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**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

RWH/JA

P.L.2017, CHAPTER 182, *approved August 7, 2017*  
Senate, No. 452 (*First Reprint*)

1 AN ACT concerning the sale of certain used vehicles and amending  
2 P.L.1971, c.76.

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

6  
7 1. Section 4 of P.L.1971, c.76 (C.39:10-29) is amended to read  
8 as follows:

9 4. Any agreement of retail sale may contain a provision  
10 whereby the purchaser waives the dealer's obligation under section  
11 2 of **[this act]** P.L.1971, c.76 <sup>1</sup>**[(C.39:10-26 et seq.)]** (C.39:10-  
12 27)<sup>1</sup>; provided, however, **[any such]** a waiver **[must]** shall be  
13 separately stated in the agreement of retail sale and separately  
14 signed by the purchaser, and further provided that <sup>1</sup>such<sup>1</sup> a waiver  
15 shall <sup>1</sup>**[not apply to the retail sale of a motor vehicle to the extent**  
16 **that the defect in the motor vehicle that would prevent the issuance**  
17 **of]** include a brief description of known defects that may need to be  
18 resolved in order to obtain<sup>1</sup> a certificate of approval for the motor  
19 vehicle pursuant to R.S.39:8-2 or R.S.39:8-3 <sup>1</sup>**[is a defect in the**  
20 **emissions control apparatus or related items in the motor vehicle]**<sup>1</sup>.  
21 The signing of **[such]** a waiver by the purchaser shall also serve to  
22 eliminate any criminal responsibility placed upon any motor vehicle  
23 dealer by **[this act]** P.L.1971, c.76 (C.39:10-26 et seq.).  
24 (cf: P.L.1971, c.76, s.4)

25  
26 2. This act shall take effect on the first day of the third month  
27 following enactment.

28  
29

30  
31

32 \_\_\_\_\_  
33 Requires waiver of dealer obligation regarding necessary repairs  
34 impacting vehicle inspection to include description of known  
defects.

**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>Senate STR committee amendments adopted September 26, 2016.

**SENATE, No. 452**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**SYNOPSIS**

Prohibits purchaser of used motor vehicle from waiving dealer's obligation regarding emissions control equipment.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



S452 SACCO

2

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12 however, **[any such]** a waiver **[must]** shall be separately stated in  
13 the agreement of retail sale and separately signed by the purchaser ,  
14 and further provided that a waiver shall not apply to the retail sale  
15 of a motor vehicle to the extent that the defect in the motor vehicle  
16 that would prevent the issuance of a certificate of approval for the  
17 motor vehicle pursuant to R.S.39:8-2 or R.S.39:8-3 is a defect in the  
18 emissions control apparatus or related items in the motor vehicle.  
19 The signing of **[such]** a waiver by the purchaser shall also serve to  
20 eliminate any criminal responsibility placed upon any motor vehicle  
21 dealer by **[this act]** P.L.1971, c.76 (C.39:10-26 et seq.).  
22 (cf: P.L.1971, c.76, s.4)

23

24 2. This act shall take effect on the first day of the third month  
25 following enactment.

26

27

28

STATEMENT

29

30 Under current law, motor vehicle dealers who sell used  
31 passenger vehicles to consumers are required to make any repairs  
32 necessary to correct a defect which would cause a vehicle to fail  
33 inspection, unless the purchaser signs a waiver releasing the dealer  
34 from that obligation.

35 This bill prohibits a waiver if the defect is in the emission  
36 control apparatus or related items in the vehicle and would prevent  
37 the issuance of a certificate of approval upon inspection.

**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.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

**SENATE, No. 452**

**STATE OF NEW JERSEY**

DATED: JUNE 12, 2017

The Assembly Consumer Affairs Committee reports favorably Senate Bill No. 452 (1R).

As reported by the committee, this bill modifies a motor vehicle dealer's obligation to notify a purchaser of a vehicle's known defects.

Under current law, motor vehicle dealers who sell used passenger vehicles to consumers are required to make any repairs necessary to correct a defect which would cause a vehicle to fail inspection, unless the purchaser signs a waiver releasing the dealer from that obligation.

This bill retains the provision in current law allowing a vehicle purchaser to waive a dealer's obligation to make certain repairs but requires the waiver to include a brief description of known defects that may need to be resolved in order to obtain a certificate of approval for the motor vehicle upon inspection.

As reported by the committee, Senate Bill No. 452 (1R) is identical to Assembly Bill No. 838, which was amended and also reported by the committee on this date.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 452**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: SEPTEMBER 26, 2016

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 452.

Under current law, motor vehicle dealers who sell used passenger vehicles to consumers are required to make any repairs necessary to correct a defect which would cause a vehicle to fail inspection, unless the purchaser signs a waiver releasing the dealer from that obligation.

As amended and reported, this bill requires the waiver to include a brief description of known defects that may need to be resolved in order to obtain a certificate of approval upon inspection.

The committee amended the bill to remove a prohibition on a purchaser waiving a motor vehicle dealer's obligation to make certain repairs if the defect would prevent the issuance of a certificate of approval for a motor vehicle inspection. The amendments continue to allow a motor vehicle purchaser to waive a dealer's obligation to make certain repairs and require the waiver to include a brief description of known defects that may need to be resolved in order to obtain a certificate of approval for the motor vehicle.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As amended and reported, the bill includes the changes required by technical review, which has been performed.

# ASSEMBLY, No. 838

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# STATE OF NEW JERSEY

## 217th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Assemblywoman ANGELICA M. JIMENEZ**

**District 32 (Bergen and Hudson)**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**SYNOPSIS**

Prohibits purchaser of used motor vehicle from waiving dealer's obligation regarding emissions control equipment.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.





1 AN ACT concerning the sale of certain used vehicles and amending  
2 P.L.1971, c.76.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
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13 the agreement of retail sale and separately signed by the purchaser ,  
14 and further provided that a waiver shall not apply to the retail sale  
15 of a motor vehicle to the extent that the defect in the motor vehicle  
16 that would prevent the issuance of a certificate of approval for the  
17 motor vehicle pursuant to R.S.39:8-2 or R.S.39:8-3 is a defect in the  
18 emissions control apparatus or related items in the motor vehicle.  
19 The signing of **[such]** a waiver by the purchaser shall also serve to  
20 eliminate any criminal responsibility placed upon any motor vehicle  
21 dealer by **[this act]** P.L.1971, c.76 (C.39:10-26 et seq.).  
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24 2. This act shall take effect on the first day of the third month  
25 following enactment.

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STATEMENT

29

30 Under current law, motor vehicle dealers who sell used  
31 passenger motor vehicles to consumers are required to make any  
32 repairs necessary to correct a defect which would cause a vehicle to  
33 fail inspection, unless the purchaser signs a waiver releasing the  
34 dealer from that obligation.

35 This bill prohibits a waiver if the defect which would prevent the  
36 issuance of a certificate of approval upon inspection is a defect in  
37 the emission control apparatus or related items in the motor vehicle.

**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.

# ASSEMBLY CONSUMER AFFAIRS COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 838**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 12, 2017

The Assembly Consumer Affairs Committee reports favorably and with committee amendments Assembly Bill No. 838.

As amended and reported by the committee, this bill modifies a motor vehicle dealer's obligation to notify a purchaser of a vehicle's known defects.

Under current law, motor vehicle dealers who sell used passenger vehicles to consumers are required to make any repairs necessary to correct a defect which would cause a vehicle to fail inspection, unless the purchaser signs a waiver releasing the dealer from that obligation.

This amended bill retains the provision in current law allowing a vehicle purchaser to waive a dealer's obligation to make certain repairs but requires the waiver to include a brief description of known defects that may need to be resolved in order to obtain a certificate of approval for the motor vehicle upon inspection.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As amended and reported, the bill includes the changes required by technical review, which has been performed.

As amended and reported by the committee, Assembly Bill No. 838 is identical to Senate Bill No. 452 (1R), which was also reported by the committee on this date.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to remove a prohibition on a purchaser waiving a motor vehicle dealer's obligation to make certain repairs if the defect would prevent the issuance of a certificate of approval for a motor vehicle upon inspection.

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## Governor Christie Takes Action On Pending Legislation

Monday, August 7, 2017

Tags: [Bill Action](#)

Trenton, NJ - Governor Chris Christie today announced that he has taken action on the following pending legislation:

### **BILL SIGNINGS:**

**S-169/A-4329 (Bateman/McKeon, Zwicker)** - Allows certain emergency squad volunteers holding municipal elective office to vote on emergency squad concerns

**S-452/A-838 (Sacco, Greenstein/Jimenez, Moriarty)** - Requires waiver of dealer obligation regarding necessary repairs impacting vehicle inspection to include description of known defects

**S-678/A-4967 (Rice/Watson, Tucker, Caputo)** - Requires local government units to certify compliance with certain federal hiring requirements when filing annual budgets

**S-726/A-4460 (Cruz-Perez, Oroho/Jones, Mosquera, Downey, Johnson)** – Extends full protection of Law Against Discrimination to persons having liability for service in Armed Forces of United States; guarantees equal employment opportunity in State contracting to all veterans

**S-996wGR/A-1378 (Rice, Van Drew, Turner/Muoio, Benson, Pintor Marin, Quijano, Schaer)** – Requires report on status of lead-safe program in DCA

**S-1219/A-936 (Holzapfel, Allen/Wolfe, McGuckin, Oliver, Giblin, Wimberly)** - Requires reporting of suspected abuse of institutionalized elderly to police and that facility employees receive notice of reporting requirement annually; designated as "Peggy's Law"

**S-1359/A-4096 (A.R. Bucco, Stack/A.M. Bucco, Vainieri Huttie, McKnight, Mazzeo)** - Guarantees full and equal access to all housing to disabled persons who retain their retired service or guide dog as a pet, and who also obtain a new service or guide dog

**S-1497/A-3225 (A.R. Bucco, Pennacchio/Dancer, Clifton, Munoz, A.M. Bucco)** - Designates Killed in Action flag as an official State flag; mandates it be displayed at certain public buildings

**SCS for S-1640, 1642, 1013/AS AS ACS for A-3152, 3154, 2426 (Van Drew, Holzapfel, Singer, Turner/Andrzejczak, McGuckin, Land, Wolfe, Vainieri Huttie, Taliaferro, Benson)** - Establishes requirements concerning necessary care of dogs, domestic companion animals, and service animals, and for tethering of dogs

**S-1660/A-770 (Van Drew, Cruz-Perez/Andrzejczak, Land, Houghtaling, DeAngelo, Johnson)** - Provides for voluntary contributions by taxpayers on gross income tax returns for maintenance of certain State memorials honoring war veterans

**S-1731/A-2368 (Gordon, Allen/Vainieri Huttie)** - Permits municipality to establish civil penalty for smoking in public places

**S-1739/A-2167 (Turner, Diegnan/Johnson, Vainieri Huttie, Wimberly)** - Establishes sexual assault training requirements for law enforcement officers

**S-1750/A-2729 (Madden, Cruz-Perez/A.M. Bucco, DeAngelo, Space, Mosquera, Wisniewski, DeCroce, Mukherji, Jones)** - Establishes special motorcycle license plates for veterans

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### More Information

[Letter Regarding S3074 \[pdf 45kB\]](#)

**S-1808/A-3342 (Van Drew, Diegnan/Karabinchak)** - Designates striped bass as NJ State Saltwater Fish; redesignates brook trout as NJ Freshwater Fish

**S-2153/A-3520 (Gordon/Eustace, Sumter, Wimberly, Vainieri Huttie, Johnson)** – Requires NJTA to study impact of constructing rail stations at certain park and ride facilities

**S-2369/A-4152 (Whelan, Van Drew, Connors/Andrzejczak, Mazzeo, Land, Burzichelli)** - Limits application of DEP shellfish habitat rules for certain dredging activities

**S-2457/A-3999 (Van Drew, Oroho/Houghtaling, Andrzejczak, Mazzeo, Space, Downey)** - Enables collection of voluntary contributions for Jersey Fresh Program through gross income tax returns

**S-2578/A-4239 (Cunningham, Pou, Gordon/Sumter, Jasey, Benson, Muoio, Downey, Mukherji)** - Revises New Jersey College Loans to Assist State Students Loan Program to require applicants first exhaust federal student loans, require income verification, and limit total student loan amounts

**S-2884/A-4484 (Whelan, Greenstein/Eustace, Quijano, Chiaravalloti, Caride)** - Declares that deed restrictions or agreements that prevent raising or constructing of a structure to certain flood elevation standards are unenforceable

**S-2892/A-5042 (Sweeney/Giblin)** - Exempts certain real estate brokers, broker-salespersons and salespersons from continuing education requirement

**S-3074/A-4586 (Lesniak, Turner/Johnson, Oliver, Holley, Chiaravalloti)** - Establishes gubernatorial veto power over Waterfront Commission of New York Harbor's meeting minutes; expands gubernatorial oversight powers over commission

**S-3244/A-4854 (Sweeney, Allen/Singleton, Burzichelli, Taliaferro)** - Designates portion of Interstate Highway Route 295 in West Deptford Township as "State Trooper Sean E. Cullen Memorial Highway"

**A-445/S-1661 (Mazzeo, Pinkin, DeAngelo, Chiaravalloti/Van Drew, A.R. Bucco)** - Provides for voluntary contributions by taxpayers on gross income tax returns for the NJ World War II Veterans' Memorial Fund

**A-1185/S-2771 (Mosquera, Holley, Moriarty, Quijano/Cruz-Perez, Van Drew)** - Requires State Comptroller to report findings of audit compliance reviews

**A-1199/S-1326 (Mosquera, Moriarty, Lagana, Zwicker, Downey/Turner, Oroho)** - Permits a victim or witness of any age to testify by closed circuit television under certain circumstances in prosecutions for domestic violence, sexual assault, and certain other crimes

**ACS for A-1690/SCS SCS for S-660, 2002 (Dancer, Singleton, Andrzejczak, Land, Benson, Moriarty, Houghtaling/Turner, Beach, Van Drew)** - Allows fire district elections to be moved to November; eliminates certain fire district budget referenda; and eliminates certain fire district capital purchase referenda

**A-1953/S-2448 (Coughlin, Lagana, Muoio, Benson, Houghtaling, Danielsen, Mukherji/Vitale, Whelan)** - Allows installment payments for senior and disabled property taxpayers to repay overpayments of homestead credits and homestead property tax reimbursements

**A-1955/SCS for S-1795 (Jones, Lampitt, Phoebus, Space/A.R. Bucco, Oroho)** - Provides for voluntary discharge of personal representatives overseeing administration of estates by application to the Surrogate's Court

**A-2176/S-156 (Taliaferro, Eustace, Benson, Mazzeo, Chiaravalloti/Madden, Ruiz)** - Criminalizes possession and sale of alpha-pyrrolidinopentophenone (alpha-PVP), commonly known as "flakka" or "flocka"

**A-3056/SCS for S-2360, 3030 (Taliaferro, Dancer, Houghtaling, Space, Andrzejczak, Webber/Allen, Greenstein, Bateman, Smith, Wimberly)** – Requires DEP to establish voluntary guidelines for K-12 schools and institutions of higher education to reduce, recover, and recycle food waste; extends "Food Bank Good Samaritan Act" immunity protections to public and nonpublic schools.

**A-3058/S-2366 (Space, Taliaferro, Dancer, Houghtaling, Andrzejczak/Oroho, Ruiz)** - Establishes Farm to School Coordinating Council

**A-3381 (McKnight, Holley, Vainieri Huttie, Houghtaling, Chiaravalloti, Quijano, Gordon)** – Authorizes municipal volunteer programs for free removal of snow from certain residential properties occupied by seniors or disabled persons.

**A-3386/S-2711 (Schaer, Vainieri Huttie, Chiaravalloti, Caride, Mukherji, Wimberly/Vitale, Rice)** - Provides protections for children under the age of 18 with developmental disabilities and individuals with developmental disabilities ages 18-21 receiving services from Division of Children's System of Care

**A-3437/S-1076 (DeAngelo, Gusciora, Land, Andrzejczak/Turner)** - Designates "Garden State" as State Slogan

**A-3896/S-2790 (Sumter, Mukherji, Pintor Marin/Scutari, Turner)** - Concerns sale of certain tires

**A-3908/S-3021 (Mazzeo, DeAngelo, Mukherji, Houghtaling, Quijano/Whelan, T. Kean)** - Establishes 9/11 Memorial Registry

**A-3911/S-2863 (Wisniewski, Vainieri Huttie, Mukherji/Cardinale, Pennacchio)** - Provides that motor vehicle registration expires on registrant's numerical calendar day of birth

**A-4164/S-2588 (Houghtaling, Downey, Holley, Muoio, Webber/Van Drew, Cruz-Perez)** - Requires State Auditor to annually report on unspent State account balances

**A-4206/S-2676 (Karabinchak, Prieto, Webber, Holley/Diegnan, A.R. Bucco)** - Requires candidates for election to school board to file with their nominating petitions specific affirmation that they have not been convicted of crimes that would disqualify them from office

**A-4230/S-3141 (Conaway, O'Scanlon, Mukherji, Pintor Marin/Codey)** - Requires health insurance carriers; SHBP, and SEHBP to inform covered persons about organ and tissue donation

**ACS for A-4432/SCS for S-2841 (Schaer, Lampitt, Benson, Singleton, Chiaravalloti, Wimberly/Cunningham)** - Provides increased tax credit amounts under Grow New Jersey Assistance Program for certain businesses that have collaborative research relationships with colleges or universities

**A-4542/S-2986 (Mazzeo, Johnson, Land, Andrzejczak, DeCroce/Van Drew)** - Designates portion of State Highway Route 55 as "State Trooper Frankie L. Williams Memorial Highway"

**A-4580/S-2989 (Taliaferro, Burzichelli, Quijano, Houghtaling/Lesniak, Oroho)** - Appropriates \$2,900,000 from "2009 Farmland Preservation Fund" for grants to certain nonprofit organizations for farmland preservation purposes

**A-4581/S-2987 (Houghtaling, Andrzejczak, Singleton, Downey/Cruz-Perez, Oroho)** - Appropriates \$22,385,743 to State Agriculture Development Committee for farmland preservation purposes

**A-4582/S-2990 (Andrzejczak, Mazzeo, Taliaferro, Zwicker, Houghtaling/Whelan, Van Drew)** - Appropriates \$32.5 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for county planning incentive grants

**A-4584/S-2988 (Zwicker, Taliaferro, Burzichelli, Houghtaling/Sweeney)** - Appropriates \$7,500,000 from constitutionally dedicated CBT revenues for planning incentive grants to municipalities for farmland preservation purposes

**A-4630/S-1938 (Jones/Cruz-Perez)** - Repeals law regulating charges assessed by a miller for grinding grain

**A-4673/S-3095 (Houghtaling, Downey/Van Drew)** - Concerns assessment of buildings or structures on real property located in certain counties following material depreciation thereof

**A-4713/S-3235 (Burzichelli, Prieto, Gusciora, DeAngelo, Benson/Kyrillos, Whelan)** - Designates building where NJEDA is located in memory of Caren Franzini to commemorate her outstanding service to State

**A-4895/S-3056 (Egan, Sumter, Pinkin/Cunningham)** - Eliminates UI exemption for interns employed by hospitals

#### **BILL VETOED:**

**S-2214/A-3847 (Turner, Cunningham/Lampitt, Mukherji, Johnson, Eustace) - CONDITIONAL** - Requires institutions of higher education and proprietary degree-granting institutions to improve transparency of tuition and fees

###

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