

# LEGISLATIVE HISTORY CHECKLIST

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## *LAWS of 1999*

**CHAPTER:** 76

**NJSA:** 56:8-19.1

(Real Estate Brokers -- partial exemption from consumer fraud charges)

**BILL NO:** S1064 (Substituted for A2084 1<sup>st</sup> Reprint)

**SPONSOR(S):** Ciesla and Allen

**DATE INTRODUCED:** May 18, 1998

**COMMITTEE:**

*ASSEMBLY:* ~~~~

*SENATE:* Commerce

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**

*ASSEMBLY:* February 18, 1999

*SENATE:* December 17, 1998

**DATE OF APPROVAL:** April 30, 1999

### THE FOLLOWING ARE ATTACHED IF AVAILABLE:

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**FINAL TEXT OF BILL:** *Yes* 1<sup>st</sup> Reprint

(Amendments during passage denoted by superscript numbers)

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## **S1064**

**SPONSORS STATEMENT:** *Yes* (Begins on page 3 of original bill)

**COMMITTEE STATEMENT:**

*ASSEMBLY:* *No*

*SENATE:* *Yes*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

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## A2084

**SPONSORS STATEMENT:** *Yes*(Begins on page 3 of original bill)  
Bill and Sponsor Statement identical to S1064

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *Yes*

**SENATE:** *No*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

**1<sup>st</sup> REPRINT (Final version):** *Yes*

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### GOVERNOR'S ACTIONS

**VETO MESSAGE:** *No*

**GOVERNOR'S PRESS RELEASE ON SIGNING:** *Yes*

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### THE FOLLOWING WERE PRINTED:

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**REPORTS:** *No*

**HEARINGS:** *No*

**NEWSPAPER ARTICLES:** *No*

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P.L. 1999, CHAPTER 76, *approved April 30, 1999*  
Senate, No. 1064 (*First Reprint*)

1 **AN ACT** concerning real estate brokers, broker-salespersons and  
2 salespersons and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

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

6  
7 1. Notwithstanding any provision of P.L.1960, c.39 (C.56:8-1 et  
8 seq.) to the contrary, there shall be no right of recovery of punitive  
9 damages, attorney fees, or both, under section 7 of P.L.1971, c.247  
10 (C.56:8-19), against a real estate broker, broker-salesperson or  
11 salesperson licensed under R.S.45:15-1 et seq. for the communication  
12 of any false, misleading or deceptive information provided to the real  
13 estate broker, broker-salesperson or salesperson, by or on behalf of the  
14 seller of real estate located in New Jersey, if the real estate broker,  
15 broker-salesperson or salesperson demonstrates that he:

16 a. Had no actual knowledge of the false, misleading or deceptive  
17 character of the information; and

18 b. Made a reasonable and diligent inquiry to ascertain whether the  
19 information is of a false, misleading or deceptive character. For  
20 purposes of this section, communications by a real estate broker,  
21 broker-salesperson or salesperson which shall be deemed to satisfy the  
22 requirements of a "reasonable and diligent inquiry" include, but shall  
23 not be limited to, communications which disclose information:

24 (1) provided in a report or upon a representation by a person,  
25 licensed or certified by the State of New Jersey, including, but not  
26 limited to, an appraiser, home inspector, plumber or electrical  
27 contractor, of a particular physical condition pertaining to the real  
28 estate derived from inspection of the real estate by that person;

29 (2) provided in a report or upon a representation by any  
30 governmental official or employee, if the particular information of a  
31 physical condition is likely to be within the knowledge of that  
32 governmental official or employee; or

33 (3) that the real estate broker, broker-salesperson or salesperson  
34 obtained from the seller in a property condition disclosure statement,  
35 which form shall comply with regulations promulgated by the director  
36 <sup>1</sup>in consultation with the New Jersey Real Estate Commission<sup>1</sup>,  
37 provided that the real estate broker, broker-salesperson or salesperson  
38 informed the buyer that the seller is the source of the information and  
39 that, prior to making that communication to the buyer, the real estate

**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:

<sup>1</sup> Senate SCM committee amendments adopted June 15, 1998.

1 broker, broker-salesperson or salesperson visually inspected the  
2 property with reasonable diligence to ascertain the accuracy of the  
3 information disclosed by the seller.

4 Nothing in this section shall be interpreted to affect the obligations  
5 of a real estate broker, broker-salesperson or salesperson pursuant to  
6 the "New Residential Construction Off-Site Conditions Disclosure  
7 Act," P.L.1995, c.253 (C46:3C-1 et seq.), or any other law or  
8 regulation.

9

10 2. This act shall take effect immediately.

11

12

13

14

15 Exempts real estate brokers, broker-salespersons and salespersons  
16 from the consumer fraud law under certain circumstances.

# SENATE, No. 1064

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MAY 18, 1998

**Sponsored by:**

**Senator ANDREW R. CIESLA**

**District 10 (Monmouth and Ocean)**

**Senator DIANE ALLEN**

**District 7 (Burlington and Camden)**

**Co-Sponsored by:**

**Senators Matheussen and Singer**

**SYNOPSIS**

Exempts real estate brokers, broker-salespersons and salespersons from the consumer fraud law under certain circumstances.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning real estate brokers, broker-salespersons and  
2 salespersons and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).  
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:  
6

7 1. Notwithstanding any provision of P.L.1960, c.39 (C.56:8-1 et  
8 seq.) to the contrary, there shall be no right of recovery of punitive  
9 damages, attorney fees, or both, under section 7 of P.L. 1971, c. 247  
10 (C. 56:8-19), against a real estate broker, broker-salesperson or  
11 salesperson licensed under R.S.45:15-1 et seq. for the communication  
12 of any false, misleading or deceptive information provided to the real  
13 estate broker, broker-salesperson or salesperson, by or on behalf of the  
14 seller of real estate located in New Jersey, if the real estate broker,  
15 broker-salesperson or salesperson demonstrates that he:

16 a. Had no actual knowledge of the false, misleading or deceptive  
17 character of the information; and

18 b. Made a reasonable and diligent inquiry to ascertain whether the  
19 information is of a false, misleading or deceptive character. For  
20 purposes of this section, communications by a real estate broker,  
21 broker-salesperson or salesperson which shall be deemed to satisfy the  
22 requirements of a "reasonable and diligent inquiry" include, but shall  
23 not be limited to, communications which disclose information:

24 (1) provided in a report or upon a representation by a person,  
25 licensed or certified by the State of New Jersey, including, but not  
26 limited to, an appraiser, home inspector, plumber or electrical  
27 contractor, of a particular physical condition pertaining to the real  
28 estate derived from inspection of the real estate by that person;

29 (2) provided in a report or upon a representation by any  
30 governmental official or employee, if the particular information of a  
31 physical condition is likely to be within the knowledge of that  
32 governmental official or employee; or

33 (3) that the real estate broker, broker-salesperson or salesperson  
34 obtained from the seller in a property condition disclosure statement,  
35 which form shall comply with regulations promulgated by the director,  
36 provided that the real estate broker, broker-salesperson or salesperson  
37 informed the buyer that the seller is the source of the information and  
38 that, prior to making that communication to the buyer, the real estate  
39 broker, broker-salesperson or salesperson visually inspected the  
40 property with reasonable diligence to ascertain the accuracy of the  
41 information disclosed by the seller.

42 Nothing in this section shall be interpreted to affect the obligations  
43 of a real estate broker, broker-salesperson or salesperson pursuant to  
44 the "New Residential Construction Off-Site Conditions Disclosure  
45 Act," P.L.1995, c.253 (C46:3C-1 et seq.), or any other law or  
46 regulation.

1       2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       This bill provides that a real estate broker, broker-salesperson or  
7 salesperson is exempt from punitive damages and recovery of attorney  
8 fees under the consumer fraud law, P.L.1960, c.39 (C.56:8-1 et seq.),  
9 for any communication by him of any false, misleading or deceptive  
10 information provided to him by or on behalf of the seller of the real  
11 estate located in this State, if he performs a "reasonable and diligent  
12 inquiry" to determine the accuracy of the information provided by the  
13 seller. Current case law provides that any misstatement made by a real  
14 estate licensee about a material defect in a property constitutes  
15 consumer fraud and allows for treble damages and attorney fees to be  
16 awarded to a home buyer. Current case law further provides that the  
17 real estate licensee is liable under that act even if the licensee has  
18 attempted to verify the accuracy of the information, or deliberate or  
19 unintentional concealment of the information has taken place.

20       The bill defines "reasonable and diligent inquiry" to allow a real  
21 estate broker, broker-salesperson or salesperson to rely on a home  
22 seller for information about the property. However, the listing real  
23 estate licensee must perform a reasonable visual inspection to  
24 determine the presence of any readily observable physical conditions.  
25 Additionally, the real estate licensee may rely on statements and  
26 reports from licensed professionals, such as appraisers, home  
27 inspectors, plumbers or electrical contractors, or from appropriate  
28 government officials or employees in satisfying the obligation of  
29 making a reasonable and diligent inquiry in communicating the  
30 condition of the property to the buyer.

31       This exemption under the bill does not affect any other obligations  
32 imposed upon real estate brokers, broker-salespersons or salespersons  
33 under any other law or regulation.

# SENATE COMMERCE COMMITTEE

## STATEMENT TO

### **SENATE, No. 1064**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 15, 1998

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 1064.

This bill, as amended by the committee, provides that a real estate broker, broker-salesperson or salesperson is exempt from punitive damages and recovery of attorney fees under the consumer fraud law, P.L.1960, c.39 (C.56:8-1 et seq.), for any communication by him or on behalf of the seller of the real estate located in this State, if he has no actual knowledge of the false, misleading or deceptive character of the information and performs a "reasonable and diligent inquiry" to determine the accuracy of the information provided by the seller.

The bill defines "reasonable and diligent inquiry" to allow a real estate broker, broker-salesperson or salesperson to rely on information about a property obtained from the seller in a property condition disclosure statement, which form shall comply with regulations promulgated by the Director of the Division of Consumer Affairs in consultation with the New Jersey Real Estate Commission. However, the listing real estate licensee must perform a reasonable visual inspection to determine the presence of any readily observable physical conditions. Additionally, the real estate licensee may rely on statements and reports from licensed professionals, such as appraisers, home inspectors, plumbers or electrical contractors, or from appropriate government officials or employees in satisfying the obligation of making a reasonable and diligent inquiry in communicating the condition of the property to the buyer.

This exemption under the bill does not affect any other obligations imposed upon real estate brokers, broker-salespersons or salespersons under any other law or regulation.



# ASSEMBLY, No. 2084

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## STATE OF NEW JERSEY

### 208th LEGISLATURE

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INTRODUCED MAY 28, 1998

**Sponsored by:**

**Assemblyman GERALD H. ZECKER**

**District 34 (Essex and Passaic)**

**Assemblyman JAMES W. HOLZAPFEL**

**District 10 (Monmouth and Ocean)**

**SYNOPSIS**

Exempts real estate brokers, broker-salespersons and salespersons from the consumer fraud law under certain circumstances.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning real estate brokers, broker-salespersons and  
2 salespersons and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

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

6  
7 1. Notwithstanding any provision of P.L.1960, c.39 (C.56:8-1 et  
8 seq.) to the contrary, there shall be no right of recovery of punitive  
9 damages, attorney fees, or both, under section 7 of P.L.1971, c. 247  
10 (C.56:8-19), against a real estate broker, broker-salesperson or  
11 salesperson licensed under R.S.45:15-1 et seq. for the communication  
12 of any false, misleading or deceptive information provided to the real  
13 estate broker, broker-salesperson or salesperson, by or on behalf of the  
14 seller of real estate located in New Jersey, if the real estate broker,  
15 broker-salesperson or salesperson demonstrates that he:

16 a. Had no actual knowledge of the false, misleading or deceptive  
17 character of the information; and

18 b. Made a reasonable and diligent inquiry to ascertain whether the  
19 information is of a false, misleading or deceptive character. For  
20 purposes of this section, communications by a real estate broker,  
21 broker-salesperson or salesperson which shall be deemed to satisfy the  
22 requirements of a "reasonable and diligent inquiry" include, but shall  
23 not be limited to, communications which disclose information:

24 (1) provided in a report or upon a representation by a person,  
25 licensed or certified by the State of New Jersey, including, but not  
26 limited to, an appraiser, home inspector, plumber or electrical  
27 contractor, of a particular physical condition pertaining to the real  
28 estate derived from inspection of the real estate by that person;

29 (2) provided in a report or upon a representation by any  
30 governmental official or employee, if the particular information of a  
31 physical condition is likely to be within the knowledge of that  
32 governmental official or employee; or

33 (3) that the real estate broker, broker-salesperson or  
34 salesperson obtained from the seller in a property condition disclosure  
35 statement, which form shall comply with regulations promulgated by  
36 the director, provided that the real estate broker, broker-salesperson  
37 or salesperson informed the buyer that the seller is the source of the  
38 information and that, prior to making that communication to the buyer,  
39 the real estate broker, broker-salesperson or salesperson visually  
40 inspected the property with reasonable diligence to ascertain the  
41 accuracy of the information disclosed by the seller.

42 Nothing in this section shall be interpreted to affect the obligations  
43 of a real estate broker, broker-salesperson or salesperson pursuant to  
44 the "New Residential Construction Off-Site Conditions Disclosure  
45 Act," P.L.1995, c.253 (C46:3C-1 et seq.), or any other law or  
46 regulation.

1       2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       This bill provides that a real estate broker, broker-salesperson or  
7 salesperson is exempt from punitive damages and recovery of attorney  
8 fees under the consumer fraud law, P.L.1960, c.39 (C.56:8-1 et seq.),  
9 for any communication by him of any false, misleading or deceptive  
10 information provided to him by or on behalf of the seller of the real  
11 estate located in this State, if he performs a "reasonable and diligent  
12 inquiry" to determine the accuracy of the information provided by the  
13 seller. Current case law provides that any misstatement made by a real  
14 estate licensee about a material defect in a property constitutes  
15 consumer fraud and allows for treble damages and attorney fees to be  
16 awarded to a home buyer. Current case law further provides that the  
17 real estate licensee is liable under that act even if the licensee has  
18 attempted to verify the accuracy of the information, or deliberate or  
19 unintentional concealment of the information has taken place.

20       The bill defines "reasonable and diligent inquiry" to allow a real  
21 estate broker, broker-salesperson or salesperson to rely on a home  
22 seller for information about the property. However, the listing real  
23 estate licensee must perform a reasonable visual inspection to  
24 determine the presence of any readily observable physical conditions.  
25 Additionally, the real estate licensee may rely on statements and  
26 reports from licensed professionals, such as appraisers, home  
27 inspectors, plumbers or electrical contractors, or from appropriate  
28 government officials or employees in satisfying the obligation of  
29 making a reasonable and diligent inquiry in communicating the  
30 condition of the property to the buyer.

31       This exemption under the bill does not affect any other obligations  
32 imposed upon real estate brokers, broker-salespersons or salespersons  
33 under any other law or regulation.

ASSEMBLY CONSUMER AFFAIRS AND REGULATED  
PROFESSIONS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2084**

with committee amendments

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 17, 1998

The Assembly Consumer Affairs and Regulated Professions Committee reports favorably and with committee amendments Assembly Bill No. 2084.

As amended, this bill provides that a real estate broker, broker-salesperson or salesperson is exempt from punitive damages and recovery of attorney fees under the consumer fraud law, P.L.1960, c.39 (C.56:8-1 et seq.), for any communication by him of any false, misleading or deceptive information provided to him by or on behalf of the seller of real estate located in this State, if he has no actual knowledge of the false, misleading or deceptive character of the information and performs a "reasonable and diligent inquiry" to determine the accuracy of the information provided by the seller.

The bill defines "reasonable and diligent inquiry" to allow a real estate broker, broker-salesperson or salesperson to rely on information about a property obtained from the seller in a property condition disclosure statement, which form shall comply with regulations promulgated by the Director of the Division of Consumer Affairs in consultation with the New Jersey Real Estate Commission. However, the listing real estate licensee must perform a reasonable visual inspection to determine the presence of any readily observable physical conditions. Additionally, the real estate licensee may rely on statements and reports from licensed professionals, such as appraisers, home inspectors, plumbers or electrical contractors, or from appropriate government officials or employees in satisfying the obligation of making a reasonable and diligent inquiry in communicating the condition of the property to the buyer.

This exemption under the bill does not affect any other obligations imposed upon real estate brokers, broker-salespersons or salespersons under any other law or regulation.

The committee amendments provide that the form of the property condition disclosure statement required in the bill shall comply with regulations promulgated by the Director of the Division of Consumer

Affairs in consultation with the New Jersey Real Estate Commission. The original bill made no reference to the New Jersey Real Estate Commission.

As amended, this bill is identical to Senate Bill No. 1064(1R).

[First Reprint]

**ASSEMBLY, No. 2084**

**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

INTRODUCED MAY 28, 1998

**Sponsored by:**

**Assemblyman GERALD H. ZECKER**

**District 34 (Essex and Passaic)**

**Assemblyman JAMES W. HOLZAPFEL**

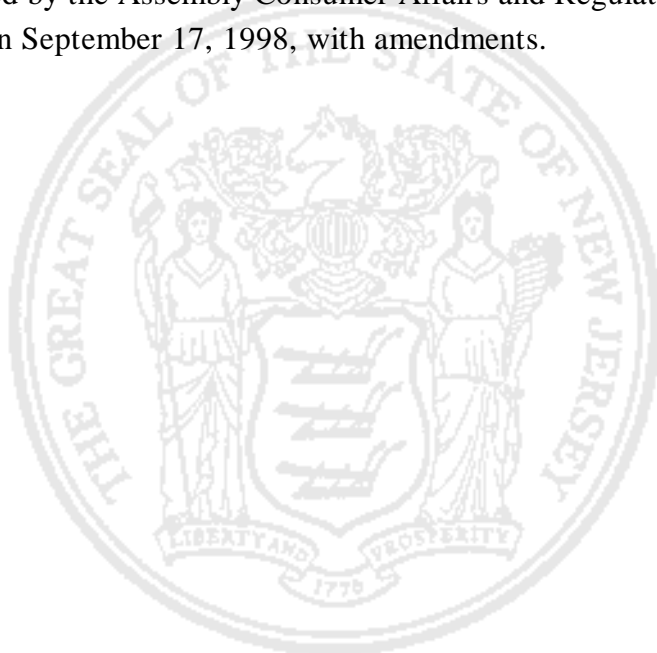
**District 10 (Monmouth and Ocean)**

**SYNOPSIS**

Exempts real estate brokers, broker-salespersons and salespersons from the consumer fraud law under certain circumstances.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Consumer Affairs and Regulated Professions Committee on September 17, 1998, with amendments.



1 AN ACT concerning real estate brokers, broker-salespersons and  
2 salespersons and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

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

6  
7 1. Notwithstanding any provision of P.L.1960, c.39 (C.56:8-1 et  
8 seq.) to the contrary, there shall be no right of recovery of punitive  
9 damages, attorney fees, or both, under section 7 of P.L.1971, c. 247  
10 (C.56:8-19), against a real estate broker, broker-salesperson or  
11 salesperson licensed under R.S.45:15-1 et seq. for the communication  
12 of any false, misleading or deceptive information provided to the real  
13 estate broker, broker-salesperson or salesperson, by or on behalf of the  
14 seller of real estate located in New Jersey, if the real estate broker,  
15 broker-salesperson or salesperson demonstrates that he:

16 a. Had no actual knowledge of the false, misleading or deceptive  
17 character of the information; and

18 b. Made a reasonable and diligent inquiry to ascertain whether the  
19 information is of a false, misleading or deceptive character. For  
20 purposes of this section, communications by a real estate broker,  
21 broker-salesperson or salesperson which shall be deemed to satisfy the  
22 requirements of a "reasonable and diligent inquiry" include, but shall  
23 not be limited to, communications which disclose information:

24 (1) provided in a report or upon a representation by a person,  
25 licensed or certified by the State of New Jersey, including, but not  
26 limited to, an appraiser, home inspector, plumber or electrical  
27 contractor, of a particular physical condition pertaining to the real  
28 estate derived from inspection of the real estate by that person;

29 (2) provided in a report or upon a representation by any  
30 governmental official or employee, if the particular information of a  
31 physical condition is likely to be within the knowledge of that  
32 governmental official or employee; or

33 (3) that the real estate broker, broker-salesperson or salesperson  
34 obtained from the seller in a property condition disclosure statement,  
35 which form shall comply with regulations promulgated by the director  
36 'in consultation with the New Jersey Real Estate Commission',  
37 provided that the real estate broker, broker-salesperson or salesperson  
38 informed the buyer that the seller is the source of the information and  
39 that, prior to making that communication to the buyer, the real estate  
40 broker, broker-salesperson or salesperson visually inspected the  
41 property with reasonable diligence to ascertain the accuracy of the  
42 information disclosed by the seller.

**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:**

**<sup>1</sup> Assembly ACP committee amendments adopted September 17, 1998.**

1        Nothing in this section shall be interpreted to affect the obligations  
2 of a real estate broker, broker-salesperson or salesperson pursuant to  
3 the "New Residential Construction Off-Site Conditions Disclosure  
4 Act," P.L.1995, c.253 (C46:3C-1 et seq.), or any other law or  
5 regulation.

6

7        2. This act shall take effect immediately.



*Office of the Governor*  
**NEWS RELEASE**

PO BOX 004  
TRENTON, NJ 08625

CONTACT: Gene Herman  
609-777-2600

RELEASE: April 30, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

**ACS for A-1209**, sponsored by Assembly Members Joseph V. Doria, Jr. (D-Hudson) and Francis J. Blee (R-Atlantic), provides a supplemental appropriation to the Department of Military and Veterans' Affairs (MAVA) in the amount of \$50,000 for a pilot program to transport homebound veterans to and from Veterans Administration (VA) clinic sites and from the clinics to VA hospitals. The clinic sites are in Hackensack, Trenton, Fort Dix, Cape May, Elizabeth and Vineland.

**A-505**, sponsored by Assembly Member Gerald H. Zecker (R- Essex/Passaic), provides for parity among New Jersey depository institutions with respect to lending practices. The State Bank Parity Act of 1981 was intended to permit even competition among New Jersey lending institutions (banks, savings banks, savings and loan associations and credit unions) by permitting each lending institution to charge a rate of interest permitted to any other lending institution. Recent court decisions have construed the act to be limited only to the periodic percentage rate of interest charged on an outstanding balance. The bill provides that parity applies all other fees and charges such as, but not limited to, late charges and collection fees.

**A-1277**, sponsored by Assembly Members Alex DeCroce (R- Essex/Morris/Passaic) and Carol J. Murphy (R- Essex/Morris/Passaic), permits a board of education to use school facilities for child care services that are provided by either the board, a board approved sponsor, or a licensed child care program. The child care programs allowed under the bill will be available before or after regular school hours for any school age child who attends school within the school district. The bill supplements current law which permits school facilities to be used only for education purposes, library purposes, election purposes, the holding of social, recreational or civic meetings that are approved by the board or the holding of meetings or events where admission fees are charged, subject to the approval of the board.

**A-1581**, sponsored by Assembly Members Barbara Wright (R- Mercer/Middlesex), John C. Gibson (R-Cape May/Atlantic/Cumberland) and Joseph V. Doria, Jr. (D-Hudson) and Senators John O. Bennett (R-Monmouth) and Joseph F. Vitale (D-Middlesex), allows advanced practice nurses to order and prescribe controlled dangerous substances under limited circumstances to patients in end-of-life situations or with terminal illnesses. Under previous law, nurse practitioners had no authority to prescribe controlled dangerous

substances.

**A-1396**, sponsored by Assembly Members Steve Corodemus (R-Monmouth) and Tom Smith (R-Monmouth), repeals the \$2 per bushel surcharge on clams harvested through the depuration clam relay program in Monmouth County. Although the bill repeals the surcharge, it does not repeal the Monmouth County Clam Depuration and Relay Program Fund. The last two state budgets have included a \$150,000 appropriation to the fund.

**S-271**, sponsored by Senators Wynona M. Lipman (D-Essex/Union) and Richard J. Codey (D-Essex), and Assembly Members Guy F. Talarico (R-Bergen) and Rose Marie Heck (R-Bergen), changes the legal doctrine of retreat regarding the use of deadly force with respect to domestic violence committed by cohabitant spouses or cohabitant household members in a shared dwelling. The doctrine of retreat is part of the law of self-defense. In New Jersey, a person may use deadly force in self-defense if that force is necessary to protect against death or serious bodily injury. One of the exceptions to this rule is that a person cannot use deadly force if the use of such force can be safely avoided by retreating from the situation. The bill deletes the provision that a person must retreat from a cohabitant in the person's home.

**S-534**, sponsored by Senator Jack Sinagra (R-Middlesex) and Assembly Member Barbara Wright (R-Mercer/Middlesex), permanently designates the first Sunday in May as "Loyal Heart Award Day" in New Jersey in order to honor and provide public recognition to caregivers of persons with disabilities. The Loyal Heart Award was initiated in 1994 by Elayne Hyman Risley, chairwoman of the Middlesex County Chapter Coalition on Women and Disabilities, to recognize the contributions made by caregivers for persons with disabilities.

**S-993**, sponsored by Senators Robert E. Littell (R- Sussex/Hunterdon/Morris) and Peter A. Inverso (R-Mercer/Middlesex) and Assembly Members Leonard Lance (R-Warren/Hunterdon/Mercer) and Francis J. Blee (R-Atlantic), appropriates \$4,532,000 from the Jobs, Education and Competitiveness Fund to the Commission on Higher Education for construction projects at various county colleges. The bill allocates \$226,000 to Essex County College for the reconfiguration of instructional space of the gymnasium and appropriates \$306,000 to Essex County College for the improvement of the Martin Luther King Library. It also appropriates \$2 million to Hudson County College for the acquisition and renovation of the Culinary Arts Institute and \$1 million to Passaic County Community College for an addition to the academic facility.

**S-1064**, sponsored by Senators Andrew R. Ciesla (R-Monmouth/Ocean) and Diane B. Allen (R-Burlington/Camden) and Assembly Members Gerald H. Zecker (R-Essex/Passaic) and James W. Holzapfel (R- Monmouth/Ocean), exempts real estate licensees from the consumer fraud law under certain

circumstances. Under the bill, if a real estate licensee communicates any false, misleading or deceptive information provided to him by or on behalf of the seller of the real estate, but the real estate licensee had no actual knowledge and made a reasonable and diligent inquiry to determine the accuracy of the information, the exemption will apply. The real estate licensee can still be held liable for compensatory damages under the act and is not exempt for fraudulent actions made with an intent to deceive.

**S-1369**, sponsored by Senators John O. Bennett (R-Monmouth) and Joseph A. Palaia (R-Monmouth) and Assembly members Tom Smith (R- Monmouth), Steve Corodemus (R-Monmouth), John S. Wisniewski (D- Middlidesex) and James W. Holzapfel (R-Monmouth/Ocean), establishes the use of a firearm or imitation firearm against a law enforcement officer as a crime of the third degree. A third- degree crime is punishable by a three-to-five year term of imprisonment or a \$15,000 fine or both.

**S-1372**, sponsored by Senator James S. Cafiero (R-Cape May/Atlantic/Cumberland) and Assembly Members Nicholas Asselta (R- Cape May/Atlantic/Cumberland) and John C. Gibson (R-Cape May/Atlantic/Cumberland), authorizes the New Jersey Real Estate Commission to promulgate rules concerning the forms of monies that real estate brokers and their agents may hold as escrow agents or as temporary custodians of the funds in real estate transactions. Under previous law, real estate brokers could only accept monies in the form of cash or negotiable instruments, such as checks and money orders.

**S-1461**, sponsored by Senator Robert W. Singer (R-Burlington/Monmouth/Ocean) and Assembly Members Joseph R. Malone (R-Burlington/Monmouth/Ocean) and Melvin Cottrell (R-Burlington/Monmouth/Ocean), appropriates \$250,000 from the General Fund to the Department of Military and Veterans' Affairs for the Korean Veterans' Memorial Fund. The Fund was created in July, 1996 by legislation that also created the Korean Veterans' Memorial Committee. The Fund will be used to pay for the construction and maintenance of the memorial, which will be built in Atlantic City. It is anticipated that \$2 million will be needed to build and maintain the memorial.

**S-1467**, sponsored by Senator Raymond J. Zane (R-Cumberland/Gloucester/Salem) and Assembly Members Charles "Ken" Zisa (D-Bergen) and Michael Patrick Carroll (R-Morris), provides that writs of execution issued by the Special Civil Part of the Superior Court be valid for two years. Under previous law, writs of execution against personal property issued by the Special Civil Part of the Superior Court were valid for only one year.