

56:8-14.1

LEGISLATIVE HISTORY CHECKLIST

NJSA 56:8-14.1; 40:23-6.47 (Consumer Affairs offices--county and municipal--recover costs of prosecution)

LAWS 1981 CHAPTER 178

Bill No. A1463

Sponsor(s) Gluck

Date Introduced April 17, 1980

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Judiciary, Labor, Industry and Professions

Amended during passage Yes ~~No~~ Substituted for S1498

(not attached since identical to A1463)

Date of Passage: Assembly July 28, 1980

Senate March 23, 1981

Date of approval June 19, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~ 11-10-80 & 2-19-81

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing Yes ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

6/22/81
EJ

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1463

STATE OF NEW JERSEY

INTRODUCED APRIL 17, 1980

By Assemblywoman GLUCK, Assemblymen DOWD, CARDINALE
and Assemblywoman MUEHLER

Referred to Committee on Judiciary, Law, Public Safety and Defense

[A SUPPLEMENT to] **An act to amend* **[and supplement]****

"An act authorizing counties and certain municipalities of this State to adopt ordinances or resolutions establishing offices of consumer affairs and granting certain powers to them, validating certain ordinances or resolution adopted or actions taken heretofore and supplementing Title 40 of the Revised Statutes," approved March 3, 1976 (P. L. 1975, c. 376; C. 40:23-6.47 et seq.)
and supplementing P. L. 1960, c. 39 (C. 56:8-1 et seq.).

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

1 1. **(New section)** In any action in a court of appropriate juris-
2 diction initiated by the director of any certified county or municipal
3 office of consumer affairs, the office of consumer affairs shall be
4 entitled, if successful in the action, to such penalties, fines or fees
5 as may be authorized pursuant to chapter 8 of Title 56 of the
6 Revised Statutes and awarded by the court, and to the reasonable
7 costs of any such action, including investigative and legal costs,
8 as may be filed with and approved by the court. Such costs shall be
9 in addition to the taxed costs authorized in successful proceedings
10 under the Rules Governing the Courts of the State of New Jersey.

11 All moneys collected pursuant to this section shall be paid to the
12 officer lawfully charged with the custody of the general funds of
13 the county or municipality.

1 *2. Section 1 of P. L. 1975, c. 376 (C. 40:23-6.47) is amended
2 to read as follows:

3 1. A county, by resolution or [by] ordinance, *as the case may be,*
4 or a municipality [situated in a county in which no such county

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 office then exists], by ordinance, may create and establish an office
6 of consumer affairs to be administered by a county or municipal
7 director of consumer affairs who shall be appointed by the govern-
8 ing body thereof. In addition, the governing body may provide
9 for the employment of such other officers and employees as may be
10 necessary or desirable for the proper conduct of the affairs of
11 the office. The qualifications of the director and other officers and
12 employees shall be established by the Attorney General.

1 3. (New section) All acts and things done or authorized by any
2 county or municipality within the powers granted by this amenda-
3 tory and supplementary act prior to its enactment are ratified and
4 confirmed. Where any office of consumer affairs has heretofore been
5 established in substantial conformity with the provisions of this act
6 under and by virtue of a municipal ordinance which may be invalid
7 by reason of the lack of power of the municipality to pass such
8 ordinance, the ordinance and all acts and proceedings thereunder
9 are validated and confirmed, including any proceeding initiated
10 within 90 days of the effective date of this act to compel compliance
11 with or prevent the violation of the ordinance; provided, however,
12 that nothing in this section shall validate or authorize any act or
13 thing which is expressly prohibited by the provisions of this act,
14 or of any other statute of this State.*

1 ***[2.]*** *4.* This act shall take effect immediately.

ASSEMBLY, No. 1463

STATE OF NEW JERSEY

INTRODUCED APRIL 17, 1980

By Assemblywoman GLUCK, Assemblymen DOWD, CARDINALE
and Assemblywoman MUHLER

Referred to Committee on Judiciary, Law, Public Safety and Defense

A SUPPLEMENT to "An act authorizing counties and certain municipalities of this State to adopt ordinances or resolutions establishing offices of consumer affairs and granting certain powers to them, validating certain ordinances or resolutions adopted or actions taken heretofore and supplementing Title 40 of the Revised Statutes," approved March 3, 1976 (P. L. 1975, c. 376; C. 40:23-6.47 et seq.).

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

1 1. In any action in a court of appropriate jurisdiction initiated
2 by the director of any certified county or municipal office of con-
3 sumer affairs, the office of consumer affairs shall be entitled, if
4 successful in the action, to such penalties, fines or fees as may be
5 authorized pursuant to chapter 8 of Title 56 of the Revised Statutes
6 and awarded by the court, and to the reasonable costs of any such
7 action, including investigative and legal costs, as may be filed with
8 and approved by the court. Such costs shall be in addition to the
9 taxed costs authorized in successful proceedings under the Rules
10 Governing the Courts of the State of New Jersey.

11 All moneys collected pursuant to this section shall be paid to the
12 officer lawfully charged with the custody of the general funds of
13 the county or municipality.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to permit a certified county or municipal office of consumer affairs to recover the reasonable costs of prosecuting a violation of the State's consumer fraud acts. The

bill also makes it clear that in a successful action, the local office shall be entitled to such fines or penalties, authorized by law, as may be awarded by the court. The right to initiate such action or judicial proceeding has been delegated to local offices by subsection a. of section 2 of P. L. 1975, c. 376. This bill does not interfere with the right of the State Director of the Division of Consumer Affairs, pursuant to N. J. A. C. 13:45A-13.7, to terminate, suspend or modify any litigation proposed by a local office.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1463

STATE OF NEW JERSEY

INTRODUCED APRIL 17, 1980

By Assemblywoman GLUCK, Assemblymen DOWD, CARDINALE
and Assemblywoman MUHLER

Referred to Committee on Judiciary, Law, Public Safety and Defense

[A SUPPLEMENT to] **An Act to amend and supplement** “An act authorizing counties and certain municipalities of this State to adopt ordinances or resolutions establishing offices of consumer affairs and granting certain powers to them, validating certain ordinances or resolutions adopted or actions taken heretofore and supplementing Title 40 of the Revised Statutes,” approved March 3, 1976 (P. L. 1975, c. 376; C. 40:23-6.47 et seq.).

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

1 1. **(New section)** In any action in a court of appropriate juris-
2 diction initiated by the director of any certified county or municipal
3 office of consumer affairs, the office of consumer affairs shall be
4 entitled, if successful in the action, to such penalties, fines or fees
5 as may be authorized pursuant to chapter 8 of Title 56 of the
6 Revised Statutes and awarded by the court, and to the reasonable
7 costs of any such action, including investigative and legal costs,
8 as may be filed with and approved by the court. Such costs shall be
9 in addition to the taxed costs authorized in successful proceedings
10 under the Rules Governing the Courts of the State of New Jersey.

11 All moneys collected pursuant to this section shall be paid to the
12 officer lawfully charged with the custody of the general funds of
13 the county or municipality.

1 *2. Section 1 of P. L. 1975, c. 376 (C. 40:23-6.47) is amended
2 to read as follows:

3 1. A county, by resolution or **[, by]** ordinance, *as the case may be,*
4 *or a municipality* **[situated in a county in which no such county**
5 **office then exists]**, *by ordinance,* may create and establish an office
6 of consumer affairs to be administered by a county or municipal
7 director of consumer affairs who shall be appointed by the govern-

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

8 ing body thereof. In addition, the governing body may provide
9 for the employment of such other officers and employees as may be
10 necessary or desirable for the proper conduct of the affairs of
11 the office. The qualifications of the director and other officers and
12 employees shall be established by the Attorney General.

1 3. *(New section) All acts and things done or authorized by any*
2 *county or municipality within the powers granted by this amenda-*
3 *tory and supplementary act prior to its enactment are ratified and*
4 *confirmed. Where any office of consumer affairs has heretofore been*
5 *established in substantial conformity with the provisions of this act*
6 *under and by virtue of a municipal ordinance which may be invalid*
7 *by reason of the lack of power of the municipality to pass such*
8 *ordinance, the ordinance and all acts and proceedings thereunder*
9 *are validated and confirmed, including any proceeding initiated*
10 *within 90 days of the effective date of this act to compel compliance*
11 *with or prevent the violation of the ordinance; provided, however,*
12 *that nothing in this section shall validate or authorize any act or*
13 *thing which is expressly prohibited by the provisions of this act,*
14 *or of any other statute of this State.**

1 ***[2.]*** *4.* This act shall take effect immediately.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1463

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 15, 1980

The purpose of this bill is to permit a certified county or municipal office of consumer affairs to recover the reasonable costs of prosecuting a violation of the State's consumer fraud acts. The bill also makes it clear that in a successful action, the local office shall be entitled to such fines or penalties, authorized by law, as may be awarded by the court. The right to initiate such action or judicial proceeding has been delegated to local offices by subsection a. of section 2 of P. L. 1975, c. 376. This bill does not interfere with the right of the State Director of the Division of Consumer Affairs, pursuant to N. J. A. C. 13:45A-13.7, to terminate, suspend or modify any litigation proposed by a local office.

Committee amendments clarify the ability and procedure whereby counties and municipalities can set up consumer affairs offices, and ratify certain otherwise legal actions taken by county and municipal offices which might not have been validly established.

ASSEMBLY COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 1463

STATE OF NEW JERSEY

ADOPTED MAY 19, 1980

Amend page 1, title, line 1, omit "A SUPPLEMENT to", insert "AN ACT to amend and supplement".

Amend page 1, section 1, line 1, after "1.", insert "(New section)".

Amend page 1, section 1, line 13, insert new sections as follows:

"2. Section 1 of P. L. 1975, c. 376 (C. 40:23-6.47) is amended to read as follows:

1. A county, by resolution or **[, by]** ordinance, *as the case may be*, or a municipality **[situated in a county in which no such county office then exists]**, *by ordinance*, may create and establish an office of consumer affairs to be administered by a county or municipal director of consumer affairs who shall be appointed by the governing body thereof. In addition, the governing body may provide for the employment of such other officers and employees as may be necessary or desirable for the proper conduct of the affairs of the office. The qualifications of the director and other officers and employees shall be established by the Attorney General.

3. (New section) All acts and things done or authorized by any county or municipality within the powers granted by this amendatory and supplementary act prior to its enactment are ratified and confirmed. Where any office of consumer affairs has heretofore been established in substantial conformity with the provisions of this act under and by virtue of a municipal ordinance which may be invalid by reason of the lack of power of the municipality to pass such ordinance, the ordinance and all acts and proceedings thereunder are validated and confirmed, including any proceeding initiated within 90 days of the effective date of this act to compel compliance with or prevent the violation of the ordinance; provided, however, that nothing in this section shall validate or authorize any act or thing which is expressly prohibited by the provisions of this act, or of any other statute of this State."

Amend page 1, section 2, line 1, omit "2.", insert "4."

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

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1463

STATE OF NEW JERSEY

DATED: NOVEMBER 10, 1980

The purpose of Assembly No. 1463 is to permit county or municipal consumer affairs offices to recover the reasonable costs of prosecuting violations of the consumer fraud statutes. The bill also makes clear that in a successful action, the local consumer affairs office is entitled to any fines or penalties awarded by the court.

Assembly No. 1463 is also intended to clarify the procedure by which a county or municipality may establish a consumer affairs office to clarify that a municipality may establish a consumer affairs office even if a county office is already in operation and to ratify otherwise legal actions taken by county and municipal consumer affairs offices which were not validly established.

Assembly No. 1463 is supported by the N. J. League of Municipalities and the N. J. Association of Counties.

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1463
with Assembly committee amendments and
Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 19, 1981

PROVISIONS OF THE BILL:

This bill would permit certified county or municipal consumer affairs offices to retain penalties, fines or fees awarded in any successful court action, instituted by the director of the office, in the prosecution of violations of the Consumer Fraud Act (N. J. S. A. 56:8-1 et seq.). The office would be entitled to reasonable costs of the action, including investigative and legal costs.

The bill would permit the creation of a consumer affairs office in a municipality located in a county which already has a county consumer affairs office. P. L. 1975, c. 376, which is amended by this bill, originally had permitted a municipality to establish a consumer affairs office only in a county which did not have a county community affairs office.

A "save harmless" clause ratifies otherwise legal actions taken by county or municipal consumer affairs offices which were not validly established.

A technical amendment by the Senate Labor, Industry and Professions Committee corrects the title of the bill to insure proper allocation of the law.

SENATE COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 1463
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED FEBRUARY 19, 1981

Amend page 1, title, line 1, after "amend", omit "and supplement".

Amend page 1, title, line 7, after "seq.)", insert "and supplementing
P. L. 1960, c. 39 (C. 56:8-1 et seq.)".

[SENATE REPRINT]

ASSEMBLY, No. 1463

with Senate committee amendments adopted February 19, 1981

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

INTRODUCED APRIL 17, 1980

By Assemblywoman GLUCK, Assemblymen DOWD, CARDINALE
and Assemblywoman MUIHLER

Referred to Committee on Judiciary, Law, Public Safety and Defense

[A SUPPLEMENT to] **An act to amend* **[and supplement]****

“An act authorizing counties and certain municipalities of this State to adopt ordinances or resolutions establishing offices of consumer affairs and granting certain powers to them, validating certain ordinances or resolution adopted or actions taken heretofore and supplementing Title 40 of the Revised Statutes,” approved March 3, 1976 (P. L. 1975, c. 376; C. 40:23-6.47 et seq.)
and supplementing P. L. 1960, c. 39 (C. 56:8-1 et seq.).

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

1 1. **(New section)** In any action in a court of appropriate juris-
2 diction initiated by the director of any certified county or municipal
3 office of consumer affairs, the office of consumer affairs shall be
4 entitled, if successful in the action, to such penalties, fines or fees
5 as may be authorized pursuant to chapter 8 of Title 56 of the
6 Revised Statutes and awarded by the court, and to the reasonable
7 costs of any such action, including investigative and legal costs,
8 as may be filed with and approved by the court. Such costs shall be
9 in addition to the taxed costs authorized in successful proceedings
10 under the Rules Governing the Courts of the State of New Jersey.

11 All moneys collected pursuant to this section shall be paid to the
12 officer lawfully charged with the custody of the general funds of
13 the county or municipality.

1 *2. Section 1 of P. L. 1975, c. 376 (C. 40:23-6.47) is amended
2 to read as follows:

3 1. A county, by resolution or [by] ordinance, *as the case may be,*
4 *or* a municipality [situated in a county in which no such county

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 office then exists¹, by ordinance, may create and establish an office
6 of consumer affairs to be administered by a county or municipal
7 director of consumer affairs who shall be appointed by the govern-
8 ing body thereof. In addition, the governing body may provide
9 for the employment of such other officers and employees as may be
10 necessary or desirable for the proper conduct of the affairs of
11 the office. The qualifications of the director and other officers and
12 employees shall be established by the Attorney General.

1 3. (New section) All acts and things done or authorized by any
2 county or municipality within the powers granted by this amenda-
3 tory and supplementary act prior to its enactment are ratified and
4 confirmed. Where any office of consumer affairs has heretofore been
5 established in substantial conformity with the provisions of this act
6 under and by virtue of a municipal ordinance which may be invalid
7 by reason of the lack of power of the municipality to pass such
8 ordinance, the ordinance and all acts and proceedings thereunder
9 are validated and confirmed, including any proceeding initiated
10 within 90 days of the effective date of this act to compel compliance
11 with or prevent the violation of the ordinance; provided, however,
12 that nothing in this section shall validate or authorize any act or
13 thing which is expressly prohibited by the provisions of this act,
14 or of any other statute of this State.*

1 *²*⁴* This act shall take effect immediately.

JUNE 19, 1981

~~2~~

A-1789, sponsored by Assemblyman Albert Burstein, which revises and clarifies the procedures for the removal or discipline of tenured faculty members at State or county colleges.

Under the bill, the Board of Trustees of a college could refer cases to an Administrative Law Judge or a subcommittee of three trustees for initial determination. A final decision would then be made by the full Board of Trustees. The Chancellor of Higher Education would hear appeals.

The measure will remove any doubt about the legality of using subcommittees of the trustee boards and will promote speed and efficiency in reaching personnel decisions.

A-3395, sponsored by Assembly Speaker Christopher J. Jackman (D-Hudson), which amends the State Lottery Law to exempt rules governing the lottery games from the jurisdiction of the Administrative Procedures Act.

The change applies only to the rules governing the games themselves; all other rules of the Lottery Commission would still be subject to the act.

A-1463, sponsored by Assemblywoman Hazel Gluck (R-Ocean), which permits a county or municipal consumer affairs office to keep any fines or penalties awarded in a successful consumer fraud prosecution which it has undertaken. Under prior law, the money went to the General State Fund.

In addition, the bill removes the prohibition on a municipality establishing a consumer affairs office if one already exists in the county in which the municipality is located, thus indirectly permitting both municipal and county offices.

S-654, sponsored by Senator Brian Kennedy (R-Monmouth), which amends the law granting property tax exemptions for disabled veterans and their widows to provide that the widow of a veteran who was killed in action who has not remarried and is a resident of the State may receive a property tax exemption on her primary place of residence.

A-267, sponsored by Assemblyman Vincent O. Pellechia (D-Passaic), which reduces the vesting period in six State-administered pension systems from 15 years to 10 years.