

2A:44-19.1 to 2A:44-19.9

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:44-19.1 to 2A:44 - 19.9

**(Dry cleaning and tailoring shops -
sale and disposition of unclaimed
items)**

LAWS OF: 1983

CHAPTER: 528

Bill No: A3348

Sponsor(s): D. Gallo and Doria

Date Introduced: April 25, 1983

Committee: **Assembly:** Commerce and Industry

Senate: ---

Amended during passage: Yes

Amendments during passage
denoted by asterisks

Date of Passage: **Assembly:** January 5, 1984

Senate: January 9, 1984

Date of Approval: January 17, 1984

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

1-17-84

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 3348

STATE OF NEW JERSEY

INTRODUCED APRIL 25, 1983

By Assemblymen D. GALLO and DORIA

AN ACT providing for the sale and disposition of wearing apparel, household goods and other items remaining unclaimed at dry-cleaning shops, tailor shops and other similar business establishments in certain cases.

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

1 1. "Customer" means the owner, a representative of the owner,
2 or a person lawfully in possession of any of the goods enumerated
3 in section 2 of this act.

1 2. Any person who performs dry cleaning, pressing, glazing,
2 dyeing, washing, laundering, alteration, tailoring or repairs or
3 uses or furnishes materials or supplies, upon any garment, clothing,
4 wearing apparel (exclusive of furs), draperies, curtains, slipcovers
5 or furniture covers, or stores any of the same, at the request of or
6 with the consent of a customer, shall have a lien thereon for the
7 agreed charges for the work, services, storage, materials or
8 supplies, or, in the event there has been no agreed charge, for the
9 reasonable value thereof.

1 3. In the event that payment is not made of the agreed charges or
2 the reasonable value thereof for the work, services, storage,
3 materials or supplies within 90 days after any of the goods were to
4 be delivered or to be available to the customer, the goods may be
5 sold at a public or private sale to pay the agreed or reasonable
6 charges together with the cost of notifying the customer. The
7 person to whom the charges are payable and owing shall, at least

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.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted December 8, 1983.

8 30 days prior to the sale, give notice of the time and place of the
 9 sale to the customer. The notice shall be mailed to the customer at
 10 his last known address ***[either]*** by certified mail ***[or by first**
 11 class mail evidenced by a certificate of mailing issued by a United
 12 States Post Office]* *, *return receipt requested**. Where the ad-
 13 dress of the customer is unknown, the posting of a notice of the
 14 sale in a prominent place in a public portion of the premises of the
 15 person required to give the notice shall constitute notice.

1 4. Upon the completion of a sale pursuant to the provisions of
 2 this act, the proceeds thereof shall be used to pay the reasonable
 3 or agreed to charges for work, services, storage, materials or
 4 supplies, together with the expenses thereof, including the cost of
 5 notifying the customer of the sale, and the balance remaining, if
 6 any, shall be forwarded to the customer at the last known address
 7 together with a statement of the distribution of the proceeds of the
 8 sale.

9 If the address of the customer is unknown, the balance remaining
 10 shall be held by the person performing or furnishing the work,
 11 services, storage, materials or supplies for a period of 6 months
 12 from the date of the disposition to be paid to the customer upon
 13 demand during this period of time. Upon the expiration of the
 14 aforesaid period of six months, amounts unclaimed shall be paid to
 15 the treasurer of the municipality in which the premises are located,
 16 for the use of the municipality.

1 5. If after reasonable effort the goods cannot be sold as provided
 2 by this act, they may be given away or otherwise disposed of as the
 3 holder thereof shall determine.

1 6. Nothing in this act shall be construed to bar any person from
 2 maintaining an action for debt against a customer, except that the
 3 proceeds of any sale, after deductions of expenses thereof, shall be
 4 credited upon the debt so due. If sale is held prior to entry of
 5 judgment, judgment shall be entered only for the amount of the
 6 debt then due and owing after application of the proceeds of the
 7 sale.

1 7. The provisions of this act shall apply to all persons perform-
 2 ing or furnishing the work, services, storage, materials or supplies
 3 on goods who at the time the agreement to furnish or perform the
 4 same was made and at all times thereafter kept posted in a promi-
 5 nent place in a public portion of the premises the following notice:
 6 "All articles cleaned, pressed, glazed, dyed, laundered, washed,
 7 altered, tailored, stored or repaired and not called for within 90
 8 days thereafter are subject to sale as provided by law."

1 8. The lien and indebtedness on which it is founded may be

2 assigned without impairing the lien and the lien may be enforced
3 by the assignee directly.

1 9. Conformance with the provisions of this act shall extinguish
2 any liability of any person who causes goods to be sold or disposed
3 of pursuant hereto.

1 10. This act shall take effect immediately.

2 assigned without impairing the lien and the lien may be enforced
3 by the assignee directly.

1 9. Conformance with the provisions of this act shall extinguish
2 any liability of any person who causes goods to be sold or disposed
3 of pursuant hereto.

1 10. This act shall take effect immediately.

STATEMENT

This bill gives those people who clean, press, launder, store or repair clothing, curtains, carpets or similar goods a lien for the charges due on goods not claimed by customers within 90 days after the goods are available. After giving 30 days' notice to the customers by mail or by posting a notice of sale in a prominent place on the premises if a mailing address is unknown, the goods may be privately or publicly sold to pay the charges due with the remainder going to the customer or to the municipality if the customer cannot be located.

A3348 (1983)

ASSEMBLY COMMERCE AND INDUSTRY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3348

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 8, 1983

This bill gives individuals who clean, press, launder, store, or repair clothing, carpets, or other goods a lien for charges due on the goods if the goods are not picked up within 90 days of the date which they were to be either delivered or made available to the customer. The bill would also permit the sale of the goods after 30 days' notice has been given to the owner. The proceeds of the sale would go to the municipality, less a reasonable amount for the work which was performed and the expenses of the notification and sale. The Assembly Commerce and Industry Committee has amended the bill to require that notice of sale be sent to the owner of the goods by certified mail, return receipt requested.

A-3468 SIGNED, ET AL.

PAGE FIVE

JANUARY 17, 1984

A-3850, sponsored by Assemblywoman Barbara Kalik, D-Burlington, to appropriate \$12,392,623 in Federal funds to the Department of Human Services to develop the Family Assistance Information System (FAMIS), and the Automated Child Support Enforcement System (ACSES).

A-3571, sponsored by Assemblyman Karl Weidel, R-Mercer, to revise the licensing procedures for life and health insurance agents, brokers and solicitors.

A-3432, sponsored by Assemblyman John Kelly, R-Essex, to appropriate \$1,828,026 in Federal funds to the Department of Labor for a dislocated workers program.

A-3386, sponsored by Assemblyman Joseph Doria, D-Hudson, to provide that the degree D.P.M. is the abbreviation for Doctor of Podiatric Medicine.

A-3348, sponsored by Assemblyman Dean Gallo, R-Morris, to provide for the sale and disposition of wearing apparel, household goods and other unclaimed items at dry cleaning and tailor shops.

A-3205, sponsored by Assemblyman Richard Zimmer, R-Hunterdon, to direct the Commissioner of Health to establish training and educational requirements to certify animal control officers.

A-3081, sponsored by Assemblyman Christopher Jackman, D-Hudson, to appropriate \$15 million in bond funds from the Natural Resources Fund for the reconstruction, restoration and rehabilitation of certain dams.

A-2230, sponsored by Assemblyman Robert Franks, R-Union, to prescribe the procedure for a municipality to process property tax refunds of less than \$3.