to use the license to engage in hawking and peddling permitted by the license.

If a veteran's hawking and peddling license is cancelled, he may apply for a new license after the expiration of one year from the date of the cancellation, but the county clerk may deny the application where the provisions of P. L. 1968, c. 282 or P. L. 1974, c. 161 are applicable. The bill also provides that the county clerk may deny a license to a veteran who has not previously held a hawking and peddling license where the provisions of P. L. 1968, c. 282 or P. L. 1974, c. 161 are applicable.

NOVEMBER 27, 1984

The Governor also recommended a change deleting a reverter clause included in the original bill.

S-2171/A-~~2504~~, sponsored by State Senator Edward T. O'Connor Jr., D-Hudson, and Assemblyman Michael F. Adubato, D-Essex, which provides that a member of the Public Employees Retirement System who is over 70 years old and has at least 50 years of creditable service at the time of death, shall be deemed retired if the member's retirement application has been received by the PERS board at the time of death.

S-651, sponsored by State Senator Frank X. Graves, which requires that a county obtain permission from a municipality before discontinuing designation of a road as a county road.

S-212, sponsored by State Senator Walter Rand, D-Camden, which allows a municipal court judge to cancel a hawking and peddling license held by a veteran if the veteran sells or transfers the license, is convicted of a crime, or violates an municipal ordinance relating to the activities for which the license was granted.

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