

# 38:23C-14

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2005 **CHAPTER:** 320

**NJSA:** 38:23C-14 (Establishes the right of persons engaged in military service for more than 90 days to cancel certain leases of personal property without penalty)

**BILL NO:** S650 (Substituted for A2833)

**SPONSOR(S):** Rice and others

**DATE INTRODUCED:** January 26, 2004

**COMMITTEE:** **ASSEMBLY:** Military and Veterans' Affairs

**SENATE:** Law and Public Safety and Veterans' Affairs

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** January 9, 2006

**SENATE:** May 20, 2005

**DATE OF APPROVAL:** January 12, 2006

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) (Senate Committee Substitute for S650 enacted)

**S650**

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**A2833**

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** [ASSEMBLY:](#) [Yes](#)

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

IS 2/5/08

P.L. 2005, CHAPTER 320, *approved January 12, 2006*  
Senate Committee Substitute for  
Senate, No. 650

1 AN ACT establishing the right of persons engaged in military service  
2 for more than 90 days to cancel certain leases without penalty and  
3 amending P.L.1979, c.317.

4

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

7

8 1. Section 14 of P.L.1979, c.317 (C.38:23C-14) is amended to  
9 read as follows:

10 14. a. The provisions of this section shall apply to any lease  
11 covering personal property, or premises occupied for dwelling,  
12 professional, business, agricultural, or similar purposes, in any case in  
13 which such lease was executed by or on the behalf of a person who,  
14 after the execution of such lease, entered military service, and the  
15 property so leased has been used, or premises so leased have been  
16 occupied for such purposes, or for a combination of such purposes, by  
17 such person or by him and his dependents.

18 The provisions of this section which apply to any lease covering  
19 personal property become effective after military service of more than  
20 90 consecutive days.

21 b. (1) Any such lease, entered into with or without a view to  
22 purchase, may be terminated by notice in writing delivered to the  
23 lessor (or his grantee) or to the lessor's (or his grantee's) agent by the  
24 lessee at any time following the date of the beginning of his period of  
25 military service or in the case of a lease covering personal property, at  
26 any time after the 90th consecutive day of service. Delivery of such  
27 notice may be accomplished by placing it in an envelope properly  
28 stamped and duly addressed to the lessor (or his grantee) or to the  
29 lessor's (or his grantee's) agent and depositing the notice in the United  
30 States mails. Termination of any such lease providing for monthly  
31 payment of rent shall not be effective until 30 days after the first date  
32 on which the next rental payment is due and payable subsequent to the  
33 date when such notice is delivered or mailed. In the case of all other  
34 leases, termination shall be effected on the last day of the month  
35 following the month in which such notice is delivered or mailed and in  
36 such case any unpaid rental for a period preceding termination shall  
37 be proratably computed and any rental paid in advance for a period  
38 succeeding termination shall be refunded by the lessor (or his  
39 assignee). Upon application by the lessor to the appropriate court  
40 prior to the termination period provided for in the notice, any relief

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

**Matter underlined thus is new matter.**

1 granted in this paragraph shall be subject to such modifications or  
2 restrictions as in the opinion of the court justice and equity may in the  
3 circumstances require.

4 (2) Upon termination of the lease, the former lessee and any co-  
5 signer shall have no further liability to the lessor or the lessor's  
6 assignee, except that the lessee and any co-signer shall be obligated to  
7 the lessor or assignee for any damages to the leased property. The  
8 lessor or lessor's assignee shall not impose any penalty or charge upon  
9 the lessee or any co-signer on the lease for early termination of the  
10 lease. This paragraph shall apply whether or not the person is the sole  
11 signatory of the lease.

12 c. Any person who shall knowingly seize, hold or detain the  
13 personal effects, clothing, furniture or other property of any person  
14 who has lawfully terminated a lease covered by this section, or in any  
15 manner interfere with the removal of such property from the premises  
16 covered by such lease, for the purpose of subjecting or attempting to  
17 subject any of such property to a claim for rent accruing subsequent  
18 to the date of termination of such lease, or attempts so to do, shall be  
19 adjudged a disorderly person and shall be punished by imprisonment  
20 not to exceed 6 months or by fine not to exceed \$1,000.00, or both.  
21 (cf: P.L.1979, c.317, s.14)

22

23 2. This act shall take effect immediately.

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26

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28 Establishes right of person engaged in military service for more than  
29 90 days to cancel leases of personal property without penalty.

**SENATE, No. 650**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED JANUARY 26, 2004

**Sponsored by:**

**Senator RONALD L. RICE**

**District 28 (Essex)**

**Senator GLENN D. CUNNINGHAM**

**District 31 (Hudson)**

**SYNOPSIS**

Establishes right of person engaged in military service for more than 90 days to cancel leases of personal property without penalty.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT establishing the right of person engaged in military service for  
2 more than 90 days to cancel certain leases without penalty and  
3 amending P.L.1979, c.317.

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

7  
8 1. Section 14 of P.L.1979, c.317 (C.38:23C-14) is amended to  
9 read as follows:

10 14. a. The provisions of this section shall apply to any lease  
11 covering personal property, or premises occupied for dwelling,  
12 professional, business, agricultural, or similar purposes, in any case in  
13 which such lease was executed by or on the behalf of a person who,  
14 after the execution of such lease, entered military service, and the  
15 property so leased have been used, or premises so leased have been  
16 occupied for such purposes, or for a combination of such purposes, by  
17 such person or by him and his dependents.

18 The provisions of this section which apply to any lease covering  
19 personal property become effective after military service of more than  
20 90 consecutive days.

21 b. Any such lease, entered into with or without a view to purchase,  
22 may be terminated by notice in writing delivered to the lessor (or his  
23 grantee) or to the lessor's (or his grantee's) agent by the lessee at any  
24 time following the date of the beginning of his period of military  
25 service or in the case of a lease covering personal property, at any time  
26 after the 90th consecutive day of service. Delivery of such notice may  
27 be accomplished by placing it in an envelope properly stamped and  
28 duly addressed to the lessor (or his grantee) or to the lessor's (or his  
29 grantee's) agent and depositing the notice in the United States mails.  
30 Termination of any such lease providing for monthly payment of rent  
31 shall not be effective until 30 days after the first date on which the  
32 next rental payment is due and payable subsequent to the date when  
33 such notice is delivered or mailed. In the case of all other leases,  
34 termination shall be effected on the last day of the month following the  
35 month in which such notice is delivered or mailed and in such case any  
36 unpaid rental for a period preceding termination shall be proratably  
37 computed and any rental paid in advance for a period succeeding  
38 termination shall be refunded by the lessor (or his assignee). Upon  
39 application by the lessor to the appropriate court prior to the  
40 termination period provided for in the notice, any relief granted in this  
41 paragraph shall be subject to such modifications or restrictions as in  
42 the opinion of the court justice and equity may in the circumstances  
43 require.

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

**Matter underlined thus is new matter.**

1       c. Upon termination of the lease, the former lessee and any co-  
2 signer shall have no further liability to the lessor or the lessor's  
3 assignee, except that the lessee and any co-signer shall be obligated to  
4 the lessor or assignee for any damages to the leased property. The  
5 lessor or lessor's assignee shall not impose any penalty or charge upon  
6 the lessee or any co-signer on the lease for early termination of the  
7 lease. This paragraph shall apply whether or not the person is the sole  
8 signatory of the lease.

9       [c.] d. Any person who shall knowingly seize, hold or detain the  
10 personal effects, clothing, furniture or other property of any person  
11 who has lawfully terminated a lease covered by this section, or in any  
12 manner interfere with the removal of such property from the premises  
13 covered by such lease, for the purpose of subjecting or attempting to  
14 subject any of such property to a claim for rent accruing subsequent  
15 to the date of termination of such lease, or attempts so to do, shall be  
16 adjudged a disorderly person and shall be punished by imprisonment  
17 not to exceed 6 months or by fine not to exceed \$1,000.00, or both.  
18 (cf: P.L.1979, c.317, s.14)

19

20       2. This act shall take effect immediately.

21

22

23

#### STATEMENT

24

25       This bill establishes the right of a person engaged in military service  
26 for more than 90 consecutive days to terminate a lease covering  
27 personal property without penalty. Upon termination of the lease, the  
28 former lessee will not be obligated to the lessor except for any damage  
29 to the property as of the date of termination.

30       Under current law, persons engaged in military service may  
31 terminate leases covering real property. This bill includes leases  
32 covering personal property and sets the length of service needed, more  
33 than 90 consecutive days, to terminate such a lease.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS  
COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 650**

**STATE OF NEW JERSEY**

DATED: DECEMBER 8, 2005

The Assembly Military and Veterans' Affairs Committee reports favorably Senate Committee Substitute for Senate, No. 650.

Under current law, persons engaged in military service may terminate leases covering real property. This bill would expand that provision to include leases covering personal property. Under the bill, to be eligible to terminate a lease covering personal property, a person must have been on active duty for more than 90 consecutive days. Upon termination of the lease, the former lessee will not be obligated to the lessor except for any damage to the property as of the date of termination.

This bill is identical to Assembly No. 2833 [1R].



SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 650**

**STATE OF NEW JERSEY**

DATED: MAY 6, 2004

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably a Senate Committee Substitute for Senate Bill No. 650.

This committee substitute establishes the right of a person engaged in military service for more than 90 consecutive days to terminate a lease covering personal property without penalty. Upon termination of the lease, the former lessee will not be obligated to the lessor except for any damage to the property as of the date of termination.

Under current law, persons engaged in military service may terminate leases covering real property. This substitute includes leases covering personal property and sets the length of service needed, more than 90 consecutive days, to terminate such a lease.

# ASSEMBLY, No. 2833

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MAY 17, 2004

**Sponsored by:**

**Assemblyman KEVIN J. O'TOOLE**

**District 40 (Bergen, Essex and Passaic)**

**Assemblyman JACK CONNERS**

**District 7 (Burlington and Camden)**

**SYNOPSIS**

Establishes right of person engaged in military service for more than 90 days to cancel leases of personal property without penalty.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/9/2005)**

1 AN ACT establishing the right of person engaged in military service for  
2 more than 90 days to cancel certain leases without penalty and  
3 amending P.L.1979, c.317.

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

7  
8 1. Section 14 of P.L.1979, c.317 (C.38:23C-14) is amended to  
9 read as follows:

10 14. a. The provisions of this section shall apply to any lease  
11 covering personal property, or premises occupied for dwelling,  
12 professional, business, agricultural, or similar purposes, in any case in  
13 which such lease was executed by or on the behalf of a person who,  
14 after the execution of such lease, entered military service, and the  
15 property so leased have been used, or premises so leased have been  
16 occupied for such purposes, or for a combination of such purposes, by  
17 such person or by him and his dependents.

18 The provisions of this section which apply to any lease covering  
19 personal property become effective after military service of more than  
20 90 consecutive days.

21 b. Any such lease, entered into with or without a view to purchase,  
22 may be terminated by notice in writing delivered to the lessor (or his  
23 grantee) or to the lessor's (or his grantee's) agent by the lessee at any  
24 time following the date of the beginning of his period of military  
25 service or in the case of a lease covering personal property, at any time  
26 after the 90th consecutive day of service. Delivery of such notice may  
27 be accomplished by placing it in an envelope properly stamped and  
28 duly addressed to the lessor (or his grantee) or to the lessor's (or his  
29 grantee's) agent and depositing the notice in the United States mails.  
30 Termination of any such lease providing for monthly payment of rent  
31 shall not be effective until 30 days after the first date on which the  
32 next rental payment is due and payable subsequent to the date when  
33 such notice is delivered or mailed. In the case of all other leases,  
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35 month in which such notice is delivered or mailed and in such case any  
36 unpaid rental for a period preceding termination shall be proratably  
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38 termination shall be refunded by the lessor (or his assignee). Upon  
39 application by the lessor to the appropriate court prior to the  
40 termination period provided for in the notice, any relief granted in this  
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42 the opinion of the court justice and equity may in the circumstances  
43 require.

**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 c. Upon termination of the lease, the former lessee and any co-  
2 signer shall have no further liability to the lessor or the lessor's  
3 assignee, except that the lessee and any co-signer shall be obligated to  
4 the lessor or assignee for any damages to the leased property. The  
5 lessor or lessor's assignee shall not impose any penalty or charge upon  
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9 [c.] d. Any person who shall knowingly seize, hold or detain the  
10 personal effects, clothing, furniture or other property of any person  
11 who has lawfully terminated a lease covered by this section, or in any  
12 manner interfere with the removal of such property from the premises  
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14 subject any of such property to a claim for rent accruing subsequent  
15 to the date of termination of such lease, or attempts so to do, shall be  
16 adjudged a disorderly person and shall be punished by imprisonment  
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18 (cf: P.L.1979, c.317, s.14)

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20 2. This act shall take effect immediately.

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#### STATEMENT

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25 This bill establishes the right of a person engaged in military service  
26 for more than 90 consecutive days to terminate a lease covering  
27 personal property without penalty. Upon termination of the lease, the  
28 former lessee will not be obligated to the lessor except for any damage  
29 to the property as of the date of termination.

30 Under current law, persons engaged in military service may  
31 terminate leases covering real property. This bill includes leases  
32 covering personal property and sets the length of service needed, more  
33 than 90 consecutive days, to terminate such a lease. establishing the  
34 right of person engaged in military service for more than 90 days to  
35 cancel certain leases without penalty and amending P.L.1979, c.317.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2833**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 8, 2005

The Assembly Military and Veterans' Affairs Committee reports favorably and with committee amendments Assembly, No. 2833.

Under current law, persons engaged in military service may terminate leases covering real property. This bill would expand that provision to include leases covering personal property. Under the bill, to be eligible to terminate a lease covering personal property, a person must have been on active duty for more than 90 consecutive days. Upon termination of the lease, the former lessee will not be obligated to the lessor except for any damage to the property as of the date of termination.

The committee amended the bill to make technical corrections. As amended, the bill is identical to the Senate Committee Substitute for Senate No. 650.