

2A:123-16 to 24

LEGISLATIVE HISTORY CHECKLIST

NJSA 2A:123-16 to 2A:123-24

Laws of 1975 Chapter 286

Bill No. A1610

Sponsor(s) Ruane

Date Introduced May 2, 1974

Committee: Assembly Commerce, Industry & Professions

Senate

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of passage: Assembly Nov. 24, 1975

Senate December 1, 1975

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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. 1640

# STATE OF NEW JERSEY

INTRODUCED MAY 2, 1974

By Assemblyman RUANE

Referred to Committee on Commerce, Industry and Professions

AN ACT to prohibit the sale of nonflame-resistant tents and sleeping bags.

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

1 1. As used in this act:

2 a. "Director" means the Director of the Division of Consumer  
3 Affairs and his designated representatives.

4 b. "Flame resistant" means the ability of a material to resist  
5 combustion and the conduction or continuation of fire when an  
6 ignition source is removed.

7 c. "Sale," "sell" or "sold" means offering or exposing for  
8 sale, or exchange or hire or lease, or consigning and delivering in  
9 consignment for sale, exchange, hire, or lease, or holding in posses-  
10 sion with like intent. The possession of any tents or sleeping bags,  
11 as herein defined, by any dealer, or his agent or servant in the  
12 course of business shall be presumptive of intent to sell.

13 d. "Sleeping bag" means a bag that is usually lined or padded  
14 and normally designed for sleeping outdoors or in a camp or tent.

15 e. "Tent" means a collapsible shelter, for one or more persons,  
16 of canvas or other material, either natural or synthetic or any  
17 combination thereof, stretched and sustained by poles and used for  
18 camping outdoors or as a temporary building.

1 2. It shall be unlawful for anyone to sell, hold for sale, or to  
2 cause the transportation for purposes of sale or delivery after  
3 sale within the State any sleeping bag or tent that is not classified  
4 by the Director of the Division of Consumer Affairs as being flame  
5 resistant according to the standards and regulations that the  
6 director shall promulgate pursuant to this act.

7 3. The director is authorized, empowered and directed, within  
8 6 months of the effective date of this act, to establish and to

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

9 promulgate pursuant to law, such standards and regulations neces-  
10 sary to implement and enforce this act; provided, however, that all  
11 such standards and regulations, including standards and facilities  
12 for testing material for its compliance with this act, shall be  
13 acceptable and safe standards for flame resistance.

1 4. Every place where tents and sleeping bags are sold shall be  
2 subject to inspection by the director, or his agents who shall have  
3 power to inspect the sale or delivery of all such tents, sleeping  
4 bags, covered by this act. The director shall have the power to  
5 cause examinations and tests to be made of such tents and sleeping  
6 bags and to seize and hold as evidence any such article sold or  
7 held in possession in violation of this act or of the rules and  
8 regulations promulgated hereunder.

1 5. Whenever the director has reason to believe that any tent  
2 or sleeping bag has been offered for sale in violation of the provi-  
3 sions of this act or of the rules and regulations promulgated  
4 hereunder, proceedings to enjoin such sale or other disposition of  
5 such articles may be instituted by the director in the Superior  
6 Court, and said director may also institute proceedings for the  
7 confiscation of such tents or sleeping bags in said Superior Court  
8 and shall make such disposition of said tents or sleeping bags as  
9 he shall be ordered so to do by the court; provided, however, that  
10 the court may order the delivery of such confiscated articles to the  
11 owner or claimant thereof upon payment of legal costs and charges  
12 and upon the execution and deposit with the court of a good and  
13 sufficient bond conditioned upon said tents or sleeping bags not  
14 being disposed of until properly and adequately treated or proc-  
15 essed so that such articles will comply with the provisions of this  
16 act and the rules and regulations promulgated pursuant thereto.

1 6. Any person who willfully violates this act shall forfeit and  
2 pay a penalty of not less than \$200.00 nor more than \$500.00 for  
3 the first offense, and not less than \$500.00 nor more than \$1,000.00  
4 for the second or any subsequent offense, to be sued for and recov-  
5 ered by and in the name of the division in a summary proceeding  
6 in accordance with the penalty enforcement law (N. J. S. 2A:58-1  
7 et seq.). Each tent or sleeping bag sold or exposed for sale shall  
8 constitute a separate violation.

1 7. The penalties provided for a violation of this act shall not  
2 apply to any person who establishes a guaranty received in good  
3 faith, signed by and containing the name and address of the person  
4 by whom the tent or sleeping bag covered by the guaranty was  
5 manufactured or from whom it was received, to the effect that

6 reasonable and representative tests made under the rules and  
7 regulations in accordance with the procedures prescribed in this  
8 act show that the specific type tent or sleeping bag covered by the  
9 guaranty when so tested was flame resistant within the meaning  
10 of this act; and that he has not, by further processing affected the  
11 flammability of the tent or sleeping bag covered by the guaranty  
12 which he received. Such guaranty shall either be a separate guar-  
13 anty specifically designating the tent or sleeping bag guaranteed,  
14 in which case it may be on the invoice or other paper relating to  
15 such articles, or a continuing guaranty filed with the director or  
16 with the Federal Trade Commission applicable to any tent or  
17 sleeping bag handled by the guarantor in such form as the director  
18 or the Federal Trade Commission, as the case may be, by rules and  
19 regulations, may prescribe. It is provided, however, that a person  
20 furnishing such a guaranty, except a person relying upon a guar-  
21 anty received in good faith to furnish a guaranty to the same  
22 effect, if he, by further processing, has not affected the flammability  
23 of the tent or sleeping bag covered by the guaranty, shall not be  
24 relieved thereby from any of the penalties prescribed for the  
25 violations of this act.

1 8. The provisions of this act shall not apply (a) to any common  
2 carrier, contract carrier or freight forwarder with respect to any  
3 tent or sleeping bag shipped or delivered for shipment in the ordi-  
4 nary course of its business; or (b) to any person manufacturing,  
5 delivering for shipment, shipping, selling or offering for sale or  
6 export any tent or sleeping bag from this State to any other state  
7 or foreign country, or (c) to any convertor, processor, or finisher  
8 in performing a contract or commission service for the account  
9 of a person subject to the provisions of this act; provided, however,  
10 that said convertor, processor, or finisher does not cause any tent  
11 or sleeping bag to become subject to this act contrary to the terms  
12 of the contract or commission service; or (d) to any tent or sleep-  
13 ing bag shipped or delivered for shipment into commerce for the  
14 purpose of finishing or processing to render the articles flame  
15 resistant under the provisions of this act or the rules and regula-  
16 tions promulgated pursuant thereto.

1 9. Nothing contained in this act shall apply to tents or sleeping  
2 bags being transported upon vessels, vehicles or railroad cars, or  
3 being held for delivery; provided, such transport and delivery is  
4 subject to and in conformity with regulations now or hereafter  
5 prescribed by the Interstate Commerce Commission.

1 10. This act shall take effect immediately, except that section 2  
2 hereof shall take effect on \***July 1, 1975**\* \*December 1, 1976\*.

A1640 (1974)

STATEMENT

This bill prohibits the sale or delivery for sale within the State of nonflame-resistant tents and sleeping bags. It is to be enforced by the Director of the Division of Consumer Affairs who may confiscate tents or sleeping bags offered for sale in violation of the bill. The Superior Court shall determine the disposition to be made of the confiscated articles. There are fines which may be imposed ranging from \$200.00 to \$1,000.00 for each offense. An exception for goods in interstate commerce is provided for in the bill.