

R.S. 62: 17B-118 et seq.

LEGISLATIVE FACT SHEET

ON *Est. Division of Consumer Affairs*

N.J.R.S. 52: 17B-118 et seq.

(Amendment)

LAWS OF 1971

CHAPTER 134

SENATE

ASSEMBLY 2383

INTRODUCED *April 5, 1971*

BY *Azzolina and 48 others*

STATEMENT

YES

NO

AMENDED DURING PASSAGE

YES

NO

HEARING

VETO *no*

Governor's statement on signing.

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ASSEMBLY, No. 2383

STATE OF NEW JERSEY

INTRODUCED APRIL 5, 1971

By Assemblymen AZZOLINA, DE KORTE, KEAN, COLEMAN, DAWES, ROBERTSON, MACRAE, KRAVARIK, WILSON, HAELIG, GARIBALDI, BROWN, MABIE, DENNIS, VREELAND, TURNER, BLACK, CAFIERO, HURLEY, McDONOUGH, GAVAN, HIGGINS, ENOS, VOLK, RUSSO, HOLLENBECK, CRANE, DORGAN, FIORE, CAPUTO, KALTENBACHER, RINALDI, THOMAS, COBB, Assemblywoman MARGETTS, Assemblymen SMITH, CURCIO, JACKMAN, HEALEY, ESPOSITO, LEFANTE, DUGAN, FAY, DEVERIN, PFALTZ, KIEHN, FORAN, LITTELL, EVERS

Referred to Committee on State Government

AN ACT establishing and concerning a Division of Consumer Affairs in the Department of Law and Public Safety and making an appropriation therefor.

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

1 1. This act shall be known and may be cited as the "Consumer
2 Affairs Act of 1971."

1 2. The Legislature recognizes that closer coordination among the
2 various State agencies dealing with consumer affairs will sub-
3 stantially enhance the effectiveness of the State's efforts to
4 adequately protect the interests of New Jersey consumers. Accord-
5 ingly it is hereby declared to be the public policy of this State to
6 secure the benefits of a uniform and efficient enforcement of the
7 State's public protection laws and administration of consumer
8 affairs throughout the State. All the provisions of this act shall
9 be liberally construed to achieve these ends and administered and
10 enforced with a view to carrying out the above declaration of policy.

1 3. There is hereby established in the State Department of Law
2 and Public Safety the Division of Consumer Affairs. The division
3 shall be under the immediate supervision of a director who shall
4 administer the work of the division under the direction and supervi-
5 sion of the Attorney General. He shall be appointed by the

6 Governor, with the advice and consent of the Senate, and shall
7 serve at the pleasure of the Governor. The Director of the Division
8 of Consumer Affairs shall receive such salary as shall be determined
9 by the Attorney General within the limits of available appropria-
10 tions, and he shall devote his entire time and attention to the duties
11 of his office.

1 4. The Attorney General shall organize the work of the division
2 in such bureaus and other organizational units as he may determine
3 to be necessary for efficient and effective operation and shall assign
4 to the division such employees in the Department of Law and Public
5 Safety as may be necessary to assist the director in the performance
6 of his duties.

1 5. To effectuate the purposes of this act and in addition to any
2 other powers and duties provided in or by this act, the Attorney
3 General:

4 a. May, personally or through his designee, issue subpoenas to
5 any person, administer an oath or affirmation to any person, conduct
6 hearings in aid of any investigation or inquiry, and promulgate
7 such rules and regulations as may be necessary, all of which shall
8 have the force of law;

9 b. Shall appoint such qualified hearing examiners as may be
10 necessary to exercise the functions, duties, and powers of the
11 Division of Consumer Affairs. Each hearing examiner shall serve
12 at the pleasure of the Attorney General. The director of the divi-
13 sion may designate in his place any hearing examiner to conduct
14 any hearing and recommend findings of fact and conclusions of law.
15 The hearing examiner shall receive such compensation as may be
16 determined by the Attorney General, subject to available appro-
17 priations.

1 6. All the functions, powers, and duties of the Division of
2 Weights and Measures, in the Department of Law and Public
3 Safety (C. 52:17B-23 et seq.), are transferred to the Division of
4 Consumer Affairs established hereunder.

1 7. All the functions, powers, and duties, including the functions,
2 powers, and duties of the Attorney General derived from chapter
3 39 of the laws of 1960 (C. 56:8-1 et seq.) as amended or supple-
4 mented, of the Office of Consumer Protection in the Department
5 of Law and Public Safety (C. 52:17B-5.6 et seq.) are transferred
6 to the Division of Consumer Affairs established hereunder.

1 8. All the functions, powers, and duties of the Bureau of Securi-
2 ties in the Department of Law and Public Safety (C. 49:3-66
3 et seq.) are transferred to the Division of Consumer Affairs
4 established hereunder.

1 9. All the functions, powers, and duties of the Division of
2 Professional Boards, in the Department of Law and Public Safety
3 (C. 52:17B-29 et seq.) including those of the boards and agencies
4 contained therein, are transferred to the Division of Consumer
5 Affairs established hereunder.

1 10. Each of the several boards within the Division of Profes-
2 sional Boards shall continue to have all of the powers and shall
3 exercise all of the functions and duties vested in, or imposed upon,
4 it by law. In addition nothing in this act shall be construed to
5 affect the compensation of respective officers, members or em-
6 ployees of such boards as provided by law.

1 11. This act shall not affect the terms of office of the present
2 members of the respective boards in the former Division of Profes-
3 sional Boards. Such boards shall continue to be constituted as
4 provided by existing law.

1 12. The Citizens Consumer Advisory Committee established by
2 chapter 23 of the laws of 1967 (C. 52:17B-5.11) is continued, but
3 such committee is transferred to the Division of Consumer Affairs
4 and shall be constituted the Citizens Consumer Affairs Advisory
5 Committee, the chairman of which shall be the director, or his
6 designee, of the Division of Consumer Affairs.

1 13. All employees of any division, office, board or other agency,
2 the functions, powers and duties of which have been herein assigned
3 or transferred to the Division of Consumer Affairs, shall upon the
4 effective date of this act be transferred to the Division of Consumer
5 Affairs.

1 14. Nothing in this act shall be construed to deprive any person
2 of any tenure rights or of any right or protection provided him
3 by Title 11 of the Revised Statutes, Civil Service, or under any
4 pension law or retirement system.

1 15. Except as provided in section 16 of this act, all appropria-
2 tions and other moneys available and to become available to any
3 division, office or other agency, the functions, powers and duties
4 of which have been herein assigned or transferred to the Division
5 of Consumer Affairs, are hereby transferred to the Division of
6 Consumer Affairs established hereunder, and shall be available
7 for the objectives and purposes for which appropriated, subject to
8 any terms, restrictions, limitations or other requirements imposed
9 by State or Federal law.

1 16. This act shall not affect the manner in which the appropria-
2 tions of the several boards of the former Division of Professional
3 Boards are obtained and disposed of; in addition all fees, fines,
4 penalties and other moneys payable to the boards within the former

5 Division of Professional Boards shall continue to be paid into
6 the State Treasury and credited to the respective boards as pro-
7 vided by law.

1 17. All files, books, papers, records, equipment and other prop-
2 erty of any division, office, board or other agency, the functions,
3 powers and duties of which have been herein assigned or trans-
4 ferred to the Division of Consumer Affairs, shall upon the effective
5 date of this act be transferred to the Division of Consumer Affairs.

1 18. This act shall not affect orders, rules and regulations hereto-
2 fore made or promulgated by any division, office, board or other
3 agency, the functions, powers and duties of which have been herein
4 assigned or transferred to the Division of Consumer Affairs; but
5 such orders, rules and regulations shall continue with full force
6 and effect until amended or repealed pursuant to law.

1 19. This act shall not affect any actions or proceedings, civil or
2 criminal, brought by or against any division, office, board or other
3 agency, the functions, powers and duties of which have been herein
4 assigned or transferred to the Division of Consumer Affairs, and
5 pending on the effective date of this act, but such actions or
6 proceedings may be prosecuted or defended in the same manner
7 and to the same effect by the Division of Consumer Affairs as if
8 the foregoing provisions had not taken effect; nor shall any of the
9 foregoing provisions affect any order or recommendation made by,
10 or other matters or proceedings before, any division, office, board
11 or other agency, the functions, powers and duties of which have
12 been herein assigned or transferred to the Division of Consumer
13 Affairs, and all such matters or proceedings pending before such
14 division, office or other agency on the effective date of this act shall
15 be continued by the Division of Consumer Affairs, as if the fore-
16 going provisions had not taken effect.

1 20. Nothing in this act shall be construed to limit the powers of
2 the Attorney General with respect to any division, office, board or
3 other agency herein assigned or transferred to the Division of
4 Consumer Affairs established hereunder.

1 21. All acts and parts of acts inconsistent with any of the provi-
2 sions of this act are, to the extent of such inconsistency, superseded
3 and repealed.

1 22. There is hereby appropriated to the Department of Law and
2 Public Safety the sum of \$100,000.00 to carry out the purposes of
3 this act for the year beginning July 1, 1971.

1 23. The provisions of this act shall become operative at the
2 beginning of the biweekly pay period next following enactment.
3 Anticipatory action to effect the establishment of the division may

4 be taken in advance thereof including the making of authorized
5 appointments, and confirmation or approval thereof, and, within
6 the limits of appropriations to the division, the expenditure of
7 funds for payment of salaries and expenses incident thereto.

1 24. This act shall take effect immediately.

A-2383

Governor William T. Cahill today signed legislation creating a powerful new state consumer agency to concentrate the Administration's attack on those who would defraud the public.

The measure, A-2383, creates under the Attorney General a Division of Consumer Affairs, consolidating several existing consumer-oriented state agencies.

"Such a realignment will substantially enhance the effectiveness of this Administration's efforts to adequately protect the interests of New Jersey consumers and will focus more direct attention on consumer affairs by elevating them to Division status, under centralized supervision," the Governor said.

The Governor today also submitted to the Senate the name of Charles J. Irwin of Mountainside as Director of the new Division; Irwin, former Union County Assemblyman, now serves as executive director of the state Office of Consumer Protection.

Under the bill signed by the Governor today, that Office, plus the Bureau of Securities, Division of Weights and Measures and Division of Professional Boards, all in the Department of Law and Public Safety, are incorporated to the Division of Consumer Affairs.

Also transferred to the new Division is the 10-member New Jersey Citizens Consumer Affairs Advisory Committee, previously attached to the Office of Consumer Protection. Under the new bill, the Division Director is chairman of the committee.

"The new Division has the responsibility not only to prosecute the bilkers and the swindlers who prey on our citizens, but also to listen to the consumers of this State and to provide them a single, visible and effective administrative agency to speak for their interests and process their grievances under the law," the Governor said.

Among its most significant provisions, the Bill:

--Gives the Attorney General authority to appoint hearing examiners to serve the entire Division.

--Grants the Attorney General broad rule-making powers and provides he may issue subpoenas, administer oaths or affirmations and conduct appropriate hearings in aid of any investigation or inquiry for the Division.

--Leaves unaffected the terms of office of present members of the various Professional Boards and provides that such boards shall continue to be constituted as provided by existing law.

--Appropriates \$100,000 to operate the new Division through the end of the fiscal year 1971-72.