

17:16C-7 ET AL

LEGISLATIVE HISTORY CHECKLIST

NJSA 17:16C-7 et al. (Dept. of Banking--Licensing--biennial--raise certain fees)

LAWS 1981 CHAPTER 321

Bill No. A2206

Sponsor(s) Bornheimer

Date Introduced Nov. 10, 1980

Committee: Assembly Banking & Insurance

Senate Labor, Industry & Professions

Amended during passage Yes ~~No~~ Amendments denoted by asterisks

according to Governor's recommendations:

Date of Passage: Assembly Feb. 2, 1981 Re-enacted 6-15-81

Senate Feb. 26, 1981 Re-enacted 11-12-81

Date of approval Dec. 3, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto Message Yes ~~No~~

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

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ASSEMBLY, No. 2206

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 10, 1980

By Assemblyman BORNHEIMER

Referred to Committee on Banking and Insurance

AN ACT concerning certain fees charged by the Department of Banking and revising parts of the statutory law.

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

1 1. Section 7 of P. L. 1960, c. 40 (C. 17:16C-7) is amended to
2 read as follows:

3 7. Every sales finance company shall pay to the commissioner at
4 the time of making the application and **[annually]** *biennially* there-
5 after upon renewal a license fee **[of \$200.00]** for its principal
6 place of business and **[\$200.00]** for each additional place of busi-
7 ness conducted in this State. *The commissioner shall charge for a*
8 *license such fee as he shall prescribe by rule or regulation. Each*
9 *fee shall not exceed \$1,000.00. The license shall run from the date*
10 *of issuance to the end of the biennial period. When the initial*
11 *license is issued in the second year of the biennial licensing period,*
12 *the license fee shall be an amount equal to one half of the fee for*
13 *the biennial licensing period.*

1 2. Section 8 of P. L. 1960, c. 40 (C. 17:16C-8) is amended to
2 read as follows:

3 8. Every motor vehicle installment seller shall pay to the com-
4 missioner at the time of making the application and **[annually]**
5 *biennially* thereafter upon renewal a license fee **[of \$25.00]** for
6 its principal office and **[\$25.00]** for each additional place of busi-
7 ness conducted in this State. *The commissioner shall charge for a*
8 *license such fee as he shall prescribe by rule or regulation. Each*
9 *fee shall not exceed \$300.00. The license shall run from the date of*
10 *issuance to the end of the biennial period. When the initial license*
11 *is issued in the second year of the biennial licensing period, the*
12 *fee shall be an amount equal to one half of the license fee for the*
13 *biennial licensing period.*

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

1 3. Section 21 of P. L. 1960, c. 41 (C. 17:16C-82) is amended to
2 read as follows:

3 21. (a) Every home financing agency shall pay to the commis-
4 sioner at the time of making the application and **[annually]** *bienni-*
5 *ally* thereafter upon renewal a license fee **[of \$100.00]** for its
6 principal place of business and **[\$100.00]** for each additional place
7 of business conducted in this State. *The commissioner shall charge*
8 *for a license such fee as he shall prescribe by rule or regulation.*
9 *Each fee shall not exceed \$600.00. The license shall run from the*
10 *date of issuance to the end of the biennial period. When the initial*
11 *license is issued in the second year of the biennial licensing period,*
12 *the license fee shall be an amount equal to one half of the fee for*
13 *the biennial licensing period.*

14 (b) Every home repair contractor shall pay to the commissioner
15 at the time of making the application and **[annually]** *biennially*
16 thereafter upon renewal a license fee **[of \$25.00]** for its principal
17 place of business and **[\$25.00]** for each additional place of business
18 conducted in this State. *The commissioner shall charge for a license*
19 *such fee as he shall prescribe by rule or regulation. Each fee shall*
20 *not exceed \$300.00. The license shall run from the date of issuance*
21 *to the end of the biennial period. When the initial license is issued*
22 *in second year of the biennial licensing period, the license fee shall*
23 *be an amount equal to one half of the fee for the biennial licensing*
24 *period.*

25 (c) Every home repair salesman shall pay to the commission
26 at the time of making the application and **[annually]** *biennially*
27 thereafter upon renewal a license fee **[of \$10.00]**. *The commis-*
28 *sioner shall charge for a license such fee as he shall prescribe by*
29 *rule or regulation, not to exceed \$60.00. The license shall run from*
30 *the date of issuance to the end of the biennial period. When the*
31 *initial license is issued in the second year of the biennial licensing*
32 *period, the license fee shall be an amount equal to one half of the*
33 *fee for the biennial licensing period.*

1 4. Section 4 of P. L. 1968, c. 221 (C. 17:16D-4) is amended to
2 read as follows:

3 4. Licenses. No person shall engage in the business of financing
4 insurance premiums in this State without first having obtained a
5 license as a premium finance company from the Commissioner of
6 Banking **[and Insurance]**, except that any State or national bank
7 authorized to do business in this State shall be authorized to trans-
8 act business as a premium finance company, subject to all of the
9 provisions of this act, except that it shall not be required to obtain
10 a license or pay a license fee hereunder. Any person who shall

11 engage in the business of financing insurance premiums in this
 12 State without **【obtaining】** a *valid* license as provided hereunder
 13 shall, upon conviction as provided in **【Revised Statutes】** *R. S.*
 14 *17:33-2*, be subject to a fine of not more than **【\$200.00】** *\$200.00*.
 15 *The commissioner shall charge for a license such fee as he shall*
 16 *prescribe by rule or regulation, not to exceed \$1,000.00. The license*
 17 *shall run from the date of issuance to the end of the biennial*
 18 *period. When the initial license is issued in the second year of the*
 19 *biennial licensing period, the license fee shall be an amount equal*
 20 *to one half of the fee for the biennial licensing period.*

21 **【The annual license fee shall be \$200.00 for each office. Licenses**
 22 **may be renewed from year to year as of January 1 of each year**
 23 **upon payment of the fee of \$200.00.】** **Licenses may be renewed*
 24 *from year to year as of January 1 of each year upon payment of*
 25 *the fee established by the commissioner.*The fee for said license*
 26 *shall be paid to the commissioner for the use of the State. No*
 26A *portion of the license fee shall be refunded if the license is sur-*
 26B *rendered by the licensee or suspended or revoked by the commis-*
 26C *sioner.*

27 Before any licensee changes his address he shall return his
 28 license to the commissioner who shall indorse the license indicating
 29 the change.

30 The person to whom the license or the renewal thereof may be
 31 issued shall file sworn answers, subject to the penalties of perjury,
 32 to such interrogatories as the commissioner may require. The com-
 33 missioner shall have authority, at any time, to require the appli-
 34 cant fully to disclose the identity of all stockholders, partners,
 35 officers and employees, and he may, in his discretion, refuse to
 36 issue or renew a license in the name of any firm, partnership, or
 37 corporation if he is not satisfied that any officer, employee, stock-
 38 holder, or partner thereof who may materially influence the appli-
 39 cant's conduct meets the standards of this act.

1 5. Section 4 of P. L. 1951, c. 187 (C. 17:15A-4) is amended to
 2 read as follows:

3 4. Such applicant at the time of making such application shall
 4 pay to the commissioner the sum of \$100.00 as a fee for investi-
 5 gating the application and additional sum **【of \$200.00 as a license**
 6 **fee for a period terminating on the last day of the then current**
 7 **calendar year】** *as shall be prescribed by rule or regulation of the*
 8 *commissioner, not to exceed \$1,000.00 for each principal place of*
 9 *business or station.*

10 *The license shall run from the date of issuance to the end of the*
 11 *biennial period. When the initial license is issued in the second*

12 *year of the biennial licensing period, the license fee shall be an*
 13 *amount equal to one half of the fee for the biennial licensing period.*

14 Any licensee requesting a change of address, shall at the time of
 15 making such request, pay to the commissioner the sum of \$50.00
 16 as a fee for investigating the new address; provided, however, that
 17 the Commissioner, may, in his discretion, waive such investigation
 18 fee if warranted.

1 6. Section 5 of P. L. 1970, c. 205 (C. 17:11A--38) is amended to
 2 read as follows:

3 5. An applicant shall pay to the commissioner at the time the
 4 application is filed, and **[annually]** *biennially* thereafter upon re-
 5 newal, a license fee **[of \$200.00]** for his principal place of business
 6 and **[an additional \$50.00]** for each branch office in this State.
 7 *The commissioner shall charge for a license such fee as he shall*
 8 *prescribe by rule or regulation. Each fee shall not exceed \$1,000.00.*
 9 *The license shall run from the date of issuance to the end of the*
 10 *biennial period. When the initial license is issued in the second*
 11 *year of the biennial licensing period, the license fee shall be an*
 12 *amount equal to one half of the licensing fee for the biennial*
 13 *licensing period.*

1 7. R. S. 17:10-3 is amended to read as follows:

2 17:10-3. Application for the license shall be in writing, under
 3 oath or affirmation, and in the form prescribed by the commissioner.
 4 It shall state the name and address both of the residence and place
 5 of business of the applicant, and if the applicant is a copartnership
 6 or association, of every member thereof, and if a corporation, of
 7 each officer and director thereof. It shall also state the county and
 8 municipality with street and number if any, where the business is
 9 to be conducted and any other information the commissioner re-
 10 quires. The applicant, at the time of making the application, shall
 11 pay to the commissioner the sum of \$150.00 as a fee for investi-
 12 gating the application and **[the]** *an* additional sum **[of \$200.00]**
 13 *as shall be prescribed by rule or regulation of the commissioner,*
 14 *not to exceed \$1,000.00, as [an annual] a biennial license fee [for*
 15 *a period terminating on the last day of the current calendar year.*
 16 *If the application is approved after June 30 in any year the license*
 17 *fee shall be 1/2 the sum which would otherwise be payable here-*
 18 *under]. The license shall run from the date of issuance to the end*
 19 *of the biennial period. When the initial license is issued in the*
 20 *second year of the biennial licensing period, the license fee shall*
 21 *be an amount equal to one half of the licensing fee for the biennial*
 22 *licensing period.*

23 In addition to the **annual** *biennial* license fee every licensee
 24 hereunder will pay to the commissioner the actual cost of each
 25 examination of his business as provided for in **section** *R. S.*
 26 *17:10-11* **of this Title**.

27 Every applicant shall, in writing, and in due form to be pre-
 28 scribed by the commissioner, file with the application a duly exe-
 29 cuted instrument constituting the commissioner and his successors
 30 in office the true and lawful agent and attorney of the applicant
 31 in this State, upon whom all original process in any action or legal
 32 proceeding, caused by the operation of a small loan business under
 33 this chapter, against the applicant or licensee may be served,
 34 except the notices prescribed in **sections** *R. S. 17:10-7* and *R. S.*
 35 *17:10-10* **of this Title**. The applicant shall agree therein that
 36 any original process or legal proceeding, except as above stated,
 37 against the applicant or licensee shall be of the same force and
 38 effect as if served on the applicant or licensee personally. The com-
 39 missioner shall keep a record of such process, showing the date and
 40 hour of service.

41 Every applicant shall also prove in form satisfactory to the
 42 commissioner, that said applicant has a net worth of at least
 43 \$25,000.00, and has available for the purpose of making loans under
 44 this chapter, at the location specified in the application, liquid
 45 assets of at least \$25,000.00.

1 8. *R. S. 17:10-9* is amended to read as follows:

2 *17:10-9. Every licensee shall, on or before December 10 of* **each**
 3 *every other* year, pay to the commissioner **the sum of \$200.00** as
 4 **an annual** *a biennial* license fee for the next **succeeding** two
 5 **calendar** **year** *years. The commissioner shall charge for a license*
 6 *such fee as he shall prescribe by rule or regulation, not to exceed*
 7 *\$1,000.00. The license shall run from the date of issuance to the*
 8 *end of the biennial period. When the initial license is issued in the*
 9 *second year of the biennial licensing period, the license fee shall*
 10 *be an amount equal to one half of the fee for the biennial licensing*
 11 *period.*

1 9. Section 334 of P. L. 1948, c. 67 (C. 17:9A-334) is amended to
 2 read as follows:

3 334. Fees payable by foreign banks. A foreign bank shall pay
 4 the following fees to the commissioner for the use of the State:

- | | |
|-----------------------------------------------------------|----------|
| 5 (1) for filing a copy of its certificate of incorpora- | |
| 6 tion or amendment thereof or other change therein . . . | \$ 25.00 |
| 7 (2) for filing a statement of its financial condition | 25.00 |
| 8 (3) for filing a power of attorney | 10.00 |

9 **[(4)]** for the issuance of a certificate of authority
 10 or a certificate of renewal of a certificate of authority **250.00]**

11 **[(5)]** (4) for each substitution of securities pursu-
 12 ant to subsection B of section 320 25.00

13 *The commissioner shall charge for the issuance of a certificate*
 14 *of authority or a certificate of renewal of a certificate of authority*
 15 *such fee as he shall prescribe by rule or regulation, not to exceed*
 16 *\$1,500.00. The certificate shall run from the date of issuance to*
 17 *the end of the biennial period. When the initial certificate is issued*
 18 *in the second year of the biennial certification period, the certificate*
 19 *fee shall be an amount equal to one half of the fee for the biennial*
 20 *certification period.*

1 10. R. S. 45:22-4 is amended to read as follows:

2 45:22-4. Upon application to the Commissioner of Banking **[and**
 3 **Insurance]**, such official may in his discretion issue to the appli-
 4 cant upon payment of the license fee and the filing of a bond as
 5 hereinafter provided, a license to do business in this State. The
 6 license shall not be assignable *and shall be renewed biennially. The*
 7 *commissioner shall charge for a license such fee as he shall pre-*
 8 *scribe by rule or regulation, not to exceed \$800.00. The license shall*
 9 *run from the date of issuance to the end of the biennial period.*
 10 *When the initial license is issued in the scond year of the biennial*
 11 *licensing period, the license fee shall be an amount equal to one*
 12 *half of the fee for the biennial licensing period. [It shall run from*
 13 *the date of its issuance to the end of the calendar year and shall*
 14 *be renewed each year thereafter. The fee for such license shall be*
 15 *\$150.00 per annum, or, if issued on or after August first of any*
 16 *year, \$75.00 for the remainder of the calendar year.] The Com-*
 17 *missioner of Banking [and Insurance] may require proof to his*
 18 *satisfaction of the financial ability of the applicant to carry on such*
 19 *business.*

1 11. R. S. 17:15-1 is amended to read as follows:

2 17:15-1. Hereafter no person other than an individual or private
 3 banker authorized by the commissioner to transact business in this
 4 State, and no corporation other than a bank, a trust company or
 5 an express company or telegraph company, or a passenger steam-
 6 ship company receiving moneys for transmission through its
 7 regularly authorized agencies, shall engage in the business of
 8 transmitting money to foreign countries, or of receiving money
 9 on deposit to be transmitted to foreign countries, without a certi-
 10 ficate of authority to transact such business granted by the com-
 11 missioner. Such certificate of authority shall be renewed **[annually]**
 12 *biennially* as of January 1 of **[each]** *every other* year, and the

13 person or corporation receiving it shall pay to the commissioner
 14 a fee ~~of \$100.00~~ for its principal place of business and ~~[\$25.00]~~
 15 for each additional place of business conducted in this State.
 16 *The commissioner shall charge for the issuance of a certificate of*
 17 *authority or certificate of renewal of a certificate of authority such*
 18 *fee as he shall prescribe by rule or regulation. Each fee shall not*
 19 *exceed \$1,000.00. The certificate shall run from the date of issuance*
 20 *to the end of the biennial period. When the initial certificate is*
 21 *issued in the second year of the biennial certification period, the*
 22 *certificate fee shall be an amount equal to one half of the license*
 23 *fee for the biennial certification period.*

24 Nothing in this chapter shall be construed to authorize any per-
 25 son or corporation to whom such certificate is issued to receive
 26 money on deposit on any other terms than that it be forwarded to a
 27 foreign country forthwith, or not later than 5 days from its receipt.
 28 No certificate of authority to transact such business shall be issued
 29 to any person who is not a citizen of the United States.

1 12. Section 6 of P. L. 1964, c. 273 (C. 17:15B-7) is amended to
 2 read as follows:

3 6. License fee; bond; securities. Within 30 days after the
 4 conditional approval by the commission of an application for an
 5 original license and advice thereof to the applicant, as provided
 6 in section 5, or within such longer period as the commissioner
 7 may authorize, the applicant shall, as a condition for the issuance
 8 of the license, (a) pay to the commissioner a *biennial* license fee.
 9 ~~of \$500.00~~ for the year ending the following December 31, except
 10 that if the application is filed and approved after July 1 in any
 11 year the license fee for the balance of the year shall be ~~\$250.00~~.
 12 *The commissioner shall charge for a license such fee as he shall*
 13 *prescribe by rule or regulation, not to exceed \$1,200.00. The license*
 14 *shall run from the date of issuance to the end of the biennial period.*
 15 *When the initial license is issued in the second year of the biennial*
 16 *licensing period, the license fee shall be an amount equal to one*
 17 *half the fee for the biennial licensing period, and (b) file with the*
 18 commissioner a corporate surety bond in the principal sum of
 19 \$100,000.00. ~~Such~~ *The* bond shall be in form satisfactory to the
 20 commissioner and shall be issued by a surety company authorized
 21 by the laws of this State to transact business in this State. The
 22 bond shall run to the State and shall be conditioned that the licensee
 23 will pay any and all moneys that may become due and owing any
 24 claimant with respect to the sale or issuance of checks in this State.
 25 The aggregate liability of the surety on the bond shall, in no event,
 26 exceed the amount of such bond. The surety on the bond shall have

27 the right to cancel such bond upon giving 30 days written notice
 28 to the commissioner and thereafter shall be relieved of liability
 29 for any breach of condition occurring after the effective date of
 30 said cancellation.

31 In lieu of such corporate surety bond the applicant may keep
 32 on deposit with any banking institution or insured savings and loan
 33 institution in this State as such applicant may designate and the
 34 commissioner may approve, securities, interest-bearing stocks and
 35 bonds, notes, debentures, or other obligations of the United States
 36 or any agency or instrumentality thereof, or guaranteed by the
 37 United States, or of this State, or of a county, city, township,
 38 borough, or any other instrumentality of this State, or guaranteed
 39 by this State, or dollar deposits, to an aggregate amount, based
 40 upon principal amount in the case of the above described securities,
 41 of not less than the amount of such corporate surety bond. Such
 42 securities or funds shall be deposited to secure the same obligation
 43 as would a corporate surety bond filed under this section. So long
 44 as licensee shall continue solvent, such licensee shall be permitted
 45 to collect the dividends or interest on the securities or funds so
 46 deposited and from time to time to exchange or examine the same.

1 ***[*13. The commissioner shall transmit all fee changes proposed*
 2 *to be made pursuant to this act to the Senate and General Assembly*
 3 *on a day on which both houses shall be meeting in the course of a*
 4 *regular or special session. The provisions of the "Administrative*
 5 *Procedure Act" P. L. 1968, c. 410 (C. 52:14B-1 et seq.) or any*
 6 *other law to the contrary notwithstanding, no such fee change shall*
 7 *take effect until the Legislature passes a concurrent resolution*
 8 *stating that the Legislature favors the proposed change. If the*
 9 *Legislature, after deliberation, determines that the proposed change*
 10 *is not adequate, or is excessive, or is otherwise not in the interests*
 11 *of the public, it shall so notify the commissioner and the com-*
 12 *missioner shall submit an alternative proposal to the Legislature*
 13 *for its approval.***

1 **[13.]* **[*14.]* **13.** This act shall take effect 60 days*
 2 *following its enactment.*

31 In lieu of such corporate surety bond the applicant may keep
32 on deposit with any banking institution or insured savings and loan
33 institution in this State as such applicant may designate and the
34 commissioner may approve, securities, interest-bearing stocks and
35 bonds, notes, debentures, or other obligations of the United States
36 or any agency or instrumentality thereof, or guaranteed by the
37 United States, or of this State, or of a county, city, township,
38 borough, or any other instrumentality of this State, or guaranteed
39 by this State, or dollar deposits, to an aggregate amount, based
40 upon principal amount in the case of the above described securities,
41 of not less than the amount of such corporate surety bond. Such
42 securities or funds shall be deposited to secure the same obligation
43 as would a corporate surety bond filed under this section. So long
44 as licensee shall continue solvent, such licensee shall be permitted
45 to collect the dividends or interest on the securities or funds so
46 deposited and from time to time to exchange or examine the same.

1 13. This act shall take effect 60 days following its enactment.

STATEMENT

This bill would put payment of various licensing fees charged by the Department of Banking on a biennial rather than an annual basis. In addition, the commissioner would be given the discretion to increase fees subject to fixed maximums set forth in the bill. These fees have not been changed for many years. In light of the significant inroads inflation is making on the value of the dollar, permitting the fees to be increased within limits at the commissioner's discretion is reasonable.

A 2206 (1981)

ASSEMBLY BANKING AND INSURANCE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2206

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 24, 1980

This legislation modifies a series of licensing statutes which come under the jurisdiction of the Department of Banking. The annual license renewal would be eliminated in favor of a fee ceiling for each type of license, with the actual amount of the fees set by the discretion of the commissioner.

Collecting license fees biennially is more efficient as well as less expensive than collecting them annually, and public entities have been moving in this direction over the last several years. This legislation would also eliminate the need for legislative approval each time licensing fees are raised.

Because the legislation provides for fee ceilings which are considerably higher than provided by present law, the Assembly Banking and Insurance Committee has included an oversight provision so that it may determine whether any fees established under the law are excessive, inadequate, or otherwise not in the public interest. Accordingly, the committee amendments require that the Commissioner of Banking submit proposed fee changes to the Legislature for its explicit approval before any changes take effect. The Commissioner would be required to notify the Legislature of such changes on days when both houses are in session, and the Legislature would be required to respond by passing a Concurrent Resolution.

In addition to the oversight provision, the committee has made a technical amendment to the bill restoring language in the present law which was incorrectly deleted by the legislation.

The proposed changes are as follows:

	<i>Present Fee</i>	<i>New Ceiling</i>
Sales Finance Companies (P. L. 1960, c. 40, C. 17:16c-8)	\$200.00 Principal Office	\$1,000.00 Princi- pal Office
	\$200.00 Addi- tional Office	\$1,000.00 Addi- tional Office
Motor Vehicle Installment Seller (P. L. 1960, c. 40, C. 17:16c-8)	\$25.00 Principal Office	\$300.00 Principal Office

	<i>Present Fee</i>	<i>New Ceiling</i>
	\$25.00 Renewal Office	\$300.00 Additional Office
Home Financing Agencies (P. L. 1960, c. 41, C. 17:16c-82)	\$100.00 Principal Office	\$600.00 Principal Office
	\$100.00 Additional Office	\$600.00 Additional Office
Home Repair Contractor (P. L. 1960, c. 41, C. 17:16c-82)	\$25.00 Principal Office	\$300.00 Principal Office
	\$25.00 Additional Office	\$300.00 Additional Office
Home Repair Salesman (P. L. 1960, c. 41, C. 17:16c-82)	\$10.00	\$60.00
Insurance Premium Financing (P. L. 1968, c. 221, C. 17:160-4)	\$200.00 (fine)	\$300.00 (fine)
	\$200.00 each office	\$1,000.00
Check Cashing Companies (P. L. 1951, c. 187, C. 17:15A-4)	\$200.00	\$1,000.00 for each office
Secondary Mortgage Loans (P. L. 1970, c. 205, C. 17:11A-38)	\$200.00 Principal Office	\$1,000.00 for each office
	\$50.00 Each Broker	
Small Loan Business R. S. 17:10-3	\$200.00	\$1,000.00
Foreign Banks	\$250.00 Certificate of authority	\$1,500.00
Pawnbrokers R. S. 45:22-4	\$150.00	\$800.00
Transmitting Foreign Money (P. L. 1964, c. 2B, C. 17:15B-7)	\$500.00	\$1,200.00

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2206

STATE OF NEW JERSEY

DATED: FEBRUARY 19, 1981

This legislation modifies a series of licensing statutes which come under the jurisdiction of the Department of Banking. The annual license renewal would be eliminated in favor of a biennial renewal period, and the fixed statutory fees eliminated in favor of a fee ceiling for each type of license, with the actual amount of the fees set by the commissioner. Legislative oversight is provided for with each fee change.

The proposed changes are as follows:

	<i>Present Fee</i>	<i>New Ceiling</i>
Sales Finance Companies (P. L. 1960, c. 40, C. 17:16c-8)	\$200 Principal Office	\$1,000 Principal Office
	\$200 Additional Office	\$1,000 Addi- tional Office
Motor Vehicle Installment Seller (P. L. 1960, c. 40, C. 17:16c-8)	\$25.00 Principal Office	\$300.00 Principal Office
	\$25.00 Renewal Office	\$300.00 Addi- tional Office
Home Financing Agencies (P. L. 1960, c. 41, C. 17:16c-82)	\$100.00 Principal Office	\$600.00 Princi- pal Office
	\$100.00 Addi- tional Office	\$600.00 Addi- tional Office
Home Repair Contractor (P. L. 1960, c. 41, C. 17:16c-82)	\$25.00 Principal Office	\$300.00 Principal Office
	\$25.00 Addi- tional Office	\$300.00 Addi- tional Office
Home Repair Salesman (P. L. 1960, c. 41, C. 17:16c-82)	\$10.00	\$60.00
Insurance Premium Financing (P. L. 1968, c. 221, C. 17:160-4)	\$200.00 (fine)	\$300.00 (fine)
	\$200.00 Each Office	\$1,000.00
Check Cashing Companies (P. L. 1951, c. 187, C. 17:15A-4)	\$200.00	\$1,000.00 for each office
Secondary Mortgage Loans (P. L. 1970, c. 205, C. 17:11A-38)	\$200.00 Principal Office	\$1,000.00 for each office
	\$50.00 Each Broker	

	<i>Present Fee</i>	<i>New Ceiling</i>
Small Loan Business R. S. 17:10-3	\$200.00	\$1,000.00
Foreign Banks	\$250.00 Certifi- cate of authority	\$1,500.00
Pawnbrokers R. S. 45:22-4	\$150.00	\$800.00
Transmitting Foreign Money (P. L. 1964, c. 2B, C. 17:15B-7)	\$500.00	\$1,200.00

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

June 8, 1981

ASSEMBLY BILL NO. 2206 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I am returning Assembly Bill No. 2206 (OCR), with my objections for reconsideration.

This bill gives the Commissioner of Banking the authority to change certain license fees that he may charge regulated consumer lenders. Last year, he requested introduction of such a measure.

Before passing the bill, the Legislature added an amendment that requires the Commissioner to obtain approval from both the Assembly and Senate before he may change any of these fees. I have consistently expressed my opposition to amendments such as this one; moreover, the Attorney General has advised me that legislative oversight amendments are an unconstitutional violation of the separation of powers doctrine.

I believe the oversight amendment is null and void.

Accordingly, I herewith return Assembly Bill No. 2206 (OCR) for reconsideration and recommend that it be amended as follows:

Page 8, Section 13, Lines 1-13: Delete in its entirety.

Page 8, Section 14, Line 1: Delete "14" and insert "13".

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest:

/s/ Harold L. Hodes

CHIEF OF STAFF, SECRETARY