

51:1-12 thru 131

August 25, 1970

LEGISLATIVE NOTES ON R.S. 51:1-12 thru 51:1-131
(Weight and measure violations; fines and penalties)

L. 1969, Chapter 251 - A237

January 23 - Introduced by Ferrara and others.

March 10 - Passed in Assembly.

May 8 - Committee substitute passed in Senate.

November 17 - Senate committee substitute passed in
Assembly under emergency resolution.

January 7, 1970 - Approved, Chapter 251

Copies of original bill with statement and substitute
are enclosed.

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We searched the following without success:

V.F.--N.J.--Weights and measures.

Previous hearings on weights & measures

JH/PC

974.90 New Jersey. Legislature. Senate. Business
Affairs Committee

W419

1966

Public hearing on Senate Bills

Nos. 274, 327, 328. June 3, 1966

974.90

New Jersey. Legislature. Senate. Business
Affairs Committee

W419

1966

Public hearing held May 4, 1967

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SENATE COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 237

STATE OF NEW JERSEY

ADOPTED MAY 5, 1969

AN ACT to increase certain penalties concerning standards, weights, measures and containers, and revising parts of the statutory law.

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

1 1. Section 51:1-12 of the Revised Statutes is amended to read
2 as follows:

3 51:1-12. A person violating any provision of sections 51:1-10
4 or 51:1-11 of this Title shall be liable to a penalty of **[\$50.00]**
5 *\$100.00* to be recovered in the municipal court or county district
6 court by any person who may sue therefor. Such penalty when
7 recovered shall be paid to the county treasurer of the county in
8 which the violation occurred.

1 2. Section 51:1-14 of the Revised Statutes is amended to read
2 as follows:

3 51:1-14. Any person who shall sell or dispose of butter or cheese
4 in a firkin, tub or vessel manufactured for such purpose in this
5 State which is not branded as required by section 51:1-13 of this
6 Title and any person who shall alter or purposely deface such brand
7 shall forfeit and pay the sum of **[\$25.00]** *\$100.00* to such person
8 as shall sue for the same in an action at law in any court of com-
9 petent jurisdiction.

1 3. Section 51:1-17 of the Revised Statutes is amended to read
2 as follows:

3 51:1-17. All articles of food, other than liquids, which are capable
4 of being measured by dry capacity measure and which heretofore
5 have been sold by dry capacity measure in this State shall, except
6 as hereinafter provided, be offered for sale or sold upon the basis
7 of avoirdupois net weight or by numerical count only, and it shall
8 be unlawful for anyone to use or employ any dry capacity measure,
9 basket, barrel or container of any kind as a means of determining
10 the amounts or quantities of any such articles of food offered for

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

11 sale or sold. The provisions of this section shall not be construed
12 to apply to:

13 a. Fruits and vegetables offered for sale or sold in closed or
14 covered original standard containers; or

15 b. Articles of food offered for sale by bona fide farmers in any
16 farmers' public market, in open or uncovered original standard
17 containers; or

18 c. Vegetables which by common custom are offered for sale or
19 sold by the bunch; or

20 d. Fresh berries and other small fruits, which are customarily
21 offered for sale and sold by the box, basket or other receptacle,
22 except, however, when such fresh berries and other small fruits
23 are offered for sale or sold in bulk, in which case the provisions of
24 this section shall apply to the extent that such fresh berries and
25 other small fruits shall be offered for sale and sold by avoirdupois
26 net weight only, but all fresh berries and such other small fruits,
27 when offered for sale or sold shall be so offered for sale or sold in
28 boxes, baskets or receptacles of uniform size to hold one quart or
29 one pint dry measure only, uniformly and evenly filled throughout.

30 As used in this section:

31 "Dry capacity measure" means only bushel, half-bushel, peck,
32 half-peck, quarter-peck, quart, pint, half-pint and similar measures.

33 "Original standard container" means only barrels, boxes, bas-
34 kets, hampers or similar containers, the dimensions or capacity of
35 which is established by law of this State or by Act of Congress,
36 the contents of which have not been removed or repacked, and upon
37 which is plainly and conspicuously marked the net quantity of con-
38 tents thereof in terms of weight, measure or numerical count.

39 "Bona fide farmers" means agriculturists or growers of fruits
40 and vegetables who actually produce the commodities they sell and
41 who are registered as such either with the State Department of
42 Agriculture or with any county agent or board of agriculture.

43 Any person violating any of the provisions of this section shall,
44 for the first offense, be liable to a penalty of not less than ~~[\$25.00]~~
45 ~~\$50.00~~ nor more than ~~[\$50.00]~~ ~~\$100.00~~, for a second offense to a
46 penalty of not less than ~~[\$50.00]~~ ~~\$100.00~~ nor more than ~~[\$100.00]~~
47 ~~\$250.00~~, and for each subsequent offense to a penalty of not less than
48 ~~[\$100.00]~~ ~~\$250.00~~ nor more than ~~[\$200.00]~~ ~~\$500.00~~.

1 4. Section 51:1-24.1 of the Revised Statutes is amended to read
2 as follows:

3 51:1-24.1. Any person violating any of the provisions of sections
4 51:1-22, 51:1-23 or 51:1-24 of this Title shall, for the first offense,
5 be liable to a penalty of not less than ~~[\$25.00]~~ ~~\$50.00~~ nor more

6 than ~~[\$50.00]~~ \$100.00, for a second offense to a penalty of not less
7 than ~~[\$50.00]~~ \$100.00 nor more than ~~[\$100.00]~~ \$250.00, and for
8 each subsequent offense to a penalty of not less than ~~[\$100.00]~~
9 \$250.00 nor more than ~~[\$200.00]~~ \$500.00.

1 5. Section 51:1-25 of the Revised Statutes is amended to read
2 as follows:

3 51:1-25. The standard peach basket shall be 16 quarts Winchester
4 half-bushel measure. It shall be of the following dimensions:
5 Height, 12¼ inches; width across the top, 13½ inches; inside
6 measurement, 1,075.10 cubic inches. Each basket shall be marked
7 "Standard N. J." upon the staves just below the rim in Roman
8 letters, not less than one inch in length and not less than ½ inch
9 in width. Such letters shall be burned on or printed with permanent
10 red paint in a straight line.

11 All persons who shall manufacture for sale or who shall offer
12 or expose for sale any nonstandard basket to be used for selling or
13 shipping peaches shall distinctly and durably stamp, brand or mark
14 upon such basket upon the stave just below the rim, the number of
15 quarts such basket contains.

16 Any person who shall manufacture, sell or offer or expose for
17 sale, or have in his possession with intent to sell or use any peach
18 basket not stamped, branded or marked as by this section required
19 shall for each offense forfeit and pay a fine of not less than ~~[\$25.00]~~
20 \$50.00 nor more than ~~[\$50.00]~~ \$100.00 to be recovered with costs
21 in any court of competent jurisdiction in an action to be prosecuted
22 by the prosecutor of the pleas in the name of the State. ~~[One-half~~
23 ~~of such recovery shall be paid to the informer and the residue shall~~
24 ~~be applied to the support of the poor in the county where such~~
25 ~~recovery is had.]~~

1 6. Section 51:1-27.1 of the Revised Statutes is amended to read
2 as follows:

3 51:1-27.1. Any person violating any of the provisions of either
4 section 51:1-26 or section 51:1-27 of this Title shall be liable to
5 a penalty of not less than ~~[\$5.00]~~ \$25.00 nor more than ~~[\$100.00]~~
6 \$250.00 for each offense. Such penalty may be sued for and recover-
7 ed by the State superintendent or by the county or municipal
8 superintendent of weights and measures of the county or municipi-
9 pality in which such violation occurred. The proceedings for the
10 collection of such penalty shall be in all respects the same as the
11 proceedings for the collection of penalties under and by virtue of
12 article 4 of this chapter (§ 51:1-89 et seq.).

1 7. Section 51:1-28 of the Revised Statutes is amended to read
2 as follows:

3 51:1-28. Any person who shall pack, or cause to be packed for
 4 the purpose of selling, offering or exposing for sale any fruits or
 5 vegetables, in crates, covered baskets, carriers, sacks or other con-
 6 tainers shall plainly and conspicuously mark in lettering not less
 7 than $\frac{3}{8}$ of an inch in size, on the outside or top of such container,
 8 or on a tag firmly affixed thereto, his name and address. Before
 9 so doing he shall remove from the container all names and ad-
 10 dresses, excepting the name and address of the manufacturer of
 11 the container.

12 Any person violating any of the provisions of this section shall
 13 for the first offense be liable to a penalty of not less than ~~[\$25.00]~~
 14 ~~\$50.00~~ nor more than ~~[\$50.00]~~ \$100.00, for a second offense to a
 15 penalty of not less than ~~[\$50.00]~~ \$100.00 nor more than ~~[\$100.00]~~
 16 \$250.00, and for each subsequent offense to a penalty of not less
 17 than ~~[\$100.00]~~ \$250.00, nor more than ~~[\$200.00]~~ \$500.00.

1 8. Section 51:1-29 of the Revised Statutes is amended to read
 2 as follows:

3 51:1-29. No person shall distribute or sell, or have in his pos-
 4 session with intent to distribute or sell, any article of food in
 5 package form, unless the net quantity of the contents be plainly
 6 and conspicuously marked on the outside of the package in terms
 7 of weight, measure or numerical count.

8 Reasonable variations, tolerances and exemptions as to small
 9 packages shall be permitted. The State superintendent shall by
 10 order fix such tolerances and exemptions as to small packages as
 11 shall have been or may hereafter be fixed by the Secretary of the
 12 Treasury, the Secretary of Agriculture and the Secretary of Com-
 13 merce of the United States of America.

14 Such tolerances and exemptions shall be published at the end
 15 of the session laws of the Legislature next thereafter published
 16 after the making of said order and shall take effect when so pub-
 17 lished.

18 If any such tolerance or exemption, so adopted, shall be changed
 19 by the 3 secretaries above named, it shall not continue in effect in
 20 this State after such change has become effective. Any such order
 21 may be prima facie proven in any court by the mere production
 22 of the volume of such laws containing the publication thereof.

23 Any person violating any of the provisions of this section shall
 24 for the first offense be liable to a penalty of not less than ~~[\$25.00]~~
 25 ~~\$50.00~~ nor more than ~~[\$50.00]~~ \$100.00, and for a second offense
 26 to a penalty of not less than ~~[\$50.00]~~ \$100.00 nor more than
 27 ~~[\$100.00]~~ \$250.00, and for each subsequent offense to a penalty

28 of not less than ~~[\$100.00]~~ \$250.00 nor more than ~~[\$200.00]~~ \$500.00.

1 9. Section 51:1-31 of the Revised Statutes is amended to read
2 as follows:

3 51:1-31. Any manufacturer who shall sell milk and cream bot-
4 tles to be used in this State that do not comply with section 51:1-30
5 of this Title shall be liable to a penalty of ~~[\$500.00]~~ \$1,000.00, to
6 be recovered in an action at law to be brought by the State superin-
7 tendent in the name of the State.

8 Any dealer, who shall knowingly use for the purpose of sale
9 milk or cream jars or bottles, that do not comply with said section
10 51:1-30, shall be guilty of a misdemeanor.

1 10. Section 51:1-32 of the Revised Statutes is amended to read
2 as follows:

3 51:1-32. No person shall keep for the purpose of sale, sell,
4 expose or offer for sale any sewing, basting, mending, darning,
5 crochet, tatting, hand-knitting, or embroidery thread, put up on
6 spools, tubes, cones, bobbins, or in-balls, skeins or other similar
7 forms hereinafter referred to as units, put up or packaged in ad-
8 vance of sale for either wholesale or retail sale, unless each of such
9 units be definitely, plainly, and conspicuously marked to show the net
10 weight in avoirdupois pounds and ounces, or the length in yards of
11 such thread. When, however, the net weight of such thread in or on
12 any such unit is less than 2 avoirdupois ounces, such unit shall be
13 marked to show the length of such thread in yards as unwound from
14 the unit. Ready-wound bobbins which are not sold separately shall
15 not be required to be individually marked, but the package contain-
16 ing such bobbins shall be marked to show the number of bobbins
17 contained therein and the net weight or measure of the thread on
18 each bobbin. Any retail unit of thread, sold only for household use,
19 consisting of a package containing 2 or more similar individual
20 units, which are not sold separately, shall be marked to show the
21 number of individual units in the package and the net weight or
22 measure of the thread in each individual unit, but this provision
23 shall not apply where the individual units are separately marked.
24 The marking required by this section shall in all cases be in com-
25 bination with the name and place of business of the manufacturer
26 or distributor of the thread, or a trade-mark, symbol, brand, or
27 other mark which positively identifies such manufacturer or dis-
28 tributor and which shall be filed with the Superintendent of the
29 Division of Weights and Measures of the Department of Law and
30 Public Safety. An average of not less than 10 units of thread of the
31 same type and put-up, selected at random from such units kept for

32 the purpose of sale, offered or exposed for sale, or sold, shall not
 33 weigh or measure more than 3% less than the net weight or number
 34 of yards marked on such units or on the package containing such
 35 units. The Superintendent of the Division of Weights and Measures
 36 of the Department of Law and Public Safety shall make such rules
 37 and regulation as he may deem necessary for the proper enforce-
 38 ment of this act. The provisions of this act shall not apply to wool
 39 or to textile products made in whole or in part of wool.

40 If any person shall keep for the purpose of sale, sell, expose or
 41 offer for sale any such units of thread which either are not marked
 42 or do not weigh or measure as herein provided, such person shall,
 43 for the first offense, be liable to a penalty of not less than ~~[\$25.00]~~
 44 ~~\$50.00~~ nor more than ~~[\$50.00]~~ \$100.00, and for a second offense to a
 45 penalty of not less than ~~[\$50.00]~~ \$100.00 nor more than ~~[\$100.00]~~
 46 ~~\$250.00~~ and for each subsequent offense to a penalty of not less than
 47 ~~[\$100.00]~~ \$250.00 nor more than ~~[\$200.00]~~ \$500.00.

1 11. Section 51:1-35.1 of the Revised Statutes is amended to read
 2 as follows:

3 51:1-35.1. Any person violating any of the provisions of either
 4 section 51:1-34 or section 51:1-35 of this Title, or who alters or
 5 defaces delivery tickets as specified in said section 51:1-35, or who
 6 in any manner misrepresents the weight of the laundry so delivered,
 7 shall for the first offense be liable to a penalty of not less than
 8 ~~[\$25.00]~~ \$50.00 nor more than ~~[\$50.00]~~ \$100.00, for a second offense
 9 to a penalty of not less than ~~[\$50.00]~~ \$100.00 nor more than
 10 ~~[\$100.00]~~ \$250.00, and for each subsequent offense to a penalty of
 11 not less than ~~[\$100.00]~~ \$250.00 nor more than ~~[\$200.00]~~ \$500.00.

1 12. Section 51:1-37.1 of the Revised Statutes is amended to read
 2 as follows:

3 51:1-37.1. Any person engaged in the business of selling ice who
 4 shall deliver any ice without first having weighed the same, or who
 5 shall sell less than the quantities represented shall be liable to a
 6 penalty of ~~[\$25.00]~~ \$50.00 for the first offense, ~~[\$50.00]~~ \$100.00 for
 7 the second offense, and ~~[\$100.00]~~ \$250.00 for each subsequent
 8 offense.

1 13. Section 51:1-38 of the Revised Statutes is amended to read
 2 as follows:

3 51:1-38. All grain, coal, coke, charcoal, coal briquettes or other
 4 patent fuel, regardless of quantity, shall be sold by weight, and the
 5 said commodities shall be weighed on accurate scales tested, ap-
 6 proved and sealed as provided by this chapter. No person shall
 7 deliver, start out for delivery or cause to be delivered any coal, coke,

8 charcoal, coal briquettes or other patent fuel, in amounts exceeding
9 100 pounds, without the same first being weighed by a certified
10 weighmaster appointed by the State superintendent, and such sale
11 or delivery being accompanied while in transit by a delivery ticket
12 and duplicate thereof. A delivery ticket and duplicate thereof shall
13 be delivered with each load or part of load of grain, coal, coke, char-
14 coal, coal briquettes or other patent fuel offered, exposed or in-
15 tended for sale or sold or delivered, including loads or parts of loads
16 weighing less than 100 pounds. On both tickets there shall be dis-
17 tinctly and indelibly expressed, in ink or otherwise, the net quantity
18 or quantities in pounds of each load or portion of load contained in
19 the delivery of grain, coal, coke, charcoal, coal briquettes or other
20 patent fuels, together with the number of bags or sacks of any com-
21 modity specified in this section, when bags or sacks are representa-
22 tive of the quantity contained in the cart, wagon, truck or other ve-
23 hicle or container used in such delivery, the name and address of the
24 purchaser thereof, the name and address of the dealer from whom
25 purchased, and when the amount exceeds 100 pounds, except in the
26 case of grain, the signature and official number of the weighmaster
27 who performed the weighing, together with an impress of the official
28 seal of the said weighmaster. One of such tickets shall be delivered to
29 the person receiving such grain, coal, coke, charcoal, coal briquettes
30 or other patent fuel, and the other ticket shall be retained by the
31 seller of the grain, coke, coal, charcoal, coal briquettes or other
32 patent fuel for a period of 1 year and shall be subject to inspection
33 by any superintendent or assistant superintendent, within this time.

34 This section shall not apply to any grain, coal, coke, charcoal, coal
35 briquettes or other patent fuel sold to be delivered by the entire
36 railroad car or cargo direct from the vessels, boats or railroad cars
37 containing the same to one destination and consigned to one person
38 and accepted by the purchaser on the original bill of lading or in-
39 voice as proof of weight. Grain, coal, coke, charcoal, coal briquettes
40 or other patent fuel sold or offered for sale in this State in quanti-
41 ties of 30 pounds or less, in paper bags, sacks, or similar containers,
42 where the name and address of the dealer and the net contents in
43 terms of avoirdupois weight are distinctly and indelibly marked, in
44 ink or otherwise, on such paper bags, sacks or similar containers,
45 in Gothic type not less than $\frac{1}{2}$ inch in height, shall be exempt from
46 the provisions of this section requiring delivery tickets and dupli-
47 cates thereof.

48 Any person violating any of the provisions of this section shall,
49 for the first offense, be liable to a penalty of not less than **[\$25.00]**

50 \$50.00 nor more than ~~[\$50.00]~~ \$100.00, and for a second offense to
 51 a penalty of not less than ~~[\$50.00]~~ \$100.00 nor more than ~~[\$100.00]~~
 52 \$250.00, and for each subsequent offense to a penalty of not less than
 53 ~~[\$100.00]~~ \$250.00 nor more than ~~[\$200.00]~~ \$500.00.

1 14. Section 51:1-39 of the Revised Statutes is amended to read
 2 as follows:

3 51:1-39. No person shall sell charcoal in any bag which contains
 4 less than 4 pounds net weight. All charcoal sold or offered for sale
 5 in paper bags, when sold in quantities of less than 100 pounds,
 6 shall have the contents by weight plainly marked on the outside
 7 thereof in solid Roman capital letters at least ½ inch in height.

8 No paper bag or sack used or intended to be used in the sale of
 9 charcoal shall be less than 22 inches in height nor less than 11
 10 inches in width and the bottom shall not be less than 4 inches in
 11 breadth.

12 Any person violating any of the provisions of this section shall,
 13 for the first offense, be liable to a penalty of not less than ~~[\$25.00]~~
 14 \$50.00 nor more than ~~[\$50.00]~~ \$100.00, and for a second offense to
 15 a penalty of not less than ~~[\$50.00]~~ \$100.00 nor more than ~~[\$100.00]~~
 16 \$250.00, and for each subsequent offense to a penalty of not less
 17 than \$250.00 nor more than \$500.00.

1 15. Section 51:1-80 of the Revised Statutes is amended to read
 2 as follows:

3 51:1-80. Any person, who shall request a weighmaster to weigh
 4 any product, commodity, or article falsely or incorrectly, or who
 5 shall request a false or incorrect certificate of weight and measure,
 6 or any person who shall issue a certificate of weight and measure
 7 who is not a weighmaster as defined in section 51:1-73 of this Title
 8 shall, upon conviction thereof, pay a fine of not less than ~~[\$100.00]~~
 9 \$500.00 nor more than ~~[\$500.00]~~ \$1,000.00.

10 Any weighmaster who shall issue a false certificate of weight or
 11 measurement, or who shall delegate his authority to any person
 12 not certified as a weighmaster, or who shall pre seal a certificate
 13 of weight or measure with his official seal before performing the
 14 work of weighing or measuring or who shall conduct his office as
 15 weighmaster in any manner at variance with this chapter shall,
 16 upon conviction thereof, pay a fine of not less than ~~[\$100.00]~~ \$500.00
 17 nor more than ~~[\$500.00]~~ \$1,000.00 and, in addition, shall forfeit his
 18 weighmaster's certificate. The certificate shall then be turned over
 19 to the State superintendent.

1 16. Section 51:1-82 of the Revised Statutes is amended to read
 2 as follows:

3 51:1-82. Any person who owns, operates, keeps, or has in his

4 possession, control or charge any scales, steelyards or weights who
 5 shall certify, declare, represent, render or report any false weight
 6 whereby any other person may be defrauded, deceived or injured,
 7 shall, upon conviction thereof, be subject to a penalty in a sum not
 8 less than ~~[\$25.00]~~ \$50.00 nor more than ~~[\$50.00]~~ \$100.00 for a first
 9 offense, and not less than ~~[\$50.00]~~ \$100.00 nor more than ~~[\$100.00]~~
 10 \$250.00 for a second offense and not less than ~~[\$100.00]~~ \$250.00
 11 nor more than ~~[\$200.00]~~ \$500.00 for each subsequent offense. The
 12 court shall cause any defendant, who refuses or neglects to forth-
 13 with pay the amount of the judgment rendered against him and
 14 all the costs and charges incident thereto, to be committed to the
 15 county jail for a period of not less than 10 days and not exceeding
 16 30 days for a first offense and not less than 30 days nor more than
 17 90 days for any subsequent offense. Such person shall also be
 18 answerable to the party defrauded in double damages, to be collected
 19 in an action at law in any court of competent jurisdiction. The
 20 provisions of this section shall not apply to interstate common
 21 carriers by railroad subject to the rules and regulations from time
 22 to time issued by the Interstate Commerce Commission.

1 17. Section 51:1-83 of the Revised Statutes is amended to read
 2 as follows:

3 51:1-83. No person shall buy or sell goods or service based on
 4 weight or measurement by the use of any weight or measure which
 5 has not been tested and sealed according to the provisions of this
 6 chapter under penalty of ~~[\$25.00]~~ *not less than \$50.00 nor more*
 7 *than \$200.00 for each separate offense.* No contract shall, however,
 8 be declared void unless one of the contracting parties has been
 9 injured by the use of such weight or measure.

1 18. Section 51:1-85 of the Revised Statutes is amended to read
 2 as follows:

3 51:1-85. Whenever any inspection of weights and measures has
 4 been made upon the request of the owner thereof, if they shall be
 5 found not to conform to the legal standard, the superintendent, or
 6 assistant superintendent shall serve such owner with a notice in
 7 writing that the use thereof is illegal. Within 15 days thereafter,
 8 the owner shall either have such weight or measure corrected or
 9 another substituted therefor, and notify the said superintendent in
 10 writing to that effect, or deliver the defective weight or measure to
 11 such superintendent for confiscation; and for his failure so to do,
 12 he shall be liable to a fine of ~~[\$25.00]~~ \$100.00.

1 19. Section 51:1-86 of the Revised Statutes is amended to read
 2 as follows:

3 51:1-86. Upon the first official inspection of any weight or

4 measure, except where the inspection is made upon the request of
5 the owner thereof, if the deviation from the legal standard shall
6 be of such nature as not to be easily ascertained by the owner
7 thereof, the owner may correct it. Upon his failure to do so within
8 2 days after such inspection, the superintendent may take posses-
9 sion of and destroy such weight or measure. If the said deviation,
10 or the causes thereof, shall be patent or easily ascertainable by the
11 owner thereof, the superintendent or assistant superintendent shall
12 immediately take possession of and destroy such weight or measure,
13 and the owner thereof shall be liable to a penalty of ~~[\$5.00]~~ \$50.00
14 in addition to any other penalties and punishments herein provided.

1 20. Section 51:1-88 of the Revised Statutes is amended to read
2 as follows:

3 51:1-88. No person shall refuse to exhibit any weights, measures
4 or containers to any superintendent or assistant superintendent
5 for the purpose of being inspected and examined, nor shall any
6 person refuse to admit such officer to his place of business, during
7 the usual hours for business, nor shall any person who may be
8 buying, selling or delivering goods, liquids or commodities from
9 any conveyance refuse to permit such officer to examine any weights,
10 measures or containers which may be in or about such conveyance,
11 under a penalty of ~~[\$25.00]~~ \$100.00 for every such offense.

1 21. Section 51:1-89 of the Revised Statutes is amended to read
2 as follows:

3 51:1-89. Any person violating any of the provisions of this
4 chapter for which a specific penalty has not been provided shall be
5 liable to a penalty of not less than ~~[\$25.00]~~ \$100.00.

1 22. Section 51:1-91 of the Revised Statutes is amended to read
2 as follows:

3 51:1-91. No person shall alter or change in any manner any
4 weight or measure, or allow the same to be done, after the same
5 has been tested and sealed by any officer or inspector under au-
6 thority of law, so that the same shall weigh or measure incor-
7 rectly, under penalty of ~~[\$100.00]~~ *not less than \$100.00 nor more*
8 *than \$500.00* for each offense.

1 23. Section 51:1-92 of the Revised Statutes is amended to read
2 as follows:

3 51:1-92. If any weights or measures theretofore duly tested and
4 sealed shall be found thereafter to be incorrect the owner shall be
5 liable to a penalty of ~~[\$10.00]~~ \$50.00 for each offense.

1 24. Section 51:1-93 of the Revised Statutes is amended to read
2 as follows:

3 51:1-93. Every weight or measure sold, leased or delivered after
4 sale to any person within the State for use in the purchase or sale
5 of commodities or service shall be of the legal standard as provided
6 in this chapter.

7 Every person selling, leasing or delivering, or buying, renting or
8 receiving any such weight or measure shall furnish to the local
9 superintendent of the county or municipality in which such weights
10 or measures are installed, a statement in writing, showing the sale
11 or lease and location of such weights and measures.

12 Any person who shall sell or lease a false weight or measure or
13 a weight or measure that has not been approved as to type, con-
14 struction and operation by the State superintendent, or who other-
15 wise violates this section shall be liable to a penalty of **[\$50.00]**
16 *not less than \$100.00 nor more than \$500.00 for each offense.*

1 25. Section 51:1-96 of the Revised Statutes is amended to read
2 as follows:

3 51:1-96. Any person who injures or defrauds another by using,
4 or causes to be used, or has in his possession a false weight, measure
5 or other apparatus for determining the quantity of any commodity
6 or article of merchandise, or sells or exposes for sale less than the
7 quantity he represents, shall for the first offense be liable to a
8 penalty of not less than **[\$25.00]** *\$50.00* nor more than **[\$50.00]**
9 *\$100.00*, and for a second offense to a penalty of not less than
10 **[\$50.00]** *\$100.00* nor more than **[\$100.00]** *\$250.00*, and for each
11 subsequent offense to a penalty of not less than **[\$100.00]** *\$250.00*
12 nor more than **[\$200.00]** *\$500.00*, or imprisonment for not less
13 than 30 days nor more than 90 days, or both, the amount of such
14 penalty to be determined, as aforesaid, in the discretion of the
15 county district court or municipal court having jurisdiction.

1 26. Section 19 of P. L. 1938, chapter 182 (C. 51:1-131) is amended
2 to read as follows:

3 19. Any person violating any of the provisions of this act, shall,
4 upon being found guilty of a first offense, pay a fine of not less
5 than **[\$25.00]** *\$50.00*, nor more than **[\$50.00]** *\$100.00*, and shall,
6 upon being found guilty of a second offense pay a fine of not less
7 than **[\$50.00]** *\$100.00* nor more than **[\$100.00]** *\$250.00*, and shall,
8 upon being found guilty of any subsequent offense pay a fine of not
9 less than **[\$100.00]** *\$250.00* nor more than **[\$200.00]** *\$500.00*; pro-
10 vided, however, that any person unable to pay a fine imposed under
11 the provisions of this act shall be committed to jail for a period of
12 not less than 10 days nor more than 90 days.

1 27. Section 51:4-2 of the Revised Statutes is amended to read
2 as follows:

3 51:4-2. Any person, firm, partnership, association or corpora-
4 tion, or any servant, agent or employee thereof, who shall violate
5 section 51:4-1 of this Title shall be guilty of a misdemeanor and
6 for a first offense shall be punishable by a fine of not less than
7 ~~[\$200.00]~~ *\$250.00* nor more than ~~[\$500.00]~~ *\$1,000.00* and for each
8 subsequent offense shall be punishable by a fine of not less than
9 ~~[\$500.00]~~ *\$1,000.00* nor more than ~~[\$2,000.00]~~ *\$5,000.00*, or im-
10 prisonment of not less than 60 days nor more than 1 year or both,
11 or either, at the discretion of the court.

1 28. Section 51:4-9 of the Revised Statutes is amended to read
2 as follows:

3 51:4-9. Any person who shall violate any provision of sections
4 51:4-3 to 51:4-8 of this Title shall be guilty of a misdemeanor and
5 except as otherwise provided shall be punishable by a fine of not
6 ~~[exceeding \$500.00]~~ *less than \$250.00 nor more than \$1,000.00* or
7 imprisonment at hard labor or otherwise for a term not exceeding
8 1 year, or both.

1 29. Section 51:4-15 of the Revised Statutes is amended to read
2 as follows:

3 51:4-15. Any person who shall violate any provision of this
4 article shall be liable to a penalty of ~~[\$50.00]~~ *\$100.00* for the first
5 offense, to a penalty of ~~[\$100.00]~~ *\$200.00* for the second offense,
6 and to a penalty of ~~[\$200.00]~~ *\$500.00* for each subsequent offense.

1 30. Section 51:5-7 of the Revised Statutes is amended to read
2 as follows:

3 51:5-7. Every person, firm, corporation or association guilty of
4 a violation of any provision of this chapter, and every officer,
5 manager, director or managing agent of any such person, firm,
6 corporation or association directly participating in such violation,
7 or consenting thereto, shall be punished by a fine of not ~~[more~~
8 ~~than \$500.00]~~ *less than \$250.00 nor more than \$1,000.00*, or im-
9 prisonment for not more than 3 months, or both.

1 31. Section 51:7-8 of the Revised Statutes is amended to read
2 as follows:

3 51:7-8. Any person who violates any of the provisions of this
4 chapter shall upon being found guilty of such offense pay a fine
5 of not less than ~~[\$100.00]~~ *\$250.00* nor more than ~~[\$500.00]~~
6 *\$1,000.00* or if unable to pay such fine shall be committed to a
7 county jail for a period not to exceed 90 days.

1 32. Section 51:8-14 of the Revised Statutes is amended to read
2 as follows:

3 51:8-14. It shall be unlawful:

4 a. For any weighmaster to issue a false or incorrect weight
5 certificate or for any person to solicit him so to do.

6 b. For any weighmaster to permit any weight certificate to be
7 issued or used which purports to bear his signature or seal but
8 which was not in fact signed or sealed by him or which expresses
9 a weight not ascertained by him.

10 c. For any person to use a false or incorrect weight certificate
11 or to use a certificate not bearing the signature and seal of a weigh-
12 master designated to weigh solid fuel.

13 d. For any person to deliver solid fuel in any vehicle not having
14 securely and conspicuously attached thereto a license plate as pro-
15 vided in this act.

16 e. For any person to deliver solid fuel without a weight certifi-
17 cate.

18 f. For any person to fail, neglect, or refuse to deliver a correct
19 and lawful weight certificate to the purchaser of solid fuel.

20 g. For any person to permit any diminution of the load of solid
21 fuel after the weight thereof has been certified by a weighmaster
22 designated to weigh solid fuel and before its delivery to the pur-
23 chaser or purchasers thereof.

24 h. For any person to deliver or cause to be delivered less than
25 the quantity of solid fuel represented in the weight certificate ac-
26 companying such solid fuel as provided in this chapter.

27 Any person violating any of the provisions of paragraphs "a,"
28 "b," or "c" of this section shall, upon being found guilty of such
29 offense, pay a fine of not less than ~~[\$100.00]~~ \$250.00, nor more
30 than ~~[\$500.00]~~ \$1,000.00.

31 Any person violating any of the provisions of paragraphs "d,"
32 "e," or "f" of this section shall, upon being found guilty of such
33 offense, pay a fine of not less than ~~[\$25.00]~~ \$50.00, nor more than
34 ~~[\$50.00]~~ \$100.00.

35 Any person violating any of the provisions of paragraphs "g"
36 or "h" of this section shall, upon being found guilty of such of-
37 fense, pay a fine of not less than ~~[\$25.00]~~ \$50.00, nor more than
38 ~~[\$50.00]~~ \$100.00, and shall, upon being found guilty of a second
39 similar offense, pay a fine of not less than ~~[\$50.00]~~ \$100.00, nor
40 more than ~~[\$100.00]~~ \$250.00, and shall, upon being found guilty
41 of any subsequent similar offense, pay a fine of not less than
42 ~~[\$100.00]~~ \$250.00, nor more than ~~[\$200.00]~~ \$500.00.

43 Any person who violates any provision of this chapter not speci-
44 fied in this section shall, upon being found guilty of such offense,
45 pay a fine of not less than ~~[\$25.00]~~ \$50.00, nor more than ~~[\$50.00]~~
46 \$100.00. Any person unable to pay a fine imposed under the pro-
47 visions of this chapter shall be committed to jail for a period of
48 not to exceed ~~[60 days]~~ 6 months.

1 33. Section 51:9-11 of the Revised Statutes is amended to read
2 as follows:

3 51:9-11. Any person violating any of the provisions of this
4 chapter shall, upon conviction thereof, pay a penalty of not less
5 than ~~[\$25.00]~~ \$50.00 nor more than ~~[\$50.00]~~ \$100.00, for the first
6 offense, or for failure to forthwith pay such penalty shall be im-
7 prisoned in the county jail for a period not exceeding 20 days; and
8 for a second offense, shall, after conviction, pay a penalty of not less
9 than ~~[\$50.00]~~ \$100.00 nor more than ~~[\$100.00]~~ \$250.00 and for
10 failure to forthwith pay such penalty shall be imprisoned in the
11 county jail for a period not exceeding 40 days; and for a third or
12 each subsequent offense, shall, after conviction, pay a penalty of not
13 less than ~~[\$100.00]~~ \$250.00 nor more than ~~[\$200.00]~~ \$500.00, and
14 for failure to forthwith pay such penalty shall be imprisoned in the
15 county jail for a period not exceeding 60 days.

16 All penalties collected from persons violating the provisions of
17 this chapter shall be paid by the magistrate or court clerk receiving
18 the same, when recovered by the State Superintendent of Weights
19 and Measures, or his assistants, to the State Treasurer; when re-
20 covered by a county weights and measures officer, to the county
21 treasurer of such county; and when recovered by a municipal
22 weights and measures officer, into the treasury of the municipality
23 which such officer represents.

24 It shall be the duty of the municipal attorney of any municipality
25 wherein any violation takes place to assist in the prosecution of the
26 same and to assist in the trial of any appeal, where a complaint is
27 made by a municipal weights and measures official and if such
28 municipality has no municipal weights and measures official, the
29 county prosecutor wherein such violation takes place shall assist
30 in such prosecution.

1 34. This act shall take effect immediately.

ASSEMBLY, No. 237

STATE OF NEW JERSEY

INTRODUCED JANUARY 23, 1969

By Assemblymen FERRARA, CRANE, RUSSO, HOLLENBECK,
COSTA, VANDER PLAAT, RANDALL, EVERS,
SCANCARELLA, THOMAS, KALTENBACHER, Assembly-
woman MARGETTS, Assemblymen VREELAND, MABIE,
BROWN, FIORE and CAPUTO

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning weights and measures, and amending chapter 1
of Title 51 of the Revised Statutes.

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

1 1. Section 51:1-82 of the Revised Statutes is amended to read
2 as follows:

3 51:1-82. Any person who owns, operates, keeps, or has in his
4 possession, control or charge any scales, steelyards or weights who
5 shall certify, declare, represent, render or report any false weight
6 whereby any other person may be defrauded, deceived or injured,
7 shall, upon conviction thereof, be subject to a penalty in a sum not
8 less than **[\$25.00]** *\$50.00* nor more than **[\$50.00]** *\$100.00* for a first
9 offense, and not less than **[\$50.00]** *\$100.00* nor more than **[\$100.00]**
10 *\$250.00* for a second offense and not less than **[\$100.00]** *\$250.00*
11 nor more than **[\$200.00]** *\$500.00* for each subsequent offense. The
12 court shall cause any defendant, who refuses or neglects to forth-
13 with pay the amount of the judgment rendered against him and
14 all the costs and charges incident thereto, to be committed to the
15 county jail for a period of not less than 10 days and not exceeding
16 30 days for a first offense and not less than 30 days nor more than
17 90 days for any subsequent offense. Such person shall also be
18 answerable to the party defrauded in double damages, to be collected
19 in an action at law in any court of competent jurisdiction. The
20 provisions of this section shall not apply to interstate common
21 carriers by railroad subject to the rules and regulations from time
22 to time issued by the Interstate Commerce Commission.

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

1 2. Section 51:1-83 of the Revised Statutes is amended to read
2 as follows:

3 51:1-83. No person shall buy or sell goods or service based on
4 weight or measurement by the use of any weight or measure which
5 has not been tested and sealed according to the provisions of this
6 chapter under penalty of **[\$25.00]** *not less than \$50.00 nor more*
7 *\$200.00 for each separate offense.* No contract shall, however, be
8 declared void unless one of the contracting parties has been injured
9 by the use of such weight or measure.

1 3. Section 51:1-85 of the Revised Statutes is amended to read
2 as follows:

3 51:1-85. Whenever any inspection of weights and measures has
4 been made upon the request of the owner thereof, if they shall be
5 found not to conform to the legal standard, the superintendent, or
6 assistant superintendent shall serve such owner with a notice in
7 writing that the use thereof is illegal. Within 15 days thereafter,
8 the owner shall either have such weight or measure corrected or
9 another substituted therefor, and notify the said superintendent
10 in writing to that effect, or deliver the defective weight or measure
11 to such superintendent for confiscation; and for his failure so to do,
12 he shall be liable to a fine of **[\$25.00]** *\$100.00.*

1 4. Section 51:1-86 of the Revised Statutes is amended to read
2 as follows:

3 51:1-86. Upon the first official inspection of any weight or
4 measure, except where the inspection is made upon the request of
5 the owner thereof, if the deviation from the legal standard shall
6 be of such nature as not to be easily ascertained by the owner
7 thereof, the owner may correct it. Upon his failure to do so within
8 2 days after such inspection, the superintendent may take posses-
9 sion of and destroy such weight or measure. If the said deviation,
10 or the causes thereof, shall be patent or easily ascertainable by the
11 owner thereof, the superintendent or assistant superintendent shall
12 immediately take possession of and destroy such weight or measure,
13 and the owner thereof shall be liable to a penalty of **[\$5.00]** *\$50.00*
14 in addition to any other penalties and punishments herein provided.

1 5. Section 51:1-88 of the Revised Statutes is amended to read
2 as follows:

3 51:1-88. No person shall refuse to exhibit any weights, measures
4 or containers to any superintendent or assistant superintendent
5 for the purpose of being inspected and examined, nor shall any
6 person refuse to admit such officer to his place of business, during
7 the usual hours for business, nor shall any person who may be
8 buying, selling or delivering goods, liquids or commodities from

9 any conveyance refuse to permit such officer to examine any weights,
 10 measures or containers which may be in or about such conveyance,
 11 under a penalty of **[\$25.00]** *\$100.00* for every such offense.

1 6. Section 51:1-89 of the Revised Statutes is amended to read
 2 as follows:

3 51:1-89. Any person violating any of the provisions of this
 4 chapter for which a specific penalty has not been provided shall be
 5 liable to a penalty of not less than **[\$25.00]** *\$100.00*.

1 7. Section 51:1-91 of the Revised Statutes is amended to read
 2 as follows:

3 51:1-91. No person shall alter or change in any manner any
 4 weight or measure, or allow the same to be done, after the same
 5 has been tested and sealed by any officer or inspector under
 6 authority of law, so that the same shall weigh or measure incor-
 7 rectly, under penalty of **[\$100.00]** *not less than \$100.00 nor more*
 8 *than \$500.00* for each offense.

1 8. Section 51:1-92 of the Revised Statutes is amended to read
 2 as follows:

3 51:1-92. If any weights or measures theretofore duly tested and
 4 sealed shall be found thereafter to be incorrect the owner shall be
 5 liable to a penalty of **[\$10.00]** *\$50.00* for each offense.

1 9. Section 51:1-93 of the Revised Statutes is amended to read
 2 as follows:

3 51:1-93. Every weight or measure sold, leased or delivered after
 4 sale to any person within the State for use in the purchase or sale
 5 of commodities or service shall be of the legal standard as provided
 6 in this chapter.

7 Every person selling, leasing or delivering, or buying, renting or
 8 receiving any such weight or measure shall furnish to the local
 9 superintendent of the county or municipality in which such weights
 10 or measures are installed, a statement in writing, showing the sale
 11 or lease and location of such weights and measures.

12 Any person who shall sell or lease a false weight or measure or
 13 a weight or measure that has not been approved as to type, con-
 14 struction and operation by the State superintendent, or who other-
 15 wise violates this section shall be liable to a penalty of **[\$50.00]**
 16 *not less than \$100.00 nor more than \$500.00 for each offense*.

1 10. Section 51:1-96 of the Revised Statutes is amended to read
 2 as follows:

3 51:1-96. Any person who injures or defrauds another by using,
 4 or causes to be used, or has in his possession a false weight, measure
 5 or other apparatus for determining the quantity of any commodity
 6 or article of merchandise, or sells or exposes for sale less than the

7 quantity he represents, shall for the first offense be liable to a
8 penalty of not less than ~~[\$25.00]~~ \$50.00 nor more than ~~[\$50.00]~~
9 \$100.00, and for a second offense to a penalty of not less than
10 ~~[\$50.00]~~ \$100.00 nor more than ~~[\$100.00]~~ \$250.00, and for each
11 subsequent offense to a penalty of not less than ~~[\$100.00]~~ \$250.00
12 nor more than ~~[\$200.00]~~ \$500.00, or imprisonment for not less
13 than 30 days nor more than 90 days, or both, the amount of such
14 penalty to be determined, as aforesaid, in the discretion of the
15 county district court or municipal court having jurisdiction.

1 11. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to increase the amount of the fine which may be imposed for a violation of certain sections of the law concerning weights and measures. Most of these fines have not been increased since 1911 and are completely out of line with the present economy, the relative value of the 1911 dollar being several times the value of the 1969 dollar.

FISCAL NOTE TO
SENATE COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 237

STATE OF NEW JERSEY

DATED: MAY 8, 1969

The purpose of Senate Committee Substitute for Assembly Bill No. 237 is to increase the amount of the fine which may be imposed for a violation of certain sections of the law concerning weights and measures.

The Department of Law and Public Safety states that taking into consideration past experience, it is estimated that the over-all effect of this substitute bill will be to approximately double the moneys received as fines, since practically all penalties contained in Title 51 have been so increased by this substitute bill.

Specifically, it is estimated that enactment of this legislation would create a surplus of \$8,700.00 in State funds and \$4,300.00 in local funds in fiscal 1969-70, and \$10,700.00 in State funds and \$5,300.00 in local funds in 1970-71. These surplus estimates are predicted upon the assumption that additional enforcement personnel requested in the 1969-70 budget will be utilized, without which a significant decrease is predicted.

In order to be consistent with the purpose of this bill, it is suggested that section 51:1-97 be changed to read:

“Any person who knowingly sells or exposes for sale or delivers or causes to be delivered less than the quantity represented of any commodity commonly sold by weight or measure or other apparatus for determining quantity shall be liable to *3 times* the penalties set forth in section 51:1-96 of this Title.”

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