

51:5-7 and 51:6-7

LEGISLATIVE HISTORY CHECKLIST

WASA 51:5-7 and 51:6-7 (Precious metals--marketing--require Division of Weights & Measures to issue regulations)

LAWS OF 1980 CHAPTER 53

Bill No. A846

Sponsor(s) Hurley and others

Date Introduced Jan. 29, 1980

Committee: Assembly _____
 Senate Law, Public Safety and Defense

Amended during passage Yes No

Date of Passage: Assembly Feb. 11, 1980
 Senate March 1, 1980

Date of approval June 27, 1980

Following statements are attached if available:

Sponsor statement	Yes	Yes
Committee Statement:	Assembly	Yes No
	Senate	Yes Yes
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. 846

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1980

By Assemblymen HURLEY, CHINNICI, KARCHER, D. GALLO,
JACKMAN, GORMLEY, SMITH and KAVANAUGH

(Without Reference)

AN ACT concerning the marketing of certain precious metals,
supplementing chapters 5 and 6 of Title 51 of the Revised
Statutes and amending R. S. 51:5-7 and R. S. 51:6-7.

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

1 1. (New section) Subject to the "Administrative Procedure Act"
2 P. L. 1968, c. 410 (C. 52:14B-1 et seq.), the Superintendent of
3 Weights and Measures shall adopt, promulgate, amend or repeal,
4 all rules and regulations necessary and proper for the enforcement
5 of the provisions of chapter 5 of Title 51 of the Revised Statutes,
6 concerning gold, silver and alloys thereof, including but not limited
7 to rules and regulations governing methods of sale, requirements
8 for delivery tickets, statements of purchase, assay methods, and
9 weighing and measuring devices.

1 2. (New section) Subject to the "Administrative Procedure Act"
2 P. L. 1968, c. 410 (C. 52:14B-1 et seq.), the Superintendent of
3 Weights and Measures shall adopt, promulgate, amend or repeal
4 all rules and regulations necessary and proper for the enforcement
5 of the provisions of chapter 6 of Title 51 of the Revised Statutes
6 concerning platinum and alloys thereof, including but not limited
7 to rules and regulations governing methods of sale, requirements
8 for delivery tickets, statements of purchase, assay methods, and
9 weighing and measuring devices.

1 3. R. S. 51:5-7 is amended to read as follows:

2 51:5-7. Every person, firm, corporation or association guilty of
3 a violation of any provision of this chapter, and every officer,
4 manager, director or managing agent of any such person, firm,
5 corporation or association directly participating in such violation,
6 or consenting thereto, shall be [punished by a fine of 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.**

7 \$250.00 nor more than \$1,000.00, or imprisonment for not more
 8 than 3 months, or both] *liable to a mandatory penalty of not less*
 9 *than \$100.00 nor more than \$500.00 recoverable by the Superin-*
 10 *tendent of Weights and Measures in a court of competent jurisdic-*
 11 *tion in a civil penalty action pursuant to "the penalty enforcement*
 12 *law" (N. J. S. 2A:58-1 et seq.).*

1 4. R. S. 51:6-7 is amended to read as follows:

2 51:6-7. Any person, firm, partnership, corporation or associa-
 3 tion, or any officer, manager, director, employee or agent thereof,
 4 who shall sell or offer or expose for sale in this State, any article
 5 to which is applied any quality mark which does not conform to all
 6 the provisions of this chapter, or from which is omitted any mark
 7 required by the provisions of this chapter, shall be [guilty of a
 8 misdemeanor] *liable to a mandatory penalty of not less than*
 9 *\$100.00 nor more than \$500.00 recoverable by the Superintendent*
 10 *of Weights and Measures in a court of competent jurisdiction in a*
 11 *civil penalty action pursuant to "the penalty enforcement law"*
 12 *(N. J. S. 2A:85-1 et seq.).*

1 5. This act shall take effect immediately.

STATEMENT

This bill is intended to afford some measure of protection to a public newly attracted to the precious metals market by the volatile price action therein occasioned by international political unrest; for the protection of a public generally uninformed of correct values of gold, silver, and platinum and the methods of assaying the various alloys thereof. Our citizens are at the mercy of buyers, many itinerant, all possessed of the superior knowledge of a highly specialized and sophisticated mercantile business which affords them a marked advantage in the buyer-seller relationship. This special relationship admits of imposition and fraud, all to the detriment of the public at large and contrary to the general interest. The penalties prescribed herein are civil penalties because of the difficulties of effective prosecution under the criminal statutes.

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1 4. R. S. 51:6-7 is amended to read as follows:

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 6 the provisions of this chapter, or from which is omitted any mark
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A 846 (1980)

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 846

STATE OF NEW JERSEY

DATED: MARCH 13, 1980

This bill would direct the Superintendent of Weights and Measures to “adopt, promulgate, amend or repeal” rules and regulations necessary to enforce the provisions of chapters 5 and 6 of Title 51 governing the methods of sale, requirements for delivery tickets, statements of purchase, assay methods, and weighing and measuring devices for gold, silver and alloys thereof, and platinum and alloys thereof.

The bill would amend the violations sections of chapters 5 and 6 of Title 51 by removing the criminal sanctions and prescribing the penalties as civil penalties subject to enforcement under the penalty enforcement act. Because of questions of proof, enforcement of civil penalties would be easier than prosecuting criminal cases.

The Office of Weights and Measures, which will be most directly affected, supports the bill. The Attorney General’s Office also supports the bill.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JUNE 30, 1980

PATRICK SWEENEY

Governor Brendan Byrne today signed the following bills into law:

A-16, sponsored by Senator Albert Burstein (D-Bergen), which cleans up a technical estates and trusts problem. Technical in nature, the purpose of the bill is to assure that insurance proceeds or employee benefit plan distributions passing to a testamentary trust do so without being subject to the administration of the descendant's estate or to the rights of the descendant's creditors.

A-404, sponsored by Assemblyman Joseph D. Patero (D-Somerset), which permits the Governor to appoint three alternate members to the New Jersey Economic Development Authority. The purpose of the bill is to insure there is a full contingent of public members at each meeting of the Authority. The Governor will appoint the three alternate members, subject to the advice and consent of the Senate.

A-720, sponsored by Assemblyman William F. Dowd (R-Monmouth), which prohibits minors from acquiring, possessing or using firearms, except for military drills, competition at target practice, and hunting, under adult supervision.

A-846, sponsored by Assemblyman James R. Hurley (R-Cumberland), which requires the Superintendent of Weights and Measures to promulgate rules for the marketing of certain precious metals. The bill also changes the existing criminal penalties for violations to civil penalties.

A-1490, sponsored by Assemblyman James W. Bornheimer (D-Middlesex), which repeals the law requiring savings banks to file an annual report with the Commissioner of Banking listing owners of all unclaimed bank deposits which have been inactive for ten or more years.

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