

56:8-2.8

LEGISLATIVE HISTORY CHECKLIST

NJSA 56:8-2.8 ("Going of business" sales--
90 day limit)

LAWS OF 1979 CHAPTER 103

Bill No. A331

Sponsor(s) Berman, Baer and Rand

Date Introduced Pre-filed

Committee: Assembly Labor, Industry and Professions

Senate Labor, Industry and Professions

Amended during passage Xxx No Assembly Committee
Substitute enacted

Date of Passage: Assembly Feb. 27, 1978

Senate April 5, 1979

Date of approval May 31, 1979

Following statements are attached if available:

Sponsor statement	Yes	Xx
Committee Statement: Assembly	Xxx	No
Senate	Yes	Xx
Fiscal Note	Xxx	No
Veto message	Xxx	No
Message on signing	Yes	Xx

Following were printed:

Reports	Xxx	No
Hearings	Xxx	No

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ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 331

—•—
STATE OF NEW JERSEY
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ADOPTED FEBRUARY 16, 1978

A SUPPLEMENT to "An act concerning consumer fraud, its prevention, and providing penalties therefor," approved June 9, 1960 (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. It shall be an unlawful practice for any person to advertise
2 merchandise for sale as a "going out of business sale" or in terms
3 substantially similar to "going out of business sale" for a period
4 in excess of 90 days or to advertise more than one such sale in 360
5 days. The 360-day period shall commence on the first day of such
6 sale. For any person in violation of this act, each day in violation
7 shall constitute an additional, separate and distinct violation.

1 2. This act shall take effect in 90 days.

ASSEMBLY, No. 331

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1978 SESSION

By Assemblywoman BERMAN and Assemblymen BAER and RAND

AN ACT concerning the liquidation of businesses and supplementing
Title 56 of the Revised Statutes.

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

1 1. As used in this act, "retailer" means and includes every per-
2 son, firm, corporation or association engaged in the business of
3 transferring title in this State to tangible personal property for a
4 valuable consideration where such property is to be used by the
5 purchaser and is not to be resold or used for the purpose of manu-
6 facture or further processing.

1 2. Any retailer advertising, offering for sale, or selling merchan-
2 dise at less than cost upon the final liquidation of his business shall
3 limit the duration of such liquidation to a period of 3 months.

1 3. Any person who violates the provisions of this act shall be
2 liable to a penalty of not more than \$500.00 for each offense, to be
3 collected in a summary proceeding under the Penalty Enforce-
4 ment Law (N. J. S. 2A:58-1 et seq.). If the violation is of a con-
5 tinuing nature, each day during which it continues shall constitute
6 an additional, separate and distinct offense.

1 4. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to limit to 3 months the time a retailer shall have to liquidate his business by a going out of business sale, and provides penalties for violations if the sale is not completed by the end of 3 months.

SENATE LABOR, INDUSTRY AND
PROFESSIONS COMMITTEE

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 331

STATE OF NEW JERSEY

DATED: APRIL 5, 1979

This bill supplements the consumer fraud act to make it an unlawful practice for any retailer to advertise merchandise for sale as a "going out of business sale" for more than 90 days or to advertise more than one such sale in 360 days.

This bill would place limits on the perennial "going out of business" retailer who uses "liquidation" as a sales gimmick.

FROM THE OFFICE OF THE GOVERNOR

MAY 31, 1979

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

KATHRYN FORSYTH

Governor Brendan Byrne today signed the following bills into law in a public ceremony in his office:

A-331, sponsored by Assemblywoman Barbara Berman (D-Camden), which makes it unlawful to advertise merchandise for sale under a "going out of business sale" for a period of more than 90 days or to advertise more than one such sale in 360 days.

The bill amends the "Unit Price Disclosure Act." By existing law, anyone who violates the act would be liable to a penalty of not more than \$2,000 for the first offense and not more than \$5,000 for the second offense.

A-1510, sponsored by Assemblyman David C. Schwartz (D-Middlesex), which makes the Developmental Disabilities Council a statutory body allocated within the Department of Human Services, but independent of any supervision or control by the department.

The Developmental Disabilities Council was created in 1971 by former Governor William T. Cahill's Executive Order #20 as a response to federal legislation requiring a state planning council in order for the state to receive federal developmental disabilities funds.

According to the Executive Order, the purposes of the Council are to identify the needs of the developmentally disabled, to foster cooperation among the agencies providing services to the developmentally disabled and to review, evaluate and submit the state plan on developmental disabilities to the U.S. Department of Health, Education and Welfare.

The bill also redefines the term "developmental disability" to conform with current federal law, as a severe, chronic disability of a person which is attributable to a mental and/or physical impairment, is manifest before age 22, is likely to continue indefinitely and results in substantial functional limitations and the need for special care or services for life or for a period of extended duration

The membership of the Council as a statutory body remains the same as it was under the Executive Order. It consists of 30 members, all appointed by the Governor. Twelve members are official representatives of state agencies dealing with various aspects of developmental disabilities problems; and the other eighteen members are public members.

The bill involves no additional cost to the state.