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"State: Sellers not always getting weight's worth in gold," The Star-Ledger, 8-8-12

LAW/RWH

P.L.2013, CHAPTER 126, *approved August 9, 2013*
Assembly, No. 1241 (*First Reprint*)

1 AN ACT concerning weights and measures, amending and
2 supplementing P.L.1981, c.96 (C.51:6A-1 et seq.) and amending
3 R.S.51:1-86.

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

7
8 1. Section 3 of P.L.1981, c.96 (C.51:6A-3) is amended to read
9 as follows:

10 3. Any person who violates any provision of this act shall be
11 liable to a mandatory penalty of not less than **[\$100.00]** \$500 nor
12 more than **[\$500.00]** \$1,000 recoverable by the Superintendent of
13 Weights and Measures pursuant to **["the penalty enforcement law"**
14 **(N.J.S.2A:58-1 et seq.)]** the provisions of the "Penalty Enforcement
15 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). An action for
16 the recovery of a civil penalty for violation of this act shall be
17 within the jurisdiction of and may be brought before the Superior
18 Court or municipal court in the municipality where the offense is
19 committed or where the defendant resides or where the defendant
20 may be apprehended.

21 A summons or warrant against any foreign business entity doing
22 business in this State shall be processed as provided by law.
23 (cf. P.L.1991, c.91, s.482)

24
25 2. R.S.51:1-86 is amended to read as follows:

26 51:1-86. Upon the first official inspection of any weight or
27 measure, except where the inspection is made upon the request of
28 the owner thereof, if the deviation from the legal standard shall be
29 of such nature as not to be easily ascertained by the owner thereof,
30 the owner may correct it. Upon his failure to do so within 2 days
31 after such inspection, the superintendent **[may]** shall take
32 possession of and destroy such weight or measure ¹, unless, in the
33 sole discretion of the superintendent, good cause exists to allow
34 additional time to correct the deviation or take possession of and
35 destroy the weight or measure¹. If the said deviation, or the causes
36 thereof, shall be patent or easily ascertainable by the owner thereof,
37 the superintendent or assistant superintendent shall immediately
38 take possession of and destroy such weight or measure, and the
39 owner thereof shall be liable to a penalty of **[\$50.00]** not less than

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:

¹Senate floor amendments adopted May 13, 2013.

1 \$500 nor more than \$1,000 in addition to any other penalties and
2 punishments herein provided.
3 (cf: P.L.1969, c.251, s.19)
4

5 3. (New section) a. Upon the first official inspection of any
6 weight or measure used by a precious metals buyer not subject to
7 the provisions of section 2 of P.L.1981, c.96 (C.51:6A-2) that has
8 not been certified as required pursuant to subsection c. of section 1
9 of P.L.1981, c.96 (C.51:6A-1), the owner of the weight or measure
10 may be afforded two days to have the weight or measure certified.
11 If an owner fails to have the weight or measure certified within two
12 days after the inspection, the weights and measures officer shall
13 immediately take possession of and destroy the weight or measure¹,
14 unless, in the sole discretion of the superintendent, good cause
15 exists to allow additional time to obtain the certification or take
16 possession of and destroy the weight or measure¹.

17 b. A weights and measures officer shall immediately take
18 possession of and destroy any weight or measure used by a transient
19 buyer of precious metals as defined by section 5 of P.L.1981, c.96
20 (C.51:6A-5) that has not been certified as required pursuant to
21 subsection c. of section 1 of P.L.1981, c.96 (C.51:6A-1).

22 No action for damages shall lie or be maintained against a
23 weights and measures officer for the seizure.
24

25 4. This act shall take effect immediately.
26
27

28 _____
29
30 Increases penalties for violations committed by precious metals
31 buyers and requires weights and measures officers to seize scales
32 under certain circumstances.

ASSEMBLY, No. 1241

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblyman PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

SYNOPSIS

Increases penalties for violations committed by precious metals buyers and requires weights and measures officers to seize scales under certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



A1241 MORIARTY, DIEGNAN

2

1 AN ACT concerning weights and measures, amending and
2 supplementing P.L.1981, c.96 (C.51:6A-1 et seq.) and amending
3 R.S.51:1-86.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 3 of P.L.1981, c.96 (C.51:6A-3) is amended to read
9 as follows:

10 3. Any person who violates any provision of this act shall be
11 liable to a mandatory penalty of not less than ~~[\$100.00]~~ \$500 nor
12 more than ~~[\$500.00]~~ \$1,000 recoverable by the Superintendent of
13 Weights and Measures pursuant to ~~["the penalty enforcement law"~~
14 ~~(N.J.S.2A:58-1 et seq.)]~~ the provisions of the "Penalty Enforcement
15 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). An action for
16 the recovery of a civil penalty for violation of this act shall be
17 within the jurisdiction of and may be brought before the Superior
18 Court or municipal court in the municipality where the offense is
19 committed or where the defendant resides or where the defendant
20 may be apprehended.

21 A summons or warrant against any foreign business entity doing
22 business in this State shall be processed as provided by law.
23 (cf. P.L.1991, c.91, s.482)
24

25 2. R.S.51:1-86 is amended to read as follows:

26 51:1-86. Upon the first official inspection of any weight or
27 measure, except where the inspection is made upon the request of
28 the owner thereof, if the deviation from the legal standard shall be
29 of such nature as not to be easily ascertained by the owner thereof,
30 the owner may correct it. Upon his failure to do so within 2 days
31 after such inspection, the superintendent ~~[may]~~ shall take
32 possession of and destroy such weight or measure. If the said
33 deviation, or the causes thereof, shall be patent or easily
34 ascertainable by the owner thereof, the superintendent or assistant
35 superintendent shall immediately take possession of and destroy
36 such weight or measure, and the owner thereof shall be liable to a
37 penalty of ~~[\$50.00]~~ not less than \$500 nor more than \$,1000 in
38 addition to any other penalties and punishments herein provided.
39 (cf: P.L.1969, c.251, s.19)
40

41 3. (New section) a. Upon the first official inspection of any
42 weight or measure used by a precious metals buyer not subject to
43 the provisions of section 2 of P.L.1981, c.96 (C:51:6A-2) that has
44 not been certified as required pursuant to subsection c. of section 1

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.

1 of P.L.1981, c.96 (C.51:6A-1), the owner of the weight or measure
2 may be afforded two days to have the weight or measure certified.
3 If an owner fails to have the weight or measure certified within two
4 days after the inspection, the weights and measures officer shall
5 immediately take possession of and destroy the weight or measure.

6 b. A weights and measures officer shall immediately take
7 possession of and destroy any weight or measure used by a transient
8 buyer of precious metals as defined by section 2 of P.L.1981, c.96
9 (C:51:6A-2) that has not been certified as required pursuant to
10 subsection c. of section 1 of P.L.1981, c.96 (C.51:6A-1).

11 No action for damages shall lie or be maintained against a
12 weights and measures officer for the seizure.

13

14 4. This act shall take effect immediately.

15

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STATEMENT

18

19 This bill increases penalties for precious metals buyers who fail
20 to comply with the State's precious metals buyer laws and requires
21 weights and measures officers to seize a scale being used by a
22 precious metal buyer if the scale has not been certified by the Office
23 of Weights and Measures.

24 The bill increases the penalties assessed when a scale which is
25 obviously generating incorrect weights is seized by a weights and
26 measures officer from \$50 to an amount between \$500 and \$1,000.
27 The bill also increases penalties for other violations which include
28 failing to issue a consumer an accurate receipt, failing to post the
29 price being offered, and failing to weigh the item in plain view of
30 the consumer. Under current law, the penalty for violations of the
31 precious metals buyer law ranges from \$100 to \$500. Under the
32 bill, the range of penalties would be increased to \$500 to \$1,000.

33 In addition, the bill provides that a precious metals buyer would
34 have two days to have a scale property certified by the Division of
35 Weights and Measures if upon initial inspection the scale had not
36 been certified. However, if a transient precious metals buyer were
37 found to be using a non-certified scale, the weights and measure
38 officer would immediately take possession of and destroy the scale.

39 A recent investigation of precious metal buyers in the State,
40 popularly referred to as Cash for Gold businesses, found violations
41 of existing law in 49 of 50 businesses inspected. This bill increases
42 the ability of the State to protect consumers from these businesses
43 which have proven to be engaged in unscrupulous practices.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1241

STATE OF NEW JERSEY

DATED: JUNE 7, 2012

The Assembly Consumer Affairs Committee reports favorably on Assembly Bill No. 1241.

This bill increases penalties for precious metals buyers who fail to comply with the State's precious metals buyer laws and requires weights and measures officers to seize a scale being used by a precious metal buyer if the scale has not been certified by the Office of Weights and Measures.

The bill increases the penalties assessed when a scale which is obviously generating incorrect weights is seized by a weights and measures officer from \$50 to an amount between \$500 and \$1,000. The bill also increases penalties for other violations which include failing to issue a consumer an accurate receipt, failing to post the price being offered, and failing to weigh the item in plain view of the consumer. Under current law, the penalty for violations of the precious metals buyer law ranges from \$100 to \$500. Under the bill, the range of penalties would be increased to \$500 to \$1,000.

In addition, the bill provides that a precious metals buyer would have two days to have a scale property certified by the Division of Weights and Measures if upon initial inspection the scale had not been certified. However, if a transient precious metals buyer were found to be using a non-certified scale, the weights and measure officer would immediately take possession of and destroy the scale.

A recent investigation of precious metal buyers in the State, popularly referred to as Cash for Gold businesses, found violations of existing law in 49 of 50 businesses inspected. This bill increases the ability of the State to protect consumers from these businesses which have proven to be engaged in unscrupulous practices.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

STATEMENT TO
ASSEMBLY, No. 1241

with Senate Floor Amendments
(Proposed by Senator NORCROSS)

ADOPTED: MAY 13, 2013

These Senate Amendments provide that the Superintendent of Weights and Measures, when required to seize a weight or measure pursuant to certain provisions of the bill, may use his discretion to determine if good cause exists to allow additional time to correct the deficiency or take possession of and destroy the weight or measure.

SENATE, No. 523

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Senator DONALD NORCROSS

District 5 (Camden and Gloucester)

SYNOPSIS

Increases penalties for violations committed by precious metals buyers and requires weights and measures officers to seize scales under certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



S523 NORCROSS

2

1 AN ACT concerning weights and measures, amending and
2 supplementing P.L.1981, c.96 (C.51:6A-1 et seq.) and amending
3 R.S.51:1-86.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 3 of P.L.1981, c.96 (C.51:6A-3) is amended to read
9 as follows:

10 3. Any person who violates any provision of this act shall be
11 liable to a mandatory penalty of not less than **[\$100.00]** \$500 nor
12 more than **[\$500.00]** \$1,000 recoverable by the Superintendent of
13 Weights and Measures pursuant to **["the penalty enforcement law"**
14 **(N.J.S.2A:58-1 et seq.)]** the provisions of the "Penalty Enforcement
15 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). An action for
16 the recovery of a civil penalty for violation of this act shall be
17 within the jurisdiction of and may be brought before the Superior
18 Court or municipal court in the municipality where the offense is
19 committed or where the defendant resides or where the defendant
20 may be apprehended.

21 A summons or warrant against any foreign business entity doing
22 business in this State shall be processed as provided by law.
23 (cf. P.L.1991, c.91, s.482)
24

25 2. R.S.51:1-86 is amended to read as follows:

26 51:1-86. Upon the first official inspection of any weight or
27 measure, except where the inspection is made upon the request of
28 the owner thereof, if the deviation from the legal standard shall be
29 of such nature as not to be easily ascertained by the owner thereof,
30 the owner may correct it. Upon his failure to do so within 2 days
31 after such inspection, the superintendent **[may]** shall take
32 possession of and destroy such weight or measure. If the said
33 deviation, or the causes thereof, shall be patent or easily
34 ascertainable by the owner thereof, the superintendent or assistant
35 superintendent shall immediately take possession of and destroy
36 such weight or measure, and the owner thereof shall be liable to a
37 penalty of **[\$50.00]** not less than \$500 nor more than \$,1000 in
38 addition to any other penalties and punishments herein provided.
39 (cf: P.L.1969, c.251, s.19)
40

41 3. (New section) a. Upon the first official inspection of any
42 weight or measure used by a precious metals buyer not subject to
43 the provisions of section 2 of P.L.1981, c.96 (C.51:6A-2) that has
44 not been certified as required pursuant to subsection c. of section 1

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.

S523 NORCROSS

1 of P.L.1981, c.96 (C.51:6A-1), the owner of the weight or measure
2 may be afforded two days to have the weight or measure certified.
3 If an owner fails to have the weight or measure certified within two
4 days after the inspection, the weights and measures officer shall
5 immediately take possession of and destroy the weight or measure.

6 b. A weights and measures officer shall immediately take
7 possession of and destroy any weight or measure used by a transient
8 buyer of precious metals as defined by section 2 of P.L.1981, c.96
9 (C.51:6A-2) that has not been certified as required pursuant to
10 subsection c. of section 1 of P.L.1981, c.96 (C.51:6A-1).

11 No action for damages shall lie or be maintained against a
12 weights and measures officer for the seizure.

13

14 4. This act shall take effect immediately.

15

16

17

STATEMENT

18

19 This bill increases penalties for precious metals buyers who fail
20 to comply with the State's precious metals buyer laws and requires
21 weights and measures officers to immediately seize a scale being
22 used by a precious metal buyer if the scale has not been certified by
23 the Office of Weights and Measures.

24 The bill increases the penalties assessed when a scale which is
25 obviously generating incorrect weights is seized by a weights and
26 measures officer from \$50 to an amount between \$500 and \$1,000.
27 The bill also increases penalties for other violations which include
28 failing to issue a consumer an accurate receipt, failing to post the
29 price being offered, and failing to weigh the item in plain view of
30 the consumer. Under current law, the penalty for violations of the
31 precious metals buyer law ranges from \$100 to \$500. Under the
32 bill, the range of penalties would be increased to \$500 to \$1,000.

33 A recent investigation of precious metal buyers in the State,
34 popularly referred to as Cash for Gold businesses, found violations
35 of existing law in 49 of 50 businesses inspected. This bill increases
36 the ability of the State to protect consumers from these businesses
37 which have proven to be engaged in unscrupulous practices.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 523

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 17, 2012

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 523.

This bill, as amended, increases penalties for precious metals buyers who fail to comply with the State's precious metals buyer laws and requires weights and measures officers to immediately seize a scale being used by a precious metal buyer if the scale has not been certified by the Office of Weights and Measures or if the buyer does not, within 2 days after an inspection, correct a deviation from the legal standard. The bill also provides that, in certain circumstances, the Superintendent of Weights and Measures may use his discretion to determine if good cause exists to allow additional time to correct certain deficiencies or take possession of and destroy the weight or measure.

The bill increases the penalties assessed when a scale which is obviously generating incorrect weights is seized by a weights and measures officer from \$50 to an amount not less than \$500 and not more than \$1,000. The bill also increases penalties for other violations which include failing to issue a consumer an accurate receipt, failing to post the price being offered, and failing to weigh the item in plain view of the consumer. Under current law, the penalty for violations of the precious metals buyer law ranges from \$100 to \$500. Under the bill, the range of penalties would be increased to \$500 to \$1,000.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

Committee Amendments:

The committee amendments provide that the Superintendent of Weights and Measures, when required to seize a weight or measure pursuant to certain provisions of the bill, may use his discretion to determine if good cause exists to allow additional time to correct the deficiency or take possession of and destroy the weight or measure.