

56:8-2

LEGISLATIVE FACT SHEET

N.J.R.S. 56:8-2

on "Real estate" -- false or misleading advertising.

(Amendment)

LAWS OF 1975

SENATE BILL

INTRODUCED January 31, 1974

SPONSOR'S STATEMENT

ASSEMBLY COMMITTEE STATEMENT

SENATE COMMITTEE STATEMENT

FISCAL NOTE

AMENDED DURING PASSAGE

HEARING none discovered

VETO

GOVERNOR'S MESSAGE ON SIGNING

CHAPTER 294 Jan. 19, 1976

ASSEMBLY BILL 1034

BY Baer and Contillo

YES NO

YES NO

YES ^{See other side} NO

YES NO

YES NO

COPY
in the library

SPONSOR'S STATEMENT to Assembly No. 1034

This bill, which could be called the Truth in Real Estate Advertising Act, would correct the present omission of "real estate" from coverage under current statutes which provide effective procedures and penalties against misleading, deceptive or fraudulent advertising.

JA/PC
11/7/75

CHAPTER 294 LAWS OF N. J. 19 75
APPROVED 1-19-76

ASSEMBLY, No. 1034

STATE OF NEW JERSEY

INTRODUCED JANUARY 31, 1974

By Assemblymen BAER and CONTILLO

Referred to Committee on Commerce, Industry and Professions

AN ACT to amend "An act concerning consumer fraud, its prevention, and providing penalties therefor," approved June 9, 1960 (P. L. 1960, c. 39).

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

1 1. Section 2 of P. L. 1960, c. 39 (C. 56:8-2) is amended to read
2 as follows:

3 2. The act, use or employment by any person of any unconscion-
4 able commercial practice, deception, fraud, false pretense, false
5 promise, misrepresentation, or the knowing, concealment, suppres-
6 sion, or omission of any material fact with intent that others rely
7 upon such concealment, suppression or omission, in connection with
8 the sale or advertisement of any merchandise *or real estate*, or with
9 the subsequent performance of such person as aforesaid, whether
10 or not any person has in fact been misled, deceived or damaged
11 thereby, is declared to be an unlawful practice; provided, however,
12 that nothing herein contained shall apply to the owner or publisher
13 of newspapers, magazines, publications or printed matter wherein
14 such advertisement appears, or to the owner or operator of a radio
15 or television station which disseminates such advertisement when
16 the owner, publisher, or operator has no knowledge of the intent,
17 design or purpose of the advertiser.

1 2. This act shall take effect immediately.

SPONSOR'S STATEMENT

This bill, which could be called the Truth in Real Estate Advertising Act, would correct the present omission of "real estate" from coverage under current statutes which provide effective procedures and penalties against misleading, deceptive or fraudulent advertising.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1034

STATE OF NEW JERSEY

DATED: JANUARY 27, 1975

This bill includes real estate within section 2 of P. L. 1960, c. 39 (C. 56:8-2) which provides procedures and penalties against misleading, deceptive or fraudulent advertising.

FROM THE OFFICE OF THE GOVERNOR

JANUARY 19, 1976

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne signed into law today two bills designed to strengthen and clarify the state's consumer fraud laws.

One bill, A-1034, sponsored by Assemblyman Byron M. Baer, D-Bergen, makes it clear that real estate is covered by the law which prohibits and provides penalties for misleading, deceptive or fraudulent advertising.

The other measure, S-1501, sponsored by Senator Alexander Menza, D-Union, is intended to protect the public against the false representation of an organization as being charitable, philanthropic or non-profit.

The bill makes it illegal to sell or offer for sale any merchandise where it has been falsely represented that the sale or solicitation is being made on behalf of a charitable or non-profit organization, or that a purchase will substantially benefit handicapped persons.

Baer said his bill will increase the protection of home owners and tenants by extending to real estate the broad and strong provisions of the consumer fraud law.

"This gives jurisdiction over real estate fraud to the Division of Consumer Affairs so that disputes will no longer be decided by a board composed of real estate professionals," he said.

Previously, he pointed out, complaints concerning real estate have been heard by the State Real Estate Commission.

Baer said the new law also broadens the protection and increases the penalties for violations because the jurisdiction of the Division is greater and the penalties of the consumer fraud law are higher than those of the Commission.

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