

40:23-6.47 to 6.49

LEGISLATIVE HISTORY CHECKLIST

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Laws of 1975 Chapter 376

Bill No. A3280

Sponsor(s) Van Wagner & 10 Others

Date Introduced April 10, 1975

Committee: Assembly County Government

Senate County & Municipal Government

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of passage: Assembly June 16, 1975

Senate October 6, 1975

Date of approval March 3, 1976

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

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Approved 3-3-76

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ASSEMBLY, No. 3280

STATE OF NEW JERSEY

INTRODUCED APRIL 10, 1975

By Assemblymen VAN WAGNER, KOZLOSKI, Assemblywoman  
BERMAN, Assemblymen WORTHINGTON, FLYNN, PERSKIE,  
LEFANTE, JACKMAN, SALKIND, PELLECCIA and  
SPIZZIRI

Referred to Committee on County Government

AN ACT authorizing counties and *\*certain\** municipalities of this  
State to adopt ordinances or resolutions establishing offices of  
consumer affairs and granting certain powers to them, *\*\*validat-  
ing certain ordinances or resolutions adopted or actions taken  
heretofore\*\** and supplementing Title 40 of the Revised Statutes.

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

1 1. A county by resolution or\*, *by ordinance\** a municipality  
2 *\*[by ordinance]\* \*situated in a county in which no such county*  
3 *office then exists,\** may create and establish an office of consumer  
4 affairs to be administered by a county or municipal director of  
5 consumer affairs who shall be appointed by the governing body  
6 thereof. In addition, the governing body may provide for the  
7 employment of such other officers and employees as may be neces-  
8 sary or desirable for the proper conduct of the affairs of the office.  
9 *\*The qualifications of the director and other officers and employees*  
10 *shall be established by the Attorney General.\**

1 2. Offices created hereunder shall have the following powers:

2 a. Those powers granted to the Attorney General by P. L. 1960,  
3 c. 39 (C. 56:8-1 et seq.) and all supplements thereto, which he may  
4 from time to time by rule or regulation delegate to them; provided,  
5 however, that the following powers shall not be delegable: the  
6 power to promulgate substantive regulations as authorized by  
7 P. L. 1960, c. 39, s. 4 (C. 56:8-4); the power to conduct admini-  
8 strative hearings and other powers connected therewith as autho-

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

9 rized by P. L. 1967, c. 97, s. 1 (C. 56:8-3.1) and by P. L. 1971, c. 247,  
 10 ss. 3 through 6, inclusive (C. 56:8-15 through 56:8-18); and the  
 11 power to grant immunity as authorized by P. L. 1960, c. 39, s. 7  
 12 (C. 56:8-7).

13 b. Such other powers not inconsistent with the provisions of  
 14 this act or any other act or the rules and regulations promulgated  
 15 thereunder which may from time to time be assigned to such offices  
 16 by the governing body of the county or municipality which created  
 17 them.

1     *\*\*3. All acts and things done or authorized by any county or*  
 2 *municipality within the powers granted by this act prior to its*  
 3 *enactment are hereby ratified and confirmed. Where any office of*  
 4 *consumer affairs has heretofore been established in substantial con-*  
 5 *formity with the provisions of this act under and by virtue of a*  
 6 *county resolution or municipal ordinance which may be invalid by*  
 7 *reason of lack of power in the county or municipality to pass such*  
 8 *resolution or ordinance, such resolution or ordinance and all acts*  
 9 *and proceedings thereunder are hereby validated and confirmed,*  
 10 *including any proceeding initiated within 90 days of the effective*  
 11 *date of this act to compel compliance with or prevent the violation*  
 12 *of such resolution or ordinance; provided, however, that nothing*  
 13 *in this section shall validate or authorize any act or thing which is*  
 14 *expressly prohibited by the provisions of this act, or of any other*  
 15 *statute of this State.\*\**

1     *\*\*[3.]\*\* \*\*4.\*\** This act shall take effect 90 days following enact-  
 2 ment; provided, however, nothing contained herein shall be con-  
 3 strued to prohibit any anticipatory action being taken in advance  
 4 of such effective date, including, without limitation, the adoption of  
 5 regulations by the Attorney General.

ASSEMBLY, No. 3280

STATE OF NEW JERSEY

INTRODUCED APRIL 10, 1975

By Assemblymen VAN WAGNER, KOZLOSKI, Assemblywoman BERMAN, Assemblymen WORTHINGTON, FLYNN, PERSKIE, LE FANTE, JACKMAN, SALKIND, PELLECCIA and SPIZZIRI

Referred to Committee on County Government

AN ACT authorizing counties and municipalities of this State to adopt ordinances or resolutions establishing offices of consumer affairs and granting certain powers to them, and supplementing Title 40 of the Revised Statutes.

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

1 1. A county by resolution or a municipality by ordinance may  
2 create and establish an office of consumer affairs to be administered  
3 by a county or municipal director of consumer affairs who shall be  
4 appointed by the governing body thereof. In addition, the govern-  
5 ing body may provide for the employment of such other officers and  
6 employees as may be necessary or desirable for the proper conduct  
7 of the affairs of the office.

1 2. Offices created hereunder shall have the following powers:

2 a. Those powers granted to the Attorney General by P. L. 1960,  
3 c. 39 (C. 56:8-1 et seq.) and all supplements thereto, which he may  
4 from time to time by rule or regulation delegate to them; provided,  
5 however, that the following powers shall not be delegable: the  
6 power to promulgate substantive regulations as authorized by  
7 P. L. 1960, c. 39, s. 4 (C. 56:8-4); the power to conduct admini-  
8 strative hearings and other powers connected therewith as autho-  
9 rized by P. L. 1967, c. 97, s. 1 (C. 56:8-3.1) and by P. L. 1971, c. 247,  
10 ss. 3 through 6, inclusive (C. 56:8-15 through 56:8-18); and the  
11 power to grant immunity as authorized by P. L. 1960, c. 39, s. 7  
12 (C. 56:8-7).

13 b. Such other powers not inconsistent with the provisions of  
14 this act or any other act or the rules and regulations promulgated

15 thereunder which may from time to time be assigned to such offices  
16 by the governing body of the county or municipality which created  
17 them.

1 3. This act shall take effect 90 days following enactment; pro-  
2 vided, however, nothing contained herein shall be construed to  
3 prohibit any anticipatory action being taken in advance of such  
4 effective date, including, without limitation, the adoption of regula-  
5 tions by the Attorney General.

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STATEMENT

This bill provides for counties and municipalities to establish offices of consumer affairs to which the Attorney General may delegate by rule or regulation certain of his law enforcement powers in the area of consumer protection. It will have the effect of protecting consumers more fully by giving them local offices with enforcement powers to turn to with their consumer problems. It will also expand the scope of the State's enforcement of consumer protection statutes and rules and regulations by providing new arms for the enforcement of such law.

ASSEMBLY  
COMMITTEE STATEMENT TO  
ASSEMBLY, No. 3280

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STATE OF NEW JERSEY

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DATED: APRIL 28, 1975

This bill would allow counties and certain municipalities to establish offices of consumer affairs which, with some limitations, will have powers of enforcement. The committee felt that an unlimited grant to municipalities of authority to establish such offices could lead to abuses. It therefore amended to restrict such authority to counties, and to municipalities in counties where such consumer offices do not exist. The committee also provided that the qualifications for local office personnel be established by the Attorney General.

SENATE COUNTY AND MUNICIPAL  
GOVERNMENT COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3280**

with Senate committee amendments

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**STATE OF NEW JERSEY**

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DATED: JULY 21, 1975

Assembly Bill No. 3280 authorizes the creation of county or, in certain instances, municipal offices of consumer affairs and sets forth the powers of such offices.

Section 1 of the bill authorizes any county or any municipality located within a county which has not created an office of consumer affairs to create said office. The county or municipal director of the office shall be appointed by the governing body, which may provide for such other officers and employees as it may deem necessary. The director and other officers and employees shall be appointed subject to qualifications set by the Attorney General.

Local offices of consumer affairs shall enjoy all the powers granted pursuant to P. L. 1960, c. 39 (C. 56:8-1 et seq.), and any supplements thereto, or any rules and regulations adopted thereunder by the Attorney General; except that, such offices shall not have the power (1) to conduct administrative hearings for purposes of assessing penalties for violations of those fair trade practices set forth in section 2 of P. L. 1960, c. 39, as amended and supplemented (C. 56:8-2 through C. 56:8-2.6), (2) to restore moneys or property, lessen penalties, or issue orders directing payment of penalties or restoration of properties or to cease and desist from further violations, pursuant to the holding of such hearings (P. L. 1971, c. 247, sections 3 through 6; C. 56:8-15 through 56:8-18); (3) or grant immunity from criminal prosecution for testimony rendered, pursuant to section 7 of P. L. 1970, c. 39 (C. 56:8-7).

The effect of the foregoing restrictions is that local offices shall, in the exercise of the aforesaid powers, have powers of investigation and reconciliation, but all penalties must be judicially imposed, by action brought in any county district court or municipal court (see section 2 of P. L. 1966, c. 39; C. 56:8-14).

The governing body of the county or municipality may delegate to its local office such additional powers as are not inconsistent with the

provisions of this or any other act or the rules and regulations promulgated thereunder.

The Senate Committee amendment validates (1) the creation of any county or municipal office of consumer affairs prior to the effective date of this act, and (2) any actions taken by any such office that are not expressly prohibited by this act, including any proceeding initiated within 90 days of the effective date of this act to compel compliance with or prevent the violation of such ordinance or ordinances.



FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE  
JANUARY 24, 1980

FOR FURTHER INFORMATION  
KATHRYN FORSYTH

Governor Brendan Byrne today signed the following bills in a public ceremony in his office.

S-3036, sponsored by Senator William Hamilton (D-Middlesex), which appropriates \$12,297,000 from the 1977 Medical Education Facilities Fund to construct a clinical teaching facility adjacent to Middlesex General Hospital in New Brunswick.

The building will enable the College of Medicine and Dentistry of New Jersey, Rutgers Medical School, to use Middlesex General as its primary teaching facility for its clinical education program rather than building a separate teaching hospital.

The five-and-one-half story building will contain faculty and administrative offices, classrooms, research laboratories and a library. It will be built on top of a multi-level parking garage which has been financed by Middlesex General Hospital.

Construction is scheduled to begin in February and the projected completion date is August, 1981.

S-1408, sponsored by Senator Frank X. Graves, Jr. (D-Passaic), the Truth in Menu law, which is a supplement to the Consumer Fraud Act.

The bill prohibits restaurants, hotels, cafes, lunch counters and other eating establishments from misrepresenting food or food products on the menus or in the advertising.

Under the measure, for example, a menu could not list "Idaho potatoes" unless the potatoes were, in fact, from Idaho, nor could it read "fresh fruit cup" if any of the ingredients were canned or frozen.

Governor Byrne conditionally vetoed the measure on December 10, saying that although the desire to aid consumers was laudable, he was troubled by the need for state governmental agents to inspect menus and commercial kitchens or to taste-test products at a time when other budget priorities exist."

Byrne instead recommended that defrauded consumers be entitled to a refund if the eating establishment is found to be in violation of the act and that local enforcement be carried out by certified county or municipal consumer protection personnel.

The Legislature concurred with the Governor's recommendations.

The bill is effective in 90 days.

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