

46:30A-1

August 17, 1970

LEGISLATIVE NOTES ON R.S. 46:30A-1
(Unlawful Selling Practices; unsolicited
goods become unconditional gift)

Copy 2

rious bills

1968 - A516 (Coury and others)

1969 - A75 (Coury)

1969 - A405

1969 - S372

1969 - A1042 (substituted by S53)

1969 - Chapt.234 - S53

Pre-filed by Giulians (and others)

No statement

January 27 - Passed Senate

May 20 - Passed Assembly, amended (copy enc)

December 1 - Assembly Amendment, Passed Senate

See following clippings (V.F.--New Jersey--Consumer protection)
(copy enclosed)

Senate passes bill on unsolicited goods, NEN 1-28-69

Unsolicited goods may become gifts, TET 1-28-69

It's the law--unordered merchandise is a gift

Record 12-18-69

Governor made statement on signing. (copy enc)

RSL/AS

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SENATE, No. 53

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1969 SESSION

By Senators GIULIANO, GUARINI, DELTUFO, MATTURRI,
WALLWORK, WALDOR, DOWD and MARAZITI

AN ACT concerning certain unlawful selling practices involving
unsolicited goods, wares or merchandise.

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

1 1. No person, firm, partnership, association or corporation, or
2 agent or employee thereof, shall, in any manner, or by any means,
3 offer for sale goods, wares or merchandise, where the offer includes
4 the voluntary and unsolicited sending of goods, wares or merchan-
5 dise not actually ordered or requested by the recipient, either orally
6 or in writing. The receipt of any such unsolicited goods, wares
7 or merchandise shall for all purposes be deemed an unconditional
8 gift to the recipient who may use or dispose of the same in any
9 manner he sees fit without any obligation on his part to the sender.

1 2. This act shall take effect immediately.

ASSEMBLY AMENDMENT TO
SENATE, No. 53

STATE OF NEW JERSEY

ADOPTED MAY 12, 1969

Amend page 1, section 1, line 9, after “sender”, and before the period, insert “and no civil action may be instituted for the recovery of the value of such goods, wares or merchandise or for their return”.

Governor Richard J. Hughes today signed Senate Bill No. 53, Assembly Bill No. 373 and Assembly Bill No. 692 with the following statement.

"I have today signed two bills which further advance New Jersey's efforts to protect the consumer public. Similar protections were urged in my Annual Message to the Legislature and it is personally gratifying to be able to sign these measures during my last few months in office.

"With the signing of Senate Bill No. 53, the receiver of any unsolicited goods or merchandise may now use or dispose of such goods as though they were an unconditional gift. The harrassed consumer will no longer be obligated to the sender for either the return of the goods or their value if no request for such goods was ever made.

"Assembly Bill No. 373 will relieve the frustration and hardship caused the consumer by the holder in due course doctrine. Too often when a home repair contractor had performed shoddy work or failed to perform at all, the consumer found that he must nonetheless make payments under the contract as the contractor had sold the consumer's note to a third party. By relying on the holder in due course doctrine, such a third party could demand installment payments of the consumer but was not responsible for any defects or delay in the work done. Under Assembly Bill No. 373, however, the consumer will now be able to sue on an unfulfilled contract even though the note has been sold to a third party for collection.

"It is regrettable that A-373's companion Bill A-374 was not brought to the floor of the Senate for a vote. A-374 would have prevented the holder in due course doctrine from being abused by purchasers of commercial paper in retail installment sales. The testimony of consumers before Committee was replete with experiences where the holder doctrine was raised to relieve the third party from any liability for the most flagrant breaches of warranty. I would urge the Legislature

when it reconvenes to complete its task and respond to the well-documented need to further modify the holder in due course doctrine.

"A third bill I have signed today will also have a significant effect on commercial transactions in New Jersey. Assembly Bill No. 692 provides for the creation of a Uniform Consumer Code Study Commission and appropriates \$25,000 for its use. The Commission is charged with making a thorough study of the impact which adoption of the Uniform Consumer Credit Code in New Jersey would have on present credit laws and practices. The findings and recommendations of the Commission are to be reported to the Legislature at its 1970 session. It is to be hoped that the public members to be appointed by the President of the Senate and the Speaker of the General Assembly will join with my appointee in assuring that an objective review of this important proposed legislation is available to the 1970 Legislature."

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