



LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 1998

CHAPTER:105

NJSA: 4:22-21 et al
"Horses -- mistreatment"

BILL NO: A848

SPONSOR(S):Farragher and Armone

DATE INTRODUCED: Pre-filed

COMMITTEE:

ASSEMBLY: Agriculture and Natural Resources

SENATE: Economic Growth

AMENDED DURING PASSAGE:Yes

DATE OF PASSAGE:

ASSEMBLY: May 28, 1998

SENATE: July 30, 1998

DATE OF APPROVAL: September 14, 1998

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: 1st Reprint Enacted
(Amendments during passage denoted by superscript numbers)

A848

SPONSORS STATEMENT: *Yes* (Begins on page 7 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY:*Yes*

SENATE:*Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

*To check for circulating copies contact New Jersey State Government Publications at the State Library
(609) 278-2640 ext. 102 or refdesk@njstatelib.org*

REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES: *No*

[First Reprint]

ASSEMBLY, No. 848

STATE OF NEW JERSEY
208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblywoman CLARE M. FARRAGHER

District 12 (Monmouth)

Assemblyman MICHAEL J. ARNONE

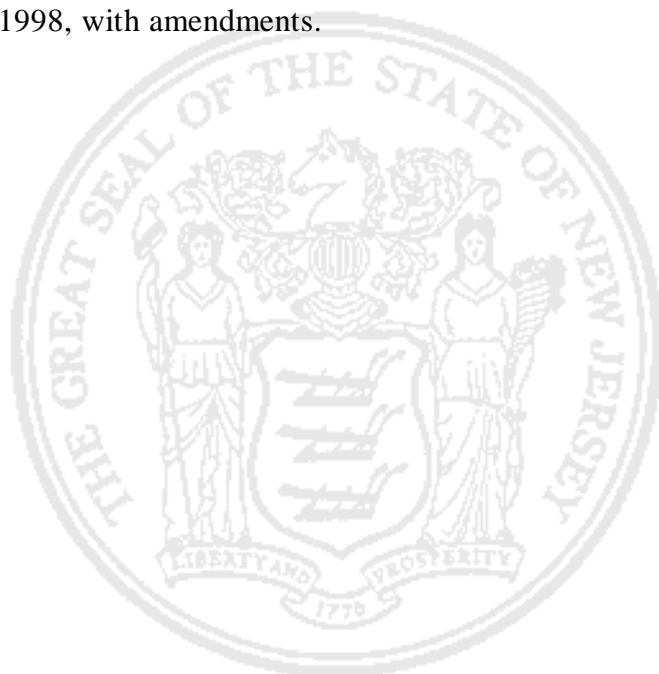
District 12 (Monmouth)

SYNOPSIS

Regulates sale of horses and prohibits mistreatment of horses.

CURRENT VERSION OF TEXT

As reported by the Assembly Agriculture and Natural Resources Committee on March 9, 1998, with amendments.



1 AN ACT concerning the sale and treatment of horses, and amending
2 various parts of the statutory law.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. R.S.39:4-23 is amended to read as follows:

8 39:4-23. No person shall either ill-treat, overdrive, override or
9 cruelly or unnecessarily beat a horse. A person who violates this
10 section shall be guilty of a disorderly persons offense and subject to
11 the provisions of R.S.4:22-17, R.S.4:22-21, and R.S.4:22-26, as
12 appropriate.

13 (cf: R.S.39:4-23)

14

15 2. R.S.4:22-21 is amended to read as follows:

16 4:22-21. A person who shall receive or offer for sale a horse that
17 is suffering from abuse or neglect, or which by reason of disability,
18 disease, abuse or lameness, or for any other cause, could not be
19 worked, ridden or otherwise used for show ¹, exhibition,¹ or
20 recreational purposes, or kept as a domestic pet without violating the
21 provisions of this article or any law of this State relating to cruelty to
22 animals shall be guilty of a disorderly persons offense.

23 (cf: P.L.1995, c.355, s.4)

24

25 3. R.S.4:22-26 is amended to read as follows:

26 4:22-26. A person who shall:

27 a. Overdrive, overload, drive when overloaded, overwork, torture,
28 torment, deprive of necessary sustenance, or cruelly beat or otherwise
29 abuse or needlessly mutilate or kill a living animal or creature;

30 b. Cause or procure to be done by his agent, servant, employee or
31 otherwise an act enumerated in subsection "a." of this section;

32 c. Inflict unnecessary cruelty upon a living animal or creature of
33 which he has charge or custody either as owner or otherwise, or
34 unnecessarily fail to provide it with proper food, drink, shelter or
35 protection from the weather;

36 d. Receive or offer for sale a horse that is suffering from abuse or
37 neglect, or which by reason of disability, disease, abuse or lameness,
38 or any other cause, could not be worked, ridden or otherwise used for
39 show, exhibition or recreational purposes, or kept as a domestic pet
40 without violating the provisions of this article;

41 e. Keep, use, be connected with or interested in the management
42 of, or receive money or other consideration for the admission of a

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAN committee amendments adopted March 9, 1998.

- 1 person to, a place kept or used for the purpose of fighting or baiting
2 a living animal or creature;
- 3 f. Be present and witness, pay admission to, encourage, aid or
4 assist in an activity enumerated in subsection "e." of this section;
- 5 g. Permit or suffer a place owned or controlled by him to be used
6 as provided in subsection "e." of this section;
- 7 h. Carry, or cause to be carried, a living animal or creature in or
8 upon a vehicle or otherwise, in a cruel or inhuman manner;
- 9 i. Use a dog or dogs for the purpose of drawing or helping to draw
10 a vehicle for business purposes;
- 11 j. Impound or confine or cause to be impounded or confined in a
12 pound or other place a living animal or creature, and shall fail to
13 supply it during such confinement with a sufficient quantity of good
14 and wholesome food and water;
- 15 k. Abandon a maimed, sick, infirm or disabled animal or creature
16 to die in a public place;
- 17 l. Willfully sell, or offer to sell, use, expose, or cause or permit to
18 be sold or offered for sale, used or exposed, a horse or other animal
19 having the disease known as glanders or farcy, or other contagious or
20 infectious disease dangerous to the health or life of human beings or
21 animals, or who shall, when any such disease is beyond recovery,
22 refuse, upon demand, to deprive the animal of life;
- 23 m. Own, operate, manage or conduct a roadside stand or market
24 for the sale of merchandise along a public street or highway; or a
25 shopping mall, or a part of the premises thereof; and keep a living
26 animal or creature confined, or allowed to roam in an area whether or
27 not the area is enclosed, on these premises as an exhibit; except that
28 this subsection shall not be applicable to: a pet shop licensed pursuant
29 to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an
30 animal, in a humane manner, for the purpose of the protection of the
31 premises; or a recognized breeders' association, a 4-H club, an
32 educational agricultural program, an equestrian team, a humane
33 society or other similar charitable or nonprofit organization conducting
34 an exhibition, show or performance;
- 35 n. Keep or exhibit a wild animal at a roadside stand or market
36 located along a public street or highway of this State; a gasoline
37 station; or a shopping mall, or a part of the premises thereof;
- 38 o. Sell, offer for sale, barter or give away or display live baby
39 chicks, ducklings or other fowl or rabbits, turtles or chameleons which
40 have been dyed or artificially colored or otherwise treated so as to
41 impart to them an artificial color;
- 42 p. Use any animal, reptile, or fowl for the purpose of soliciting any
43 alms, collections, contributions, subscriptions, donations, or payment
44 of money except in connection with exhibitions, shows or
45 performances conducted in a bona fide manner by recognized breeders'
46 associations, 4-H clubs or other similar bona fide organizations;

1 q. Sell or offer for sale, barter, or give away living rabbits, turtles,
2 baby chicks, ducklings or other fowl under two months of age, for use
3 as household or domestic pets;

4 r. Sell, offer for sale, barter or give away living baby chicks,
5 ducklings or other fowl, or rabbits, turtles or chameleons under two
6 months of age for any purpose not prohibited by subsection q. of this
7 section and who shall fail to provide proper facilities for the care of
8 such animals;

9 s. Artificially mark sheep or cattle, or cause them to be marked, by
10 cropping or cutting off both ears, cropping or cutting either ear more
11 than one inch from the tip end thereof, or half cropping or cutting both
12 ears or either ear more than one inch from the tip end thereof, or who
13 shall have or keep in his possession sheep or cattle, which he claims to
14 own, marked contrary to this subsection unless they were bought in
15 market or of a stranger;

16 t. Abandon a domesticated animal;

17 u. For amusement or gain, cause, allow, or permit the fighting or
18 baiting of a living animal or creature;

19 v. Own, possess, keep, train, promote, purchase, or knowingly sell
20 a living animal or creature for the purpose of fighting or baiting that
21 animal or creature; or

22 w. Gamble on the outcome of a fight involving a living animal or
23 creature--

24 Shall forfeit and pay a sum not to exceed \$250.00, except in the
25 case of a violation of subsection "t." a mandatory sum of \$500, and
26 \$1,000 if the violation occurs on or near a roadway, to be sued for and
27 recovered, with costs, in a civil action by any person in the name of the
28 New Jersey Society for the Prevention of Cruelty to Animals.

29 (cf: P.L.1991, c.108, s.2)

30

31 4. R.S.4:11-1 is amended to read as follows:

32 ¹[4:11-15] 4:11-1¹. As used in this article:

33 "Agent" means any person buying, receiving, soliciting or
34 negotiating the sale of cattle, sheep, horse or swine for or on behalf of
35 any dealer or broker.

36 "Broker" means any person engaged in the business of soliciting or
37 negotiating the sale, resale, exchange or shipment of cattle, sheep,
38 horse or swine.

39 "Cattle" means all dairy, feeding, beef or breeding animals of bovine
40 genus.

41 "Sheep" means all animals of ovine genus.

42 "Swine" means all animals of porcine genus.

43 "Dealer" means any person engaged in the business of buying,
44 receiving, selling, exchanging, soliciting or negotiating the sale, resale,
45 exchange or shipment of any cattle, sheep ¹, horse¹ or swine.

46 "Secretary" means the Secretary of Agriculture.

1 "Board" means the State Board of Agriculture.

2 "Horse" means all animals of equus ¹ **【caballus family】** genus¹.

3 (cf: P.L.1966, c.27, s.1)

4

5 5. R.S.4:11-2 is amended to read as follows:

6 4:11-2. This article shall not apply:

7 a. To any person who receives, buys, exchanges or ships cattle,
8 sheep, horses or swine exclusively for slaughter;

9 b. To any person who is permanently discontinuing the business of
10 dairying, breeding or feeding cattle, sheep, horses or swine; or

11 c. To any person who purchases, receives or exchanges cattle,
12 sheep, horses or swine for the sole purpose of increasing or improving
13 his herd or flock.

14 (cf: P.L.1966, c.27, s.2)

15

16 6. R.S.4:11-4 is amended to read as follows:

17 4:11-4. A person, before engaging in the business referred to in
18 section 4:11-3 of this Title shall, annually on or before June 1, file an
19 application for a license with the secretary on a form prescribed by him
20 and pay an application fee of \$30.00 which shall not be returned if the
21 license is not granted.

22 The application shall state the nature of the business, the breed or
23 breeds of cattle, sheep, horses or swine which the applicant proposes
24 to handle, the name of the person applying for the license, and, if the
25 applicant be a firm, association, partnership or corporation, the full
26 name of each member of such firm, association, partnership or the
27 names of the officers of the corporation, and the name of the agent or
28 agents of the applicant, the municipality and the post-office address at
29 which the business is to be conducted, and such other facts as the
30 secretary shall prescribe.

31 The applicant shall further satisfy the secretary of his or its
32 character, financial responsibility and good faith in seeking to engage
33 in the business.

34 (cf: P.L.1971, c.235, s.2)

35

36 7. R.S.4:11-5 is amended to read as follows:

37 4:11-5. Upon compliance by the applicant with the terms of section
38 4:11-4 of this Title, the secretary shall, subject to the provisions of this
39 article, issue a license entitling the applicant or his agent to conduct
40 the business of buying or receiving cattle, sheep, horses or swine, or
41 receiving, selling, exchanging, soliciting or negotiating the sale, resale,
42 exchange or shipment of cattle, sheep, horses or swine at the place
43 named in the application, until June 30 next following. If application
44 is made and an application fee of \$15.00 is paid subsequent to July 1
45 in any license year, the license shall run until July 1 next following.

46 (cf: P.L.1966, c.27, s.5)

1 8. R.S.4:11-9 is amended to read as follows:

2 4:11-9. The secretary may decline to grant or may revoke a license
3 when he is satisfied that:

4 a. The applicant or licensee has violated the State laws or official
5 regulations governing interstate or intrastate movement of cattle,
6 sheep, horses or swine;

7 b. In the buying or receiving of cattle, sheep, horses or swine, or
8 receiving, selling, exchanging, soliciting or negotiating the sale, resale,
9 exchange or shipment of cattle, sheep, horses or swine, there have
10 been false or misleading statements as to the health or physical
11 condition of the animals with regard to official tests, or quantity of
12 cattle, sheep, horses or swine or the practice of fraud or
13 misrepresentation in connection therewith;

14 c. As shown by a continual course of dealing, the licensee is unable
15 or unwilling to conduct properly the business of a dealer or broker;

16 d. The applicant or licensee has knowingly bought or received
17 cattle, sheep, horses or swine, or received, sold, exchanged, solicited
18 or negotiated the sale, resale or exchange of cattle, sheep, horses or
19 swine that were diseased and likely to transmit such disease to other
20 cattle, sheep, horses or swine, or human beings;

21 e. There has been a failure to practice ordinary measures of
22 sanitation of barns, stables, premises or vehicles used for the stabling,
23 holding or transporting of cattle, sheep, horses or swine; **[or]**

24 f. There has been a continual or persistent failure to keep records
25 required by the secretary or by law; or that there is a refusal on the
26 part of the licensee to produce books, accounts or records of
27 transactions in the carrying on of the business for which the license is
28 granted; or

29 g. There has been a continual or persistent failure to comply with
30 the provisions of R.S.4:22-1 et seq. relating to cruelty to animals.

31 (cf: P.L.1966, c.27, s.6)

32

33 9. R.S.4:11-13 is amended to read as follows:

34 4:11-13. The licensee and each of his agents shall carry an agent's
35 card at all times, when buying or receiving cattle, sheep, horses or
36 swine, or receiving, selling, exchanging, soliciting or negotiating the
37 sale, resale, or shipment of cattle, sheep, horses or swine.

38 The licensee or agent shall exhibit the card to persons with whom
39 he is negotiating or from whom he is soliciting business and to the
40 secretary or assistant whom the secretary may designate.

41 (cf: P.L.1966, c.27, s.7)

42

43 10. Section 3 of P.L.1966, c.27 (C.4:11-13.1) is amended to read
44 as follows:

45 3. The board may adopt and promulgate such rules and regulations
46 as it may deem necessary to carry out the provisions of this act and to

1 prevent the spread of disease among cattle, sheep, horses and swine.
2 (cf: P.L.1966, c.27, s.3)

3

4 11. R.S.4:11-14 is amended to read as follows:

5 4:11-14. A person who shall:

6 a. Engage in or carry on the business of buying or receiving cattle,
7 sheep, horses or swine, or receiving, selling, exchanging, soliciting or
8 negotiating the sale, resale, exchange or shipment of cattle, sheep,
9 horses or swine, as dealer, broker or agent, within the meaning of this
10 article, without first having obtained a license as provided in this
11 article; or

12 b. Violate any of the provisions of this article--

13 Shall be liable to a penalty of \$200.00 for the first offense and
14 \$500.00 for the second and each subsequent offense, which penalty
15 shall be sued for and recovered by and in the name of the department
16 in the manner provided in article 1 of chapter 23 of this Title (§ 4:23-1
17 et seq.) and in such proceeding the defendant may be arrested upon the
18 commencement of the action.

19 If judgment is rendered for the plaintiff the court shall cause a
20 defendant who shall fail to pay forthwith the amount of the judgment
21 rendered against him, and all costs and charges incident thereto, to be
22 committed to the county jail for a period of not less than 5 nor more
23 than 90 days in the case of a first offense and not less than 10 nor
24 more than 200 days for a second and each subsequent offense.

25 (cf: P.L.1966, c.27, s.8)

26

27 12. This act shall take effect immediately.

ASSEMBLY, No. 848

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblywoman CLARE M. FARRAGHER

District 12 (Monmouth)

Assemblyman MICHAEL J. ARNONE

District 12 (Monmouth)

SYNOPSIS

Regulates sale of horses and prohibits mistreatment of horses.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the sale and treatment of horses, and amending
2 various parts of the statutory law.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. R.S.39:4-23 is amended to read as follows:

8 39:4-23. No person shall either ill-treat, overdrive, override or
9 cruelly or unnecessarily beat a horse. A person who violates this
10 section shall be guilty of a disorderly persons offense and subject to
11 the provisions of R.S.4:22-17, R.S.4:22-21, and R.S.4:22-26, as
12 appropriate.

13 (cf: R.S.39:4-23)

14

15 2. R.S.4:22-21 is amended to read as follows:

16 4:22-21. A person who shall receive or offer for sale a horse that
17 is suffering from abuse or neglect, or which by reason of disability,
18 disease, abuse or lameness, or for any other cause, could not be
19 worked, ridden or otherwise used for show or recreational purposes,
20 or kept as a domestic pet without violating the provisions of this
21 article or any law of this State relating to cruelty to animals shall be
22 guilty of a disorderly persons offense.

23 (cf: P.L.1995, c.355, s.4)

24

25 3. R.S.4:22-26 is amended to read as follows:

26 4:22-26. A person who shall:

27 a. Overdrive, overload, drive when overloaded, overwork, torture,
28 torment, deprive of necessary sustenance, or cruelly beat or otherwise
29 abuse or needlessly mutilate or kill a living animal or creature;

30 b. Cause or procure to be done by his agent, servant, employee or
31 otherwise an act enumerated in subsection "a." of this section;

32 c. Inflict unnecessary cruelty upon a living animal or creature of
33 which he has charge or custody either as owner or otherwise, or
34 unnecessarily fail to provide it with proper food, drink, shelter or
35 protection from the weather;

36 d. Receive or offer for sale a horse that is suffering from abuse or
37 neglect, or which by reason of disability, disease, abuse or lameness,
38 or any other cause, could not be worked, ridden or otherwise used for
39 show, exhibition or recreational purposes, or kept as a domestic pet
40 without violating the provisions of this article;

41 e. Keep, use, be connected with or interested in the management
42 of, or receive money or other consideration for the admission of a
43 person to, a place kept or used for the purpose of fighting or baiting

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

Matter underlined thus is new matter.

- 1 a living animal or creature;
- 2 f. Be present and witness, pay admission to, encourage, aid or
3 assist in an activity enumerated in subsection "e." of this section;
- 4 g. Permit or suffer a place owned or controlled by him to be used
5 as provided in subsection "e." of this section;
- 6 h. Carry, or cause to be carried, a living animal or creature in or
7 upon a vehicle or otherwise, in a cruel or inhuman manner;
- 8 i. Use a dog or dogs for the purpose of drawing or helping to draw
9 a vehicle for business purposes;
- 10 j. Impound or confine or cause to be impounded or confined in a
11 pound or other place a living animal or creature, and shall fail to
12 supply it during such confinement with a sufficient quantity of good
13 and wholesome food and water;
- 14 k. Abandon a maimed, sick, infirm or disabled animal or creature
15 to die in a public place;
- 16 l. Willfully sell, or offer to sell, use, expose, or cause or permit to
17 be sold or offered for sale, used or exposed, a horse or other animal
18 having the disease known as glanders or farcy, or other contagious or
19 infectious disease dangerous to the health or life of human beings or
20 animals, or who shall, when any such disease is beyond recovery,
21 refuse, upon demand, to deprive the animal of life;
- 22 m. Own, operate, manage or conduct a roadside stand or market
23 for the sale of merchandise along a public street or highway; or a
24 shopping mall, or a part of the premises thereof; and keep a living
25 animal or creature confined, or allowed to roam in an area whether or
26 not the area is enclosed, on these premises as an exhibit; except that
27 this subsection shall not be applicable to: a pet shop licensed pursuant
28 to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an
29 animal, in a humane manner, for the purpose of the protection of the
30 premises; or a recognized breeders' association, a 4-H club, an
31 educational agricultural program, an equestrian team, a humane
32 society or other similar charitable or nonprofit organization conducting
33 an exhibition, show or performance;
- 34 n. Keep or exhibit a wild animal at a roadside stand or market
35 located along a public street or highway of this State; a gasoline
36 station; or a shopping mall, or a part of the premises thereof;
- 37 o. Sell, offer for sale, barter or give away or display live baby
38 chicks, ducklings or other fowl or rabbits, turtles or chameleons which
39 have been dyed or artificially colored or otherwise treated so as to
40 impart to them an artificial color;
- 41 p. Use any animal, reptile, or fowl for the purpose of soliciting any
42 alms, collections, contributions, subscriptions, donations, or payment
43 of money except in connection with exhibitions, shows or
44 performances conducted in a bona fide manner by recognized breeders'
45 associations, 4-H clubs or other similar bona fide organizations;
- 46 q. Sell or offer for sale, barter, or give away living rabbits, turtles,

1 baby chicks, ducklings or other fowl under two months of age, for use
2 as household or domestic pets;

3 r. Sell, offer for sale, barter or give away living baby chicks,
4 ducklings or other fowl, or rabbits, turtles or chameleons under two
5 months of age for any purpose not prohibited by subsection q. of this
6 section and who shall fail to provide proper facilities for the care of
7 such animals;

8 s. Artificially mark sheep or cattle, or cause them to be marked, by
9 cropping or cutting off both ears, cropping or cutting either ear more
10 than one inch from the tip end thereof, or half cropping or cutting both
11 ears or either ear more than one inch from the tip end thereof, or who
12 shall have or keep in his possession sheep or cattle, which he claims to
13 own, marked contrary to this subsection unless they were bought in
14 market or of a stranger;

15 t. Abandon a domesticated animal;

16 u. For amusement or gain, cause, allow, or permit the fighting or
17 baiting of a living animal or creature;

18 v. Own, possess, keep, train, promote, purchase, or knowingly sell
19 a living animal or creature for the purpose of fighting or baiting that
20 animal or creature; or

21 w. Gamble on the outcome of a fight involving a living animal or
22 creature--

23 Shall forfeit and pay a sum not to exceed \$250.00, except in the
24 case of a violation of subsection "t." a mandatory sum of \$500, and
25 \$1,000 if the violation occurs on or near a roadway, to be sued for and
26 recovered, with costs, in a civil action by any person in the name of the
27 New Jersey Society for the Prevention of Cruelty to Animals.

28 (cf: P.L.1991, c.108, s.2)

29

30 4. R.S.4:11-1 is amended to read as follows:

31 4:11-15. As used in this article:

32 "Agent" means any person buying, receiving, soliciting or
33 negotiating the sale of cattle, sheep, horse or swine for or on behalf of
34 any dealer or broker.

35 "Broker" means any person engaged in the business of soliciting or
36 negotiating the sale, resale, exchange or shipment of cattle, sheep,
37 horse or swine.

38 "Cattle" means all dairy, feeding, beef or breeding animals of bovine
39 genus.

40 "Sheep" means all animals of ovine genus.

41 "Swine" means all animals of porcine genus.

42 "Dealer" means any person engaged in the business of buying,
43 receiving, selling, exchanging, soliciting or negotiating the sale, resale,
44 exchange or shipment of any cattle, sheep or swine.

45 "Secretary" means the Secretary of Agriculture.

46 "Board" means the State Board of Agriculture.

1 "Horse" means all animals of equus caballus family.

2 (cf: P.L.1966, c.27, s.1)

3

4 5. R.S.4:11-2 is amended to read as follows:

5 4:11-2. This article shall not apply:

6 a. To any person who receives, buys, exchanges or ships cattle,
7 sheep, horses or swine exclusively for slaughter;

8 b. To any person who is permanently discontinuing the business of
9 dairying, breeding or feeding cattle, sheep, horses or swine; or

10 c. To any person who purchases, receives or exchanges cattle,
11 sheep, horses or swine for the sole purpose of increasing or improving
12 his herd or flock.

13 (cf: P.L.1966, c.27, s.2)

14

15 6. R.S.4:11-4 is amended to read as follows:

16 4:11-4. A person, before engaging in the business referred to in
17 section 4:11-3 of this Title shall, annually on or before June 1, file an
18 application for a license with the secretary on a form prescribed by him
19 and pay an application fee of \$30.00 which shall not be returned if the
20 license is not granted.

21 The application shall state the nature of the business, the breed or
22 breeds of cattle, sheep, horses or swine which the applicant proposes
23 to handle, the name of the person applying for the license, and, if the
24 applicant be a firm, association, partnership or corporation, the full
25 name of each member of such firm, association, partnership or the
26 names of the officers of the corporation, and the name of the agent or
27 agents of the applicant, the municipality and the post-office address at
28 which the business is to be conducted, and such other facts as the
29 secretary shall prescribe.

30 The applicant shall further satisfy the secretary of his or its
31 character, financial responsibility and good faith in seeking to engage
32 in the business.

33 (cf: P.L.1971, c.235, s.2)

34

35 7. R.S.4:11-5 is amended to read as follows:

36 4:11-5. Upon compliance by the applicant with the terms of section
37 4:11-4 of this Title, the secretary shall, subject to the provisions of this
38 article, issue a license entitling the applicant or his agent to conduct
39 the business of buying or receiving cattle, sheep, horses or swine, or
40 receiving, selling, exchanging, soliciting or negotiating the sale, resale,
41 exchange or shipment of cattle, sheep, horses or swine at the place
42 named in the application, until June 30 next following. If application
43 is made and an application fee of \$15.00 is paid subsequent to July 1
44 in any license year, the license shall run until July 1 next following.

45 (cf: P.L.1966, c.27, s.5)

1 8. R.S.4:11-9 is amended to read as follows:

2 4:11-9. The secretary may decline to grant or may revoke a license
3 when he is satisfied that:

4 a. The applicant or licensee has violated the State laws or official
5 regulations governing interstate or intrastate movement of cattle,
6 sheep, horses or swine;

7 b. In the buying or receiving of cattle, sheep, horses or swine, or
8 receiving, selling, exchanging, soliciting or negotiating the sale, resale,
9 exchange or shipment of cattle, sheep, horses or swine, there have
10 been false or misleading statements as to the health or physical
11 condition of the animals with regard to official tests, or quantity of
12 cattle, sheep, horses or swine or the practice of fraud or
13 misrepresentation in connection therewith;

14 c. As shown by a continual course of dealing, the licensee is unable
15 or unwilling to conduct properly the business of a dealer or broker;

16 d. The applicant or licensee has knowingly bought or received
17 cattle, sheep, horses or swine, or received, sold, exchanged, solicited
18 or negotiated the sale, resale or exchange of cattle, sheep, horses or
19 swine that were diseased and likely to transmit such disease to other
20 cattle, sheep, horses or swine, or human beings;

21 e. There has been a failure to practice ordinary measures of
22 sanitation of barns, stables, premises or vehicles used for the stabling,
23 holding or transporting of cattle, sheep, horses or swine; **[or]**

24 f. There has been a continual or persistent failure to keep records
25 required by the secretary or by law; or that there is a refusal on the
26 part of the licensee to produce books, accounts or records of
27 transactions in the carrying on of the business for which the license is
28 granted; or

29 g. There has been a continual or persistent failure to comply with
30 the provisions of R.S.4:22-1 et seq. relating to cruelty to animals.

31 (cf: P.L.1966, c.27, s.6)

32

33 9. R.S.4:11-13 is amended to read as follows:

34 4:11-13. The licensee and each of his agents shall carry an agent's
35 card at all times, when buying or receiving cattle, sheep, horses or
36 swine, or receiving, selling, exchanging, soliciting or negotiating the
37 sale, resale, or shipment of cattle, sheep, horses or swine.

38 The licensee or agent shall exhibit the card to persons with whom
39 he is negotiating or from whom he is soliciting business and to the
40 secretary or assistant whom the secretary may designate.

41 (cf: P.L.1966, c.27, s.7)

42

43 10. Section 3 of P.L.1966, c.27 (C.4:11-13.1) is amended to read
44 as follows:

45 3. The board may adopt and promulgate such rules and regulations
46 as it may deem necessary to carry out the provisions of this act and to

1 prevent the spread of disease among cattle, sheep, horses and swine.
2 (cf: P.L.1966, c.27, s.3)

3

4 11. R.S.4:11-14 is amended to read as follows:

5 4:11-14. A person who shall:

6 a. Engage in or carry on the business of buying or receiving cattle,
7 sheep, horses or swine, or receiving, selling, exchanging, soliciting or
8 negotiating the sale, resale, exchange or shipment of cattle, sheep,
9 horses or swine, as dealer, broker or agent, within the meaning of this
10 article, without first having obtained a license as provided in this
11 article; or

12 b. Violate any of the provisions of this article--

13 Shall be liable to a penalty of \$200.00 for the first offense and
14 \$500.00 for the second and each subsequent offense, which penalty
15 shall be sued for and recovered by and in the name of the department
16 in the manner provided in article 1 of chapter 23 of this Title (§ 4:23-1
17 et seq.) and in such proceeding the defendant may be arrested upon the
18 commencement of the action.

19 If judgment is rendered for the plaintiff the court shall cause a
20 defendant who shall fail to pay forthwith the amount of the judgment
21 rendered against him, and all costs and charges incident thereto, to be
22 committed to the county jail for a period of not less than 5 nor more
23 than 90 days in the case of a first offense and not less than 10 nor
24 more than 200 days for a second and each subsequent offense.

25 (cf: P.L.1966, c.27, s.8)

26

27 12. This act shall take effect immediately.

28

29

30

STATEMENT

31

32 This bill would amend existing laws pertaining to cruelty to animals
33 to expand protection provided horses. Current law protects horses as
34 "work" animals and fails to take into account their widespread use in
35 recreation, shows, exhibitions, and as domestic pets. This bill would
36 also extend the Department of Agriculture's authority to regulate the
37 sale of livestock to include horses, which are not currently covered by
38 statute. At present, only the sale of sheep, swine and cattle is
39 regulated by the department. These changes would provide horses the
40 same protections afforded other animals.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 848

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 9, 1998

The Assembly Agriculture and Natural Resources Committee reports favorably and with committee amendments Assembly Bill No. 848.

This bill as amended by the committee would amend existing laws pertaining to cruelty to animals to expand protection provided horses. Current law protects horses as "work" animals and fails to take into account their widespread use in recreation, shows, exhibitions, and as domestic pets. This bill also would extend the Department of Agriculture's authority to regulate the sale of livestock to include horses, which are not currently covered by statute. At present, only the sale of sheep, swine and cattle is regulated by the department. These changes would provide horses the same protections afforded other animals.

The committee made technical and clarifying amendments for purposes of consistency in the bill.

This bill was pre-filed for introduction in the 1998-1999 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE ECONOMIC GROWTH, AGRICULTURE AND
TOURISM COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 848

STATE OF NEW JERSEY

DATED: JUNE 15, 1998

The Senate Economic Growth, Agriculture and Tourism Committee favorably reports Assembly Bill No. 848 (1R).

This bill would amend existing laws pertaining to cruelty to animals to expand protection provided horses. Current law protects horses as "work" animals and fails to take into account their widespread use in recreation, shows, exhibitions, and as domestic pets. This bill also would extend the Department of Agriculture's authority to regulate the sale of livestock to include horses, which are not currently covered by statute. At present, only the sale of sheep, swine and cattle is regulated by the department. These changes would provide horses the same protections afforded other animals.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Jayne O'Connor
Wendi Patella 609-777-2600

RELEASE: September 14, 1998

Governor Christie Whitman today signed the following:

Assembly Joint Resolution 48, sponsored by Assembly Members Clare Farragher (R-Monmouth) and Samuel Thompson (R- Middlesex/Monmouth) and Senators Joseph Kyrillos (R- Middlesex/Monmouth) and Donald DiFrancesco (R- Middlesex/Morris/ Somerset/Union), designates a portion of Route 9 in Old Bridge as the Joann H. Smith Memorial Highway. The highway is named to honor the late Assemblywoman for her valuable service as a legislator and local official.

A-1730, sponsored by Assemblyman Paul Kramer (R- Mercer/Middlesex) and Senators Peter Inverso (R- Mercer/Middlesex) and Raymond Lesniak (D-Union), clarifies exemption from gross income tax of nonresident earnings from hedge fund investments. The law also provides additional remedy for taxpayers assessed deficiencies, affects certain state tax penalty provisions, and changes the requirements for estimated quarterly payments.

A-261, sponsored by Assembly Members Guy Talarico (R- Bergen), Ken LeFevre (R-Atlantic) and John Kelly (R- Bergen/Essex/Passaic) and Senators Andrew Ciesla (R- Monmouth/Ocean) and Louis Kosco (R-Bergen), which clarifies that state Lottery prizes may be assigned to persons other than the winner in certain circumstances. Under the bill, a person wishing to assign a lottery prize to another individual would have to obtain permission from state or federal court.

A-754, sponsored by Assembly Members Nicholas Asselta (R- Cape May/Atlantic/ Cumberland) and Neil Cohen (D-Union), provides for the sale of check cashing businesses under certain circumstances. The bill clarifies that owners of check cashing businesses may sell their businesses even though the office is within 2,500 feet of another check cashing business or is engaging in a business other than primarily check cashing. The previous law was unclear on this issue.

A-848, sponsored by Assembly Members Clare Farragher (R- Monmouth) and Michael Arnone (R-Monmouth), which regulates sales of horses and prohibits mistreatment of horses. The bill is intended to address concerns raised by a horse owner regarding the maltreatment of horses at a local auction. The bill amends existing law to ensure that all types of horses are protected from abuse. Previous law protected only horses as work" animals, and failed to address horses used in recreation, shows and as pets. The bill provides for monetary penalties of between \$200 to \$500 for violations of its provisions.

A-1750, sponsored by Assembly Members Merkt (R-Morris) and Murphy (R- Essex/Morris/Passaic) and Senators Bucco (R-Morris) and Donald DiFrancesco (R-Middlesex/Morris/Somerset/Union), appropriates an additional \$2 million to the Department of Community Affairs for expansion and refurbishment of fire training facilities at the Morris County Fire and Police Academy Life Safety Complex. Volunteer firefighters in the 39 municipalities of Morris County will use the complex. The facility will also be available for use by police and fire organizations throughout the state.