

17:16C-100

LEGISLATIVE HISTORY CHECKLIST

NJSA 17:16C-100

Laws of 1975 Chapter 78

Bill No. A1159

Sponsor(s) Codey & 10 Others

Date Introduced April 1, 1974

Committee: Assembly Commerce, Industry & Professions

Senate Labor, Industry & Professions

Amended during passage YES No

Date of passage: Assembly May 9, 1974

Senate April 21, 1975

Date of approval May 2, 1975

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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JUN 1977

ASSEMBLY, No. 1459

STATE OF NEW JERSEY

INTRODUCED APRIL 1, 1974

By Assemblymen CODEY, HAWKINS, PATERO, OWENS,
BROWN, NERI, CALLI, ADUBATO, RUANE, DOYLE and
NEWMAN

Referred to Committee on Commerce, Industry and Professions

AN ACT to amend the "Door-to-Door Home Repair Sales Act of
1968," approved July 30, 1968 (P. L. 1968, c. 224).

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

1 1. Section 6 of P. L. 1968, c. 224 (C. 17:16C-100) is amended to
2 read as follows:

3 6. (a) At the time of executing every home repair contract sub-
4 ject to the provisions of section 5 of this act, the home repair con-
5 tractor shall deliver to the owner two copies of a receipt which
6 clearly and conspicuously sets forth:

7 (1) The home repair contractor's name and place of business;
8 (2) A description of the goods and services sold; and
9 (3) The amount of money paid by the owner or the cash value
10 of any goods delivered to the home repair contractor at the time
11 the home repair contract was entered into.

12 (b) The receipt required to be delivered to the owner shall also
13 clearly and conspicuously bear, in at least 10-point bold type, the
14 following statement:

15 "NOTICE TO OWNER: YOU MAY RESCIND THIS
16 SALE PROVIDED THAT YOU NOTIFY THE HOME RE-
17 PAIR CONTRACTOR OF YOUR INTENT TO DO SO BY
18 CERTIFIED MAIL, RETURN RECEIPT REQUESTED,
19 POSTMARKED NOT LATER THAN 5 P.M. OF THE
20 THIRD BUSINESS DAY FOLLOWING THE SALE.
21 FAILURE TO EXERCISE THIS OPTION, HOWEVER,
22 WILL NOT INTERFERE WITH ANY OTHER REMEDIES
23 AGAINST THE HOME REPAIR CONTRACTOR YOU
24 MAY POSSESS. IF YOU WISH, YOU MAY USE THIS

25 PAGE AS NOTIFICATION BY WRITING 'I HEREBY
26 RESCIND' AND ADDING YOUR NAME AND ADDRESS.
27 A DUPLICATE OF THIS RECEIPT IS PROVIDED BY
28 THE HOME REPAIR CONTRACTOR FOR YOUR
29 RECORDS.'"

30 (c) No receipt required to be delivered by the owner shall con-
31 tain, or be accompanied by any document which contains, provi-
32 sions by which the owner waives his rights under this act.

33 (d) A home repair contractor who in the ordinary course of
34 business regularly uses a language other than English in any
35 advertising or other solicitation of owners, or in any printed forms
36 for use by owners, or in any face-to-face negotiations with owners
37 shall deliver the two copies of the receipt to an owner whose
38 principal language is such other language one in English and one
39 in the other language.

40 (e) *The receipt required to be delivered to the owner, other than*
41 *the notice provision required under subsection (b) of this section,*
42 *shall be in a type-size less than 10 points high and in type other*
43 *than bold.*

1 2. This act shall take effect 45 days after its enactment.

STATEMENT

This amendment is an attempt to close a loop-hole in the Door-to-Door Home Repair Sales Act of 1968 through which certain unscrupulous persons present the entire receipt in 10-point bold type, thus negating the act's intended emphasis on the rescission provision. This act would require the language of the receipt to be in a size and type visually distinguishable from the important Notice of Rescission Provision.