

51:8-5; 51:8-13
LEGISLATIVE HISTORY CHECKLIST

(Solid fuel dealers--licensing by State
Office of Weights and Measures)

HWSA 51:8-5; 51:8-13

LAWS OF 1979

CHAPTER 421

Bill No. A3067

Sponsor(s) Fortunato

Date Introduced Jan. 25, 1979

Committee: Assembly Energy and Natural Resources

Senate Law, Public Safety and Defense

Amended during passage

~~Yes~~

No

Date of Passage: Assembly April 23, 1979

Senate Jan. 5, 1980

Date of approval Feb. 8, 1980

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. 3067

STATE OF NEW JERSEY

INTRODUCED JANUARY 25, 1979

By Assemblyman FORTUNATO

Referred to Committee on Energy and Natural Resources

AN ACT concerning certain fees collected by the Division of Weights and Measures and amending R. S. 51:8-5 and 51:8-13.

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

1 1. R. S. 51:8-5 is amended to read as follows:

2 51:8-5. It shall be unlawful for any person to engage in the
3 business of selling, delivering or selling and delivering solid fuel
4 in this State unless he shall have obtained from the Division of
5 Weights and Measures a license to engage in said business and a
6 license plate for each vehicle owned, rented, leased or hired in any
7 manner and used by him for the delivery of solid fuel; provided,
8 however, where any person engages in the business of selling, de-
9 livering, or selling and delivering solid fuel in this State at more
10 than one place of business or establishment, it shall be necessary
11 for said person to obtain a separate license for each such place of
12 business or establishment where said solid fuel is so sold, delivered,
13 or sold and delivered; provided, further, that it shall not be neces-
14 sary for any person who sells or delivers solid fuel at retail in
15 quantities of not more than 100 pounds, and does not sell or deliver
16 more than 100 pounds to the same person on the same day, to
17 obtain such license. Application for said license and license plate
18 or plates shall be made upon a form to be supplied by the superin-
19 tendent and it shall be the duty of said superintendent to issue such
20 license to such applicant for each calendar year or fraction thereof
21 in which said business is conducted, upon the payment of a fee of
22 \$25.00 for any 1 year or fraction thereof, and to issue, for such
23 calendar year or fraction thereof, a license plate for each vehicle
24 so owned and used by the applicant, together with a certificate of
25 the issuance of such license plate, upon the payment of \$5.00 for
26 each vehicle so owned, rented, leased or hired in any manner and

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

27 used, and said certificate shall contain the name and address of
28 the owner of the vehicle and of any person renting, leasing or hiring
29 the vehicle in any manner, together with a description of the char-
30 acter of the vehicle and the motor number. The holder of such
31 certificate or the operator of such vehicle, when requested to do
32 so by any weights and measures officer, shall exhibit such certificate,
33 in order that such weights and measures officer may determine the
34 correctness of said certificate.

35 It shall be unlawful for any person to engage in the business
36 aforesaid without having on display in his place of business a cer-
37 tificate of such license, which shall be issued by said superintendent,
38 and no person shall use any vehicle to deliver solid fuel without
39 such license plate being securely and conspicuously attached to
40 said vehicle and such license plate shall be transferable or inter-
41 changeable.

42 Liens or encumbrances on any vehicle shall not be deemed to
43 deprive the owner or a legally authorized user of such vehicle of
44 a right to a license plate for such vehicle; provided, however, that
45 in emergencies growing out of extreme weather conditions, upon
46 application to the division by any person regularly licensed under
47 the provisions of this section, additional vehicle plates shall be
48 issued forthwith upon the payment of \$5.00 for each plate, and any
49 such plate may be attached to any vehicle leased or otherwise em-
50 ployed by any licensee. Such emergency plates must be removed
51 and returned to the division when the emergency has passed.

52 Every license and license plate issued under the provisions of
53 this section shall expire, and the certificates thereof become void on
54 December 31 of each year, and the superintendent shall issue li-
55 censes, license plates and certificates for the following year on and
56 after November 1 of each year, such licenses, license plates and
57 certificates so issued not to be used until December 15 of the year
58 preceding the year for which they are issued. [The superintendent
59 shall designate county and municipal superintendents of weights
60 and measures as issuing agents through whom the licenses, license
61 plates and certificates herein provided may be issued to applicants
62 in their respective counties or municipalities. All moneys collected
63 by said county or municipal superintendents shall be transmitted
64 to the State superintendent on or before the twenty-fifth day of
65 the month following date of issue.]

66 The superintendent may revoke the license of or refuse to issue
67 a license to any person, after a hearing, upon due notice, which
68 may be served personally upon or sent by registered mail to such
69 person, for any dishonest, deceptive or fraudulent practice.

70 No motor vehicle shall be used for transportation of solid fuel
 71 in this State unless the name of the licensee and the municipality
 72 in which his place of business is located is conspicuously displayed
 73 on the vehicle in letters at least 6 inches high. Any person violating
 74 this provision shall be liable to a penalty of not less than \$50.00
 75 nor more than \$100.00.

1 2. R. S. 51:8-13 is amended to read as follows:

2 51:8-13. All license fees required to be collected by the super-
 3 intendent of the division under the provisions of this chapter shall
 4 be turned over to the treasurer of the State of New Jersey who
 5 shall itemize and report separately in his annual report all income
 6 so received. [The State Treasurer shall determine from the super-
 7 intendent of the department the total amount of moneys collected
 8 under the provisions of this chapter in each county and each munici-
 9 pality in which there is established a municipal department of
 10 weights and measures in accordance with the provisions of article
 11 3 of chapter 1 of this Title (§ 51:1-42 et seq.), and 50% of the
 12 license fees so collected shall be returned to counties and munici-
 13 palities in accordance with the provisions of R. S. 51:1-72.]

1 3. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to eliminate the role of county and local governments in licensing solid fuel dealers and to streamline the licensing system.

When the solid fuel dealer licensing statute was originally enacted in 1937, it was necessary for the State Superintendent of Weights and Measures to designate county and municipal officials as issuing agents because of the large number of dealer licenses. In 1977 only 122 licenses were issued.

Under the current statute, the State Office of Weights and Measures must return 50% of the solid fuel dealer license fee to the local jurisdiction which issued the license. Approximately \$2,400.00 went to local jurisdictions in 1977 by way of this arrangement. The Office of Weights and Measures must keep all records for the licenses issued by county and municipal offices.

This bill amends the current statute so that the Office of Weights and Measures would issue all licenses directly and retain the 50% reimbursement now paid to local governments.

FISCAL NOTE TO
ASSEMBLY, No. 3067

STATE OF NEW JERSEY

DATED: JUNE 20, 1979

The purpose of Assembly Bill No. 3067 is to eliminate the role of county and local governments in licensing solid fuel dealers and to streamline the licensing system.

The Department of Law and Public Safety estimates that enactment of this legislation would increase the revenues of the State by \$4,080.00 in fiscal 1979-80 and \$4,622.00 in fiscal 1980-81 and \$4,810.00 in fiscal 1981-82.

It is anticipated that the division can take on the functions called for in the bill without an appreciable increase in expenditure.

It should be noted that there will be a minimal loss in revenue to municipalities.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.