

56:8-94

**LEGISLATIVE HISTORY CHECKLIST**  
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**NJSA:** 56:8-94 (Hazardous toys---identify)

**LAWS OF:** 1991 **CHAPTER:** 295

**Bill No:** A3193

**Sponsor(s):** Mecca and Kronick

**Date Introduced:** March 8, 1990

**Committee: Assembly:** Consumer Affairs

**Senate:** Law, Public Safety & Defense

**Amended during passage:** Yes Amendments during passage denoted by asterisks

**Date of Passage: Assembly:** May 14, 1990

**Senate:** July 15, 1991

**Date of Approval:** October 1, 1991

**Following statements are attached if available:**

**Sponsor statement:** Yes

**Committee Statement: Assembly:** Yes

**Senate:** Yes

**Fiscal Note:** No

**Veto Message:** No

**Message on signing:** Yes

**Following were printed:**

**Reports:** Yes

**Hearings:** No

**Report mentioned in newspaper articles:**

J363.19 New Jersey Public Interest Research Group  
N532 Trouble in toyland ... December 1989.

KBG/dgw

[THIRD REPRINT]  
ASSEMBLY, No. 3193

STATE OF NEW JERSEY

INTRODUCED MARCH 8, 1990

By Assemblymen MECCA, KRONICK and Roma

1 AN ACT concerning toy safety<sup>2</sup>[,] and<sup>2</sup> supplementing <sup>3</sup>[chapter  
2 8 of Title 56 of the Revised Statutes] P.L.1960, c.39<sup>3</sup> <sup>2</sup>[and  
3 making an appropriation therefor]<sup>2</sup>.

4

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

7 1. As used in this act:

8 "Dealer" means a person who sells a toy or other article  
9 intended for use by children at retail. A dealer who sells at  
10 wholesale a toy or article subject to this act shall, with respect  
11 to that sale, be considered the distributor of that toy or article.

12 "Director" means the Director of the Division of Consumer  
13 Affairs in the Department of Law and Public Safety.

14 "Distributor" means a person who sells a toy or other article  
15 intended for use by children at wholesale.

16 "Manufacturer" means a person who manufactures or imports a  
17 toy or other article intended for use by children for distribution  
18 in this State, except that when the toy or other article is  
19 distributed or sold under a name other than that of the actual  
20 manufacturer or the toy or other article, the term  
21 "manufacturer" includes any person under whose name the toy or  
22 other article is distributed or sold.

23 2. Any manufacturer, distributor or dealer who, pursuant to  
24 any law or any regulation of the U.S. Consumer Product Safety  
25 Commission, is required to give public notice with regard to a  
26 defect or hazard in any toy or other article intended for use by  
27 children of this State shall notify, at the same time and in like  
28 manner, the director. The requirements of this section also apply  
29 to any such notice that is given voluntarily.

30 3. A dealer who is notified by a manufacturer, a distributor or  
31 the U.S. Consumer Product Safety Commission of a defective or  
32 hazardous toy or other article intended for use by children shall  
33 prominently display that notification for at least <sup>1</sup>[60] 120<sup>1</sup> days  
34 after its receipt in each premises where the toy or article would  
35 normally be sold. The notification shall be displayed in an area  
36 readily accessible to the public and its content shall be easily  
37 readable by a person of normal vision.

38 4. a. The director shall establish an inspection program to  
39 insure that dealers in toys and other articles intended for use by

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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly ACO committee amendments adopted March 19, 1990.

<sup>2</sup> Senate SLP committee amendments adopted October 15, 1990.

<sup>3</sup> Senate floor amendments adopted June 30, 1991.

1 children comply with section 3 of this section. The director also  
2 shall periodically publish and disseminate to the public a summary  
3 of defective and hazardous toys and other articles intended for  
4 use by children.

5 b. The director shall adopt all regulations necessary to carry  
6 out the purposes of this act, in accordance with the  
7 "Administrative Procedures Act," P.L.1968, c.410 (C.52:14B-1 et  
8 seq.).

9 5. <sup>3</sup>[Penalties for violations of the provisions of sections 2 and  
10 3 of this act are: for a first violation, a fine of not more than  
11 \$100; for a second violation, a fine of not less than \$100 nor more  
12 than \$500; for a third or subsequent violation, a fine of not less  
13 than \$500 nor more than \$1,000. These penalties shall be  
14 collected and enforced by summary proceedings pursuant to "the  
15 penalty enforcement law" (N.J.S.2A:58-1 et seq.).]<sup>3</sup>

16 <sup>1</sup>The monies collected as penalties <sup>3</sup>[pursuant to this section]  
17 for violations of this act<sup>3</sup> shall be allocated to the Division of  
18 Consumer Affairs in the Department of Law and Public Safety  
19 <sup>3</sup>[and shall be used exclusively by the division for the purposes of  
20 administering and enforcing the provisions of this act]<sup>3,1</sup>

21 <sup>2</sup>[6. There is appropriated to the Department of Law and  
22 Public Safety the sum of \$25,000 to carry out the purposes of this  
23 act.]<sup>2</sup>

24 <sup>2</sup>[7.] 6.<sup>2</sup> This act shall take effect 60 days after enactment,  
25 with the exception of subsection b. of section 4 and section 5,  
26 which shall take effect immediately.

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#### 29 CONSUMER AFFAIRS

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31 Requires dealers to notify public of hazardous toys.

1 of defective and hazardous toys and other articles intended for  
2 use by children.

3 b. The director shall adopt all regulations necessary to carry  
4 out the purposes of this act, in accordance with the  
5 "Administrative Procedures Act," P.L.1968, c.410 (C.52:14B-1 et  
6 seq.).

7 5. Penalties for violations of the provisions of sections 2 and 3  
8 of this act are: for a first violation, a fine of not more than \$100;  
9 for a second violation, a fine of not less than \$100 nor more than  
10 \$500; for a third or subsequent violation, a fine of not less than  
11 \$500 nor more than \$1,000. These penalties shall be collected  
12 and enforced by summary proceedings pursuant to "the penalty  
13 enforcement law" (N.J.S. 2A:58-1 et seq.).

14 6. There is appropriated to the Department of Law and Public  
15 Safety the sum of \$25,000 to carry out the purposes of this act.

16 7. This act shall take effect 60 days after enactment, with the  
17 exception of subsection b. of section 4 and section 5, which shall  
18 take effect immediately.

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#### STATEMENT

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23 This bill is intended to improve the effectiveness of federal  
24 efforts to curb the sale of defective and hazardous toys and other  
25 articles used by children. It requires dealers who are notified by  
26 the U.S. Consumer Product Safety Commission, a manufacturer  
27 or distributor of defects or hazards in toys or other articles  
28 intended for use by children to prominently display this  
29 information to the public for at least 60 days.

30 The Division of Consumer Affairs in the Department of Law  
31 and Public Safety is required to monitor notices regarding  
32 defective and hazardous toys and to inspect dealers' premises to  
33 see that appropriate public notification has been displayed. The  
34 bill also requires toy manufacturers, distributors and dealers to  
35 notify the division of products that are found to be defective or  
36 hazardous. The division is further required to periodically publish  
37 and disseminate to the public a summary of defective and  
38 hazardous toys and other articles intended for use by children.

39 Manufacturers, distributors and dealers who fail to provide the  
40 division with required notice or to display information on  
41 defective and hazardous toys are subject to the following  
42 penalties: for a first violation, a fine of not more than \$100; for a  
43 second violation, a fine of not less than \$100 nor more than \$500;  
44 for a third or subsequent violation, a fine of not less than \$500  
45 nor more than \$1000.

46 An appropriation of \$25,000 is provided to defray the cost of  
47 administering the act.

CONSUMER AFFAIRS

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3 Requires dealers to notify public of hazardous toys; appropriates

4 \$25,000.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3193**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 19, 1990

The Assembly Consumer Affairs Committee favorably reports Assembly Bill No. 3193 with committee amendments.

Assembly Bill No. 3193 supplements chapter 8 of Title 56 of the Revised Statutes to mandate additional notification requirements for manufacturers, distributors and dealers whenever a toy or other item intended for use by children is defective or hazardous.

Under the provisions of the bill, manufacturers, distributors and dealers are required to notify the Director of the Division of Consumer Affairs whenever they are obligated under law or federal regulation to give public notice, or whenever they voluntarily choose to give public notice, that one of their toys or other products intended for use by children is defective or hazardous.

The bill further requires dealers to prominently display any notice they receive from any manufacturer, distributor or the United States Consumer Protect Safety Commission that a particular toy or item intended for use by children is defective or hazardous.

To insure compliance with the bill's notification requirements, the director is to establish an inspection program. The director is also instructed to periodically publish and disseminate a summary list of defective and hazardous toys and other items intended for use by children.

Violators are subject to fines. For a first offense, a violator is subject to a fine of not more than \$100, for a second offense, to a fine of not less than \$100 or more than \$500, and for a third or subsequent offense, to a fine of not less than \$500 or more than \$1,000.

Finally, the bill appropriates \$25,000 to the Department of Law and Public Safety to defray the costs of administering the program.

The committee amended the bill to extend the period during which the notice is to remain on display. As received by the committee, the bill would have required the notice to be displayed for at least 60 days. As amended, the bill requires that the notice remain on display for at least 120 days. This amendment conforms the bill's provisions on this issue with current practice.

The committee also amended the bill to provide that the moneys collected as fines for violations be allocated to the Division of Consumer Affairs and be used exclusively for the purposes of administering and enforcing the provisions of the bill.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

[FIRST REPRINT]

**ASSEMBLY, No. 3193**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: OCTOBER 15, 1990

The Senate Law, Public Safety and Defense Committee reports favorably Assembly Bill No. 3193 (1R) with amendments.

As amended, this bill supplements chapter 8 of Title 56 of the Revised Statutes to mandate additional notification requirements for manufacturers, distributors and dealers whenever a toy or other item intended for use by children is defective or hazardous. A manufacturer, distributor or dealer would be required to notify the Director of the Division of Consumer Affairs whenever public notice is given voluntarily or pursuant to federal law or regulation that a toy or other product intended for use by children is defective or hazardous.

The bill further requires a dealer to prominently display for 120 days any notice received from a manufacturer, distributor or the United States Consumer Protect Safety Commission that a particular toy or item intended for use by children is defective or hazardous.

To insure compliance with the bill's notification requirements, the director is to establish an inspection program. The director is also instructed to periodically publish and disseminate a list of defective and hazardous toys and other items intended for use by children.

Violators would be subject to fines. Fines collected would be allocated to the Division of Consumer Affairs and used exclusively for the purposes of administering and enforcing the provisions of the bill.

The committee amended the bill to delete the \$25,000 appropriation to the Department of Law and Public Safety to defray the costs of administering the program.

As released by the committee, this bill is identical to Senate Bill No. 2890 as amended and released by this committee on October 15, 1990.

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# OFFICE OF THE GOVERNOR NEWS RELEASE

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**Release:** TUESDAY  
OCT. 1, 1991

## Gov. Florio Signs Toy Safety Law

Governor Jim Florio today signed major legislation that will take important steps to make sure that the toys people buy for the children they love will be safe.

The new law requires toy dealers to prominently display warnings about hazardous or defective toys in the area where those toys are sold and requires toy manufacturers and distributors to alert the state whenever they report such toys to the federal government.

"In the past few years, I've joined the ranks of grandfathers who have become a kind of middleman between the toy dealers and the ultimate toy consumers. It's what happens when you have two grandchildren," Gov. Florio said. "So I'm not just speaking as the governor when I say that childhood should be a happy time filled with love and warmth and lots of toys -- safe toys."

"But sometimes there are toys that aren't very safe -- there might be small parts that can be swallowed, or sharp objects that can cut, or clothing that's unsafe," Gov. Florio said. "If you've bought toys recently, you know that it's not always so easy to know what's safe and not safe. This law will help change that."

The new law was signed during a ceremony at the First Step Day Care Center in Totowa. The law also requires toy manufacturers, distributors and dealers who are subject to the laws of the federal Consumer Product Safety Commission to notify the New Jersey Division of Consumer Affairs whenever they file a notice of a defective or hazardous toy with the CPSC.

Under the new law, the Division of Consumer Affairs must establish an inspection program to insure that toy dealers comply with the new notice requirements. The law also establishes penalties for those who fail to comply.

"This new law helps to identify unsafe toys that are on the market, and allows the many toy dealers in this state to warn consumers so no one else is hurt from an unsafe toy," Gov. Florio said.